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federal register

Thursday
May 5, 1983

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Air Pollution Control
Environmental Protection Agency
Aviation Safety
Federal Aviation Administration
Banks, Banking
Defense Department
Federal Deposit Insurance Corporation
Bridges
Coast Guard
Coal Mining
Surface Mining Reclamation and Enforcement Office
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Motor Vehicle Safety
National Highway Traffic Safety Administration

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Selected Subjects

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

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Seafood
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 577]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period May 6–May 12, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: May 6, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on May 3, 1983 at Lindsay, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is easier.

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

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

PART 907—[AMENDED]

Section 907.877 is added as follows:

§ 907.877 Navel orange regulation 577.

The quantities of navel oranges grown in California and Arizona which may be handled during the period May 6, 1983 through May 12, 1983, are established as follows:

(1) District 1: 1,600,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

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

Dated: May 4, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–12247 Filed 5–4–83; 11:31 am]
BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 1942

Emergency Jobs Bill; Additional Appropriation for Rural Water and Waste Disposal Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: This action implements regulations for making Rural Water and Waste Disposal Grants with funds appropriated under Pub. L. 98–8 (Emergency Jobs Bill). The intended effect of this action is to create employment and initiate Federal projects and construction of lasting value to the Nation and its citizens. This action is being taken as a result of legislation.

EFFECTIVE DATE: Effective May 5, 1983.

FOR FURTHER INFORMATION CONTACT: Laurence G. Bowman, Loan Officer, Farmers Home Administration, Water and Waste Disposal Division, Room 6328–S, 14th and Independence Avenue, SW., Washington, D.C. 20250 (202/382–9642).

SUPPLEMENTARY INFORMATION: This action has been reviewed under the procedures prescribed in E.O. 12291 and has been determined to be a major regulation. The regulation is likely to result in an annual effect on the economy of $100 million or more. It has been determined that an emergency situation exists, therefore, compliance with E.O. 12291 and the Secretary of Agriculture's Memorandum 1512–1 is impractical. The legislation under which these regulations are being issued was recognized by Congress as emergency legislation to alleviate critically high unemployment levels in as expeditious a manner as possible. An exception has been granted by the Office of Management and Budget (OMB) under

E.O. 12291 to respond to and meet the intent of the emergency jobs appropriations.

It is the policy of this Department that rules relating to loans, grants, benefits, or contracts shall be published for prior public comments notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not being published for proposed rulemaking because to do so would delay expenditure of the appropriated funds with a resultant delay in the creation of additional employment which would be contrary to the public interest. Since Congress specified which regulations were to be used, comments on these regulations would be superfluous and unnecessary.

Public Law 98-8, "Making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to provide humanitarian assistance to the indigent" for rural water and waste disposal grants administered by the FmHA. The Act requires that these funds be administered "under the 1981 formula and regulations for 'Rural Water and Waste Disposal Grants'." FmHA regulations currently in effect for rural water and waste disposal grants do not allow such grants to applicants where the median family income of the service area exceeds eighty-five (85) percent of the State nonmetropolitan median family income. The 1981 regulations do not have such an income limitation.

The information collection requirements contained in this regulation have been approved by the Office of Management and Budget and have been assigned OMB #0575-0074.

Charles W. Shuman, Administrator, has determined that this action will not have a significant economic impact on a substantial number of small entities. This is an administrative action to implement regulations mandated by Pub. L. 98-8.

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

The Catalog of Federal Domestic Assistance (CFDA) No. is 10.418, "Water and Waste Disposal Systems for Rural Communities."

List of Subjects in 7 CFR Part 1942

Community development, Grant programs—housing and community development, Rural areas, Waste treatment and disposal—domestic, Water supply—domestic.

Accordingly, FmHA places in effect the regulations contained in Subpart H of Part 1942, Chapter XVIII, Title 7, Code of Federal Regulations (CFR) as published in the 7 CFR volume revised as of January 1, 1981, for making grants under Pub. L. 98-8.

In addition, the letter of conditions and the Supplemental General Conditions of construction contract documents will be revised. It is the Congressional intent of Pub. L. 98-8, that to the extent practicable, funds will be used to maximize immediate creation of new employment opportunities to individuals who were unemployed at least 15 of the 26 weeks prior to March 24, 1983.

Therefore, FmHA amends Subpart A and H of Part 1942, Chapter XVIII, Title 7, Code of Federal Regulations as follows:

PART 1942—ASSOCIATIONS

Subpart A—Community Facility Loans

1. Section 1942.17 is amended by adding paragraph (s) to read as follows:

§ 1942.17 Appendix A—Community Facilities

* * * * *

(s) *Loans under Pub. L. 98-8 (Emergency Jobs Bill).* Each FmHA project that is funded utilizing FmHA loan funds authorized by Pub. L. 98-8 (Emergency Jobs Bill), will also comply with § 1942.372 (b) and (c) of Subpart H of Part 1942 of this chapter.

Subpart H—Development Grants for Community Domestic Water and Waste Disposal Systems

2. Section 1942.372 is added to read as follows:

§ 1942.372 Special Conditions under Public Law (Pub. L.) 98-8 (Emergency Jobs Bill).

Each project to be funded utilizing grant funds authorized by Pub. L. 98-8 (Emergency Jobs Bill) will be processed in accordance with Exhibit D of this Subpart. In Exhibit D of this subpart (1981 regulations), all references to other FmHA regulations and Forms will be construed to mean the most current version of the other regulations and forms, and the following:

(a) Grant funds shall be made available for projects and activities in civil jurisdictions with high unemployment, or in labor surplus areas, or in political units or in pockets of poverty that are currently or should meet the criteria to be eligible under the Urban Development Grant Action (UDAG program administered by the Department of Housing and Urban Development).

(b) Each letter of conditions that is issued utilizing FmHA loan and/or grant funds authorized by Pub. L. 98-8 will contain the following:

(1) Standard paragraphs in accordance with § 1942.5(a)(1)(ii) of Subpart A of Part 1942 of this chapter, and

(2) "The (i.e. town, district, authority) shall to the extent practicable utilize FmHA funds in a manner which maximizes immediate creation of new employment opportunities to individuals who were unemployed at least 15 of the 26 weeks prior to March 24, 1983. Such a condition will be made part of any construction contract awarded in support of FmHA funds."

(c) The following should be added to the Supplemental General Conditions of construction contracts involving Pub. L. 98-8 funds:

To the extent practicable, the contractor shall hire needed new employees in a manner which maximizes immediate creation of new employment opportunities to individuals who were unemployed at least 15 of the 26 weeks prior to March 24, 1983.

Exhibit D [Added]

3. Exhibit D is added to read as follows:

Regulations for Grant Approvals Utilizing Funds Made Available Under Pub. L. 98-8

I. General

(a) This Exhibit outlines the policies and authorizations and sets forth the procedures for making and processing grants to assist in financing the development cost of domestic water and waste disposal systems to rural communities and other associations of farmers, ranchers, rural residents, and other rural users. Farmers Home Administration (FmHA) will maintain continuous liaison and coordination with State and substate planning district officials. FmHA shall cooperate fully with appropriate State agencies in making grants in a manner which will assure maximum support of the State's strategies for development of rural areas. State and substate A-95 agencies may recommend priorities for applications. FmHA will give due consideration to all A-95 agency review comments and priority recommendations in selecting applications for funding. FmHA State Directors are reminded that funds allocated for use as prescribed in this subpart are to be considered for use by Indian tribes within the State regardless of whether State development strategies include Indian reservations within the State's boundaries. It

is essential that Indians residing on such reservations have equal opportunity to participate in the benefits of these programs on as equal a basis as other residents of the State. This is intended to include an equal application of the outreach activities of FmHA County and District Offices.

(b) It is the policy that the County Office will normally be the entry point for preapplications and serve as the local contact point. However, applications will be filed and grants will be processed to the maximum extent possible by the District Office staff. The State Office staff will monitor grant making and servicing and will provide assistance to District Office personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner consistent with FmHA regulations. The District Director will supply information on grant activity within the County Office service area to the County Supervisor at key points throughout the grant making process.

(c) It is the policy of FmHA to extend its financial program without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap (possess capacity to enter into legal contract.)

II. Processing Applications and Docket Preparation

(a) Preapplications and applications for water and waste disposal development grants will be processed in accordance with § 1942.2 of Subpart A of Part 1942 of this chapter.

(b) Grant dockets will be prepared in accordance with this Subpart and applicable portions of §§ 1942.17, 1942.18 and 1942.19 of Subpart A of Part 1942 of this chapter.

III. Applicant Eligibility and Priority

(a) *Eligibility.* Applicant eligibility shall be determined in accordance with § 1942.17(b) of Subpart A of Part 1942. Also grants shall not be made in connection with any project unless the project:

(1) Will serve a rural area which, if such project is carried out, is not likely to decline in population below that for which the project was designed.

(2) Is designed and constructed so that adequate capacity will or can be made available to serve the present population of the area to the extent feasible and to serve the reasonably foreseeable growth needs of the area. Also, water systems must have sufficient capacity to provide for reasonable fire protection.

(3) Is necessary for orderly community development consistent with a comprehensive community water, waste disposal, or other development plan of the rural area in which the project is located.

(b) *Applicant priorities.* Preference for grant funds will be given to applicants and projects in accordance with § 1942.17(c) (1) and (2) of Subpart A of Part 1942 of this chapter.

IV. Use of Grant Funds

Funds may be used only for the following purposes:

(a) Domestic and water waste facilities—install and improve community domestic water and waste disposal facilities including:

(1) Facilities for the development, storage, treatment, purification and distribution of water.

(2) Sanitary sewer facilities including collection lines, treatment plants, outfall lines, disposal fields, and stabilization ponds.

(3) Storm sewers for the collection and disposal of surface drainage.

(4) Solid waste disposal projects including facilities for the collection, treatment, or disposal of human, animal, agricultural and other wastes. Items such as garbage trucks and equipment, sanitary landfills, and incinerators are included.

(b) Purchase or rent equipment necessary to extend, protect, develop or utilize facilities. Such purchases or rentals must be necessary to provide efficient service, to enable the facility to remain in operation, and to fulfill the purposes and intent of the loan and/or grant. However, funds may not be used to pay any annually recurring costs, including purchases or rentals, that are normally considered to be operation and maintenance expenses.

(c) Acquire land and rights. Acquiring land, interest in land, and rights such as water rights, leases, permits, right-of-way, and other evidence of land or water control which are necessary for development of the facility.

(d) Buildings, fences, secondary facilities, and relocation.

(1) Construct buildings of modest design, size, and cost, and fences essential to the successful operation or protection of authorized facilities and to provide storage for tools and supplies needed to operate the facility.

(2) Construct secondary facilities such as gas or electric service lines to convey fuel or energy for, or utilities for, primary facilities.

(3) Construct or relocate roads, bridges, utilities, fences, and other public improvements or relocate roads, bridges, utilities, fences, and other private improvements.

(e) Services and fees. Pay costs incidental to establishment of such facilities or for services necessary to accomplish any of the above purposes, including, but not limited to:

(1) Paying fees or other legal expenses of establishing water rights through appropriation, agreement, permit, or court decree.

(2) Paying for other services necessary in planning and completing the facilities to be financed.

(3) Acquiring a water supply by purchasing of water stock or membership in a water users association.

(f) FmHA grant funds may be used on projects where other types of financial assistance are available on all or part of the project, provided the other assistance is on reasonable rates and terms. In such cases the maximum percentages allowed under other agencies' authorities will apply to their participation in the project. However, the FmHA grant may not exceed seventy-five percent (75%) of the eligible project development cost. The need for FmHA grant funds must meet the requirement of paragraph VI of this Exhibit after considering all project financing.

V. Grant Limitations

(a) Grant funds may not be used to:

(1) Pay for the construction of any new combined storm and sanitary sewer facilities.

(2) Pay any annually recurring costs that are generally considered to be operation and maintenance expenses.

(3) Construct or repair electric generating plants, electric transmission lines, or gas distribution lines to provide services for commercial sale.

(4) Purchase fire trucks, hoses, and other firefighting equipment or construct housing for such equipment.

(5) Pay rental for the use of equipment or machinery owned by the association.

(6) Pay for salesrooms or other purposes not directly related to operation and maintenance of the facility being installed or improved.

(7) Purchase existing systems.

(8) Refinance existing indebtedness.

(9) Pay any portion of the cost of a facility when the annual reserve based on a typical year exceeds one-tenth of the average annual debt service requirement unless State regulatory agencies require a larger reserve, or when it is anticipated that facility replacement costs on a relatively short-term basis will require a higher reserve.

(10) Pay interest.

(11) Pay any portion of the cost of a facility which is not located in a rural area.

(b) An FmHA development grant may not be made in excess of seventy-five percent (75%) of the eligible project development costs. Facilities previously installed will not be considered in determining the development costs.

VI. Determining the Need for Development Grants

(a) FmHA District Directors are responsible for determining applicant eligibility for grants and the amount of such grants. Form FmHA 1942-51, "Water and Waste Disposal Development Grant Summary," will be used to determine the amount of FmHA grant assistance for which the applicant qualifies. A separate form will be used to record the determination of FmHA grant assistance for each water, sewer collection and treatment, solid waste, and storm drainage project. A copy of each such form along with the letter of conditions and Form FmHA 1942-45, "Project Summary—Water and Waste Disposal and Other Utility-Type Projects," will be submitted to the National Office, Attention: Water and Waste Disposal Loan Division by the State Director not later than the time of issuance of the letter of conditions.

(b) Grants will be used for water and waste disposal projects serving the most financially needy communities to reduce user costs to a reasonable level for farmers, ranchers, and rural residents. Other rural users whose needs are met or, if there is no meter, could be met by a single residential-size water meter may also be considered eligible. For example, a user on a waste system may be considered for a grant when the water needs of the waste user are met or could be met by such residential-size meter. This method of computing grants will be used for all water and waste disposal projects. Reasonable user rate is defined as that which is not less than

existing prevailing rates in communities being served by an established system constructed at similar cost per user and having similar economic conditions. User costs shall include charges, taxes, and assessments attributable to the project. An exception to the reasonable user rate may be granted by the FmHA National Office in justifiable cases for areas of extremely low income when it is necessary to meet the needs of a particular community. Such an exception will only be considered when comparable systems are not available or the user rates from the comparable systems appear to be too high for the average user of the applicant, and the median income in the applicant service area is less than $4,000. When it is determined that such an exception should be considered, the FmHA State Director will submit information to the National Office concerning health conditions of the area, median income of the service area, and user rates and median incomes of other like or most similar communities in the region, employment conditions, and any other information to justify the recommendation for the exception.

(1) Grants may not exceed seventy-five percent (75%) of the eligible project development costs listed in paragraph IV of this Exhibit.

(2) Ordinarily, an applicant will be considered for grant assistance only when the debt service portion of the average annual user cost for either water or waste service, for only those users in the applicant service area, exceeds the following percentages of median incomes:

(i) .75 percent when the median income is under $6,000.

(ii) 1.00 percent when the median income is $6,000 to $10,000.

(iii) 1.25 percent when the median income is over $10,000.

Median income will be determined in accordance with paragraph VI(b)(6). Except as provided for in paragraphs VI(b) and (b)(4), the grant will be limited to an amount necessary to reduce the debt service portion of the user cost to the applicable percent level listed above. If the median income is not available, the average income may be used. This procedure shall not be used to result in a rate below that deemed to be reasonable as defined in paragraph VI(b). However, an exception to the reasonable user rate may be authorized by the FmHA National Office in accordance with paragraph VI(b).

(3) When the applicant will be furnishing bulk service to rural residents served by another system, a grant to such applicant may also be considered for an amount to reduce the user costs on a similar basis as provided in this paragraph for users of such other system. An agreement between the applicant and the other system (entity) will be obtained that clearly shows that the benefit of the grant will accrue only to the users intended to be benefited by the grant. For purposes of grant determination, all other systems which will receive bulk service may either:

(i) Be considered as part of the total by averaging the median incomes of the systems involved and averaging the debt service portion for the particular service of the other systems; or

(ii) Consider the median income and the debt service portion for the particular service for each entity separately.

(4) If, after applying the formula described in paragraph (VI)(b)(2), FmHA determines that a reasonable user cost has not been achieved due to unusually high operation and maintenance costs, construction or water acquisition costs, or other factors, FmHA may proceed with a grant in an amount necessary to reduce the user cost to not below a reasonable level as defined in paragraph VI(b). However, an exception to the reasonable user rate may be authorized by the FmHA National Office in accordance with paragraph VI(b).

(5) If, after applying the formula described in paragraph (VI)(b)(2), FmHA determines that a reasonable average annual cost to the applicant for delivery of service to residential type users has not been achieved, FmHA may proceed with a grant in an amount necessary to reduce such cost to not below a reasonable user rate as defined in paragraph (VI)(b) provided this option is only available to an applicant that imposes uniform user charges for similar classes of service throughout their service area. Reasonable average annual cost to the applicant is defined as that which is not less then existing prevailing costs in communities, being served by an established system, having similar economic conditions.

(6) The median income in the applicant community or those reference communities used in comparing the proposed system with similar systems will be determined by the FmHA District Director as follows:

(i) The median income will be determined from the U.S. Department of Commerce, Bureau of Census, Publication PC (1)–C series or from reliably extracted unpublished Bureau of Census data for individual enumeration Districts; or

(ii) For those projects where the FmHA District Director has reason to believe that the census data is not an accurate representation of the median income within the area to be served, the District Director may determine the median income taking into consideration the following:

(A) Data from responsible public or private sources.

(B) The District Director's knowledge of the community based on availability FmHA data gained through individual loans.

(C) The results of a survey conducted by the applicant.

(D) By using a combination of the above.

(7) Preliminary engineering reports and suggested operating budgets included herein will be prepared without taking a grant into consideration.

VII. Application Review and Approval

(a) When an FmHA loan and grant are being processed simultaneously, the application review and approval procedures outlined in § 1942.5 of Subpart A of Part 1942 will be followed. Grants will be approved in accordance with this Exhibit and FmHA Instruction 1901–A which is available in any FmHA Office. When a grant only (no FmHA loan) is being made, only those provisions will apply which are necessary to assure:

(1) That the proposed development is completed in accordance with approved plans and specifications.

(2) That grant funds are expended for authorized purposes.

(3) That the terms of the grant agreement are complied with.

(b) Each letter of conditions involving a grant will contain the following:

(1) An item which reads:

"You shall execute the attached Form FmHA 1942–31, 'Association Water or Sewer System Grant Agreement.' "

(2) All items contained in § 1942.5(a)(1) of Subpart A of Part 1942 of this chapter applicable to the grant funding.

(3) Other relative requirements.

VIII. Preparation of Appraisal Reports

When the grant approval official requires an appraisal, Form FmHA 442–10, "Appraisal Report—Water and Waste Disposal System," with appropriate supplements may be used. Appraisal reports will be prepared by the FmHA engineer or, if desired by the grant approval official, another qualified appraiser.

IX. Borrower Contracts

The requirements of § 1942.17 (1) and (3) of Subpart A of Part 1942 of this chapter will be followed when concurring in agreements between grantees and third parties.

X. Grant Approval and Obligating Funds

(a) FmHA State Directors are authorized to approve grants being made in accordance with this Exhibit and Exhibit B of FmHA Instruction 1901–A which is available in any FmHA Office.

(b) State Directors may obligate funds including Regional Commission grant funds when they are available, in accordance with § 1942.5(d) of Subpart A of Part 1942 of this chapter.

XI. Preparation for Grant Closing

Section 1942.6 of Subpart A of Part 1942 of this chapter will be followed when preparing for grant closing.

XII. Grant Closing and Delivery of Funds

(a) Grants will be closed in accordance with instructions received from the Office of the General Counsel (OGC). FmHA policy is not to disburse grant funds from the Treasury until they are actually needed by the applicant. Borrower funds will be disbursed before the disbursal of any FmHA grant funds.

(1) FmHA loan funds will be disbursed before the disbursal of any FmHA grant funds except when:

(i) Interim financing of the total FmHA loan amount is arranged,

(ii) All interim funds have been disbursed, and

(iii) FmHA grant funds are needed before the FmHA loan can be closed.

(2) The FmHA loan should be closed as soon as possible after the disbursal of all interim funds; however, the loan should be closed no later than construction completion. If grant funds are available from other agencies and are transferred to the Finance Office for disbursement by FmHA, these grant funds shall be disbursed in accordance with the agreement governing such agencies' participation in the grant. Any grant funds remaining will be handled in accordance with § 1942.17(p)(6) of Appendix A of Subpart A of Part 1942.

(b) FmHA grant funds will be disbursed b using multiple advances in accordance with § 1942.17(p)(2) of Subpart A of Part 1942.

(c) Form FmHA 1942–31 will be completed and executed in accordance with the requirements of approval and closing instructions. Both District Directors and State Directors are authorized to sign the grant agreement on behalf of FmHA. For grants that supplement FmHA loan funds, the grant should be closed simultaneously with the closing of the loan. However, when grant funds will be disbursed before loan closing as provided for in paragraph XII(a)(1) the grant will be closed not later than the delivery date of the first advance of grant funds. The grant will be considered closed when Form FmHA 1942–31 has been properly executed. Incorporated as a part of this regulation is Form FmHA 1942–31 which appears as Exhibit C to Subpart H of Part 1942 in the **Federal Register.**

XIII. Planning and Performing Development

Planning and performing development will be handled in accordance with §§ 1942.9 and 1942.18 of Subpart A of Part 1942 of this chapter.

XIV. Actions Subsequent to Loan Closing

Section 1942.8 of Subpart A of Part 1942 of this chapter will be followed for water and waste disposal development grants.

XV. Grant Servicing

Grants will be serviced in accordance with Subpart E of Part 1951 of this Chapter.

XVI. Grant Cancellation

The District Director or State Director may prepare and execute Form FmHA 1940–10, "Cancellation of U.S. Treasury Check and/or Obligation," in accordance with the Forms Manual Insert. If the docket has been forwarded to OGC, that office will be notified of the cancellation by a copy of Form FmHA 1940–10. The borrower's attorney and engineer, if any, should be notified of the cancellation. The borrower's attorney and engineer may be provided with a copy of the notification to the applicant.

XVII. Subsequent Grants

Subsequent grants will be processed in accordance with this Exhibit.

XVIII. Regional Commission Grants

Grants are sometimes made by regional commissions for projects eligible for FmHA assistance. FmHA has agreed to administer such funds in a manner similar to FmHA assistance.

(a) When FmHA has funds in the project, no charge will be made for administering commission funds.

(b) When FmHA has neither loan nor grant funds in the project, an administrative charge will be made pursuant to the Economy Act of 1932 (31 U.S.C. 686). A fee of five percent (5 percent) of the first $50,000 of a regional commission grant and one percent (1 percent) of any amount over $50,000 will be paid FmHA by the commission.

(1) Appalachian Regional Commission. Exhibit A of Subpart of H of Part 1942 will be followed in determining the responsibilities of FmHA. The Federal Cochairman and the State Director will provide each other with the necessary notification and certification.

(2) Other regional commissions. Title V of the Pubic Works and Economic Development Act of 1965 authorizes other commissions similar to the Appalachian Regional Commission. Exhibit B of Subpart H of Part 1942 of this chapter will be used to develop a project management agreement between FmHA and the commission separately for each project. The agreement should be prepared by the FmHA State Director as soon as notification is received that a commission grant will be made and the amount is confirmed.

(c) Regional commission grants should be obligated as soon as possible in accordance with § 1942.5(d) of Subpart A of Part 1942 of this chapter, except that the announcement procedure refered to in § 1942.5(d)(8) is not applicable. Regional commission grants will be obtained from the Finance Office in the same manner as FmHA funds are obtained.

XIX. Management Assistance

Grant recipients will be supervised to the extent necessary to assure that facilities are constructed in accordance with approved plans and specifications and to assure that funds are expended for approved purposes.

XX. State Supplements and Guides

This Exhibit may be supplemented by State Supplements and guides in accordance with § 1942.16 of Subpart A of 1942 of this chapter.

XXI. Delegation of Authority

The State Director is responsible for implementing the authorities contained in this Exhibit and may redelegate such authority to appropriate FmHA employees.

(7 U.S.C. 1989; Title I of Pub. L. 98–8; 7 CFR 2.23; 7 CFR 2.70)

Dated: April 25, 1983.

Frank W. Naylor, Jr.,

Under Secretary for Small Community and Rural Development.

[FR Doc. 83–12091 Filed 5–4–83; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103, 204, 205, 212 and 214

Powers and Duties of Service Officers; Availability of Service Records; Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Revocation of Approval of Petitions; Documentary Requirements: Nonimmigrants, Waivers, Admission of Certain Inadmissible Aliens, Parole; and Nonimmigrant Classes; Certain Amerasians Fathered by United States Citizens

Correction

In FR Doc. 83–11260 beginning on page 19153 in the issue of Thursday, April 28, 1983, make the following correction:

On page 19153, third column, second complete paragraph, 19th line, "Form I–139" should read "Form I–130"; in the 22d line, "Form I–130" should read "Form I–134".

BILLING CODE 1505–01–M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 318

[Docket Number 83–004N]

Analyses of Pumped Bacon for Nitrosamine Content, Change in Methodology

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Rule related notice.

SUMMARY: This notice announces the Food Safety and Inspection Service's implementation of a new analytical procedure for confirming the presence of volatile nitrosamines in pumped bacon. The new procedure is a gas chromatography mass spectrometry method and will replace the gas chromatography mass spectrometry method currently used.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Ellis, Director, Chemistry Division, Science Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–7623.

SUPPLEMENTARY INFORMATION:

Background

Section 318.7(b)(2) of the Federal meat inspection regulations (9 CFR 318.7(b)(2)) sets forth the Department's procedures for collecting and analyzing

samples of pumped bacon to determine nitrosamine levels. An initial sample is collected and then analyzed using a Thermal Energy Analyzer. Should the analysis indicate that a confirmable level of nitrosamines might be present in the product, then the Department is required to collect and analyze additional samples. The second analysis is conducted using a gas chromatography mass spectrometry (GC/MS) testing method. Presumptive positive results are not considered truly positive unless they have been confirmed as such by a GC/MS testing method.

The Department hereby announces that confirmatory analyses of presumptive positives will be conducted using a new procedure known as the Low Temperature Vacuum Distillation Method. This procedure utilizes GC/MS confirmation and provides the Agency with several advantages over the procedure currently used for nitrosamine confirmation. The new procedure provides comparable analytical results and more rapid analytical turnaround, and is transferable to FSIS field laboratories. The use of the new procedure will provide the Agency with significant savings in both time and cost.

Department savings are best evidenced by the fact that under the current testing procedure, the time required to obtain confirmed test results is approximately eight (8) working days from the time analysis begins. With the new test procedure, confirmed test results are generally available in four (4) working days from the time analysis begins. As is now the case, confirmation analysis will not be started until twenty-one (21) days after sliced bacon samples are collected from an establishment for confirmation analysis. These samples will still be collected only when presumptive results from regular monitoring samples indicate non-compliance.

The Department will commence using the new procedure for confirming volatile nitrosamine content in the cooked pumped bacon monitoring program. Copies of the method are available upon request from the Chemistry Division, Science Program, FSIS, USDA, Washington, DC 20250.

Done at Washington, D.C. on April 28, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-12009 Filed 5-4-83; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83-ASO-5]

Designation of Transition Area, St. Marys, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a transition area at St. Marys, Georgia, to accommodate Instrument Flight Rule (IFR) operations at St. Marys Airport. This action lowers the base of controlled airspace from 1,200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure, based on the Jacksonville Airport Surveillance Radar (ASR) system, has been developed to serve the airport and this additional controlled airspace is required for protection of IFR operations.

EFFECTIVE DATE: 0901 G.m.t., June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, February 10, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating a transition area at St. Marys, Georgia, to provide controlled airspace for containment of aeronautical operations in the vicinity of St. Marys Airport (48 FR 6125). The operating status of St. Marys Airport is changed from VFR to IFR and this transition area will provide the controlled airspace for accommodation of IFR operations. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received in response to publication. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the St. Marys, Georgia, transition area to accommodate aeronautical operations at St. Marys Airport.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., June 9, 1983, as follows:

St. Marys Airport, GA—New

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of St. Marys Airport (Lat. 30°45'16" N., Long. 81°33'27" W.), excluding that portion that coincides with the Fernandina Beach Airport transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on April 26, 1983.

J. Stiglin,

Acting Director, Southern Region.

[FR Doc. 83-11806 Filed 5-4-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 23618; Amdt. No. 1241]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new

or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Index

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Aviation safety.

Adoption of the Amendment

PART 97—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

. . . *Effective June 9, 1983*

Northway, AK—Northway, VOR-B, Amdt. 3
Northway, AK—Northway, VOR/DME-A, Original
Colusa, CA—Colusa County, VOR-A, Amdt. 3
Oroville, CA—Oroville Muni, VOR-A, Amdt. 2
Willows, CA—Willows-Glenn County, VOR/DME, Rwy 34, Amdt. 4
Willows, CA—Willows-Glenn County, VOR Rwy 34, Amdt. 4
Durango, CO—Durango-LaPlata County, VOR-A, Amdt. 5
Durango, CO—Durango-LaPlata County, VOR/DME Rwy 2, Amdt. 3
Wilmington, DE—Greater Wilmington-New Castle County, VOR Rwy 19, Amdt. 2
Gainesville, FL—Gainesville Regional, VOR-A, Amdt. 9
Melbourne, FL—Melbourne Regional, VOR Rwy 27L, Amdt. 9
Melbourne, FL—Melbourne Regional, VOR Rwy 9R, Amdt. 16
Eastman, GA—Eastman-Dodge County, VOR/DME-A, Amdt. 4
Savannah, GA—Savannah Muni, VOR Rwy 27, Amdt. 12
Mattoon-Charleston, IL—Coles County Memorial, VOR Rwy 6, Amdt. 10
Mattoon-Charleston, IL—Coles County Memorial, VOR Rwy 24, Amdt. 8
Evansville, IN—Evansville Dress Regional, VOR Rwy 4, Amdt. 4
Eagle Grove, IA—Eagle Grove Muni, VOR/DME-A, Original
Frankfort, KY—Capital City, VOR Rwy 6, Amdt. 5
Frankfort, KY—Capital City, VOR Rwy 24, Amdt. 6
Plymouth, MA—Plymounth Muni, VOR-A, Amdt. 1, cancelled
Plymouth, MA—Plymouth Muni, VOR Rwy 15, Amdt. 2
Grand Ledge, MI—Abrams Muni, VOR-A, Amdt. 2
Hillsdale, MI—Hillsdale Muni, VOR-A, Amdt. 5
Lexington, MS—C. A. Moore, VOR/DME-A, Original
St. Louis, MO—Creve Coeur, VOR-A, Amdt. 2
Kearney, NE—Kearney Muni, VOR Rwy 18, Amdt. 8
Kearney, NE—Kearney Muni, VOR Rwy 36, Amdt. 5
Tekamah, NE—Tekamah Muni, VOR Rwy 32, Amdt. 1
Thedford, NE—Thomas County, VOR Rwy 8, Amdt. 2
Newark, NJ—Newark Intl, VOR/DME-B, Original
Poughkeepsie, NY—Dutchess County, VOR/DME Rwy 6, Amdt. 4
Lima, OH—Lima Allen County, VOR Rwy 27, Amdt. 12

East Stroudsburg, PA—Stroudsburg-Pocono Airpark, VOR/DME-A, Amdt. 3
East Stroudsburg, PA—Birchwood-Pocono Airpark, VOR/DME Rwy 31, Amdt. 1
Ebensburg, PA—Ebensburg, VOR-A, Amdt. 5
Elkins, WV—Elkins-Randolph County-Jennings Randolph Field, VOR/DME-B, Amdt. 1
Baraboo, WI—Baraboo Wisconsin Dells, VOR-A, Amdt. 9
Worland, WY—Worland Muni, VOR Rwy 16, Amdt. 3

. . . *Effective May 12, 1983*

Jefferson City, MO—Jefferson City Memorial, VOR Rwy 12, Amdt. 13
Jefferson City, MO—Jefferson City Memorial, VOR Rwy 30, Amdt. 10
Sand Springs, OK—William R. Pogue Muni, VOR-A, Original
Tulsa, OK—Richard Lloyd Jones, Jr., VOR Rwy 36L, Original

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

. . . *Effective June 9, 1983*

Gainesville, FL—Gainesville Regional, LOC BC Rwy 10, Amdt. 5
Melbourne, FL—Melbourne Regional, LOC BC Rwy 27L, Amdt. 6
Indianapolis, IN—Eagle Creek Airpark, LOC Rwy 21, Amdt. 1
Wichita, KS—Wichita Mid-Continent, LOC BC Rwy 1L, Original, cancelled
Cumberland, MD—Cumberland Muni, LOC/DME Rwy 23, Amdt. 2
Kearney, NE—Kearney Muni, LOC Rwy 36, Amdt. 1
Belmar-Farmingdale, NJ—Monmouth County, SDF Rwy 14, Amdt. 1
Indiana, PA—Indiana County/Jimmy Stewart Field, LOC-B, Amdt. 1
Reedsville, PA—Mifflin County, LOC Rwy 6, Amdt. 5
Elkins, WV—Elkins-Randolph County-Jennings Randolph Field, LDA-C, Amdt. 3
Marshfield, WI—Marshfield Muni, SDF Rwy 34, Amdt. 1

. . . *Effective May 12, 1983*

Jefferson City, MO—Jefferson City Memorial, LOC Rwy 30, Amdt. 3
Milwaukee, WI—Lawrence J. Temmerman, LOC Rwy 15L, Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

. . . *Effective June 9, 1983*

Shishmaref, AK—Shishmaref, NDB Rwy 15, Original
Shishmaref, AK—Shishmaref, NDB Rwy 33, Original
El Monte, CA—El Monte, NDB-C, Original
Gainesville, FL—Gainesville Regional, NDB Rwy 28, Amdt. 7
Melbourne, FL—Melbourne Regional, NDB Rwy 9R, Amdt. 11
Savannah, GA—Savannah Muni, NDB Rwy 9, Amdt. 16
Mattoon-Charleston, IL—Coles County Memorial, NDB Rwy 29, Amdt. 3
Evansville, IN—Evansville Dress Regional, NDB Rwy 18, Amdt. 1
Evansville, IN—Evansville Dress Regional, NDB Rwy 22, Amdt. 12
Evansville, IN—Evansville Dress Regional, NDB Rwy 36, Amdt. 1
Indianapolis, IN—Eagle Creek Airpark, NDB Rwy 21, Amdt. 1
Portland, IN—Portland Muni, NDB Rwy 9, Amdt. 1
Portland, IN—Portland Muni, NDB Rwy 27, Amdt. 6
Knoxville, IA—Knoxville Muni, NDB Rwy 15, Amdt. 4
Knoxville, IA—Knoxville Muni, NDB Rwy 33, Amdt. 3
Frankfort, KY—Capital City, NDB Rwy 24, Amdt. 7
Paducah, KY—Barkley Regional, NDB Rwy 4, Amdt. 9, cancelled
Paducah, KY—Barkley Regional, NDB Rwy 22, Original
New Roads, LA—False River Airpark, NDB Rwy 36, Original
Plymouth, MA—Plymouth Muni, NDB Rwy 6, Amdt. 5
Ludington, MI—Mason County, NDB Rwy 25, Amdt. 6
West Yellowstone, MT—Yellowstone, NDB Rwy 1, Amdt. 3
Kearney, NE—Kearney Muni, NDB Rwy 36, Amdt. 1
Gastonia, NC—Gastonia Muni, NDB Rwy 3, Original
Gallipolis, OH—Gallia-Meigs Regional, NDB Rwy 23, Amdt. 4
Lima, OH—Lima Allen County, NDB-A, Amdt. 2, cancelled
Lima, OH—LIma Allen County, NDB Rwy 9, Original
Indiana, PA—Indiana County/Jimmy Stewart Field, NDB-A, Amdt. 4
Latrobe, PA—Westmoreland County, NDB Rwy 23, Amdt. 9
Blackstone, VA—Blackstone AAF-Allen C. Perkinson Muni, NDB-A, Amdt. 9
Emporia, VA—Emporia-Muni, NDB Rwy 33, Amdt. 5
Elkins, WV—Elkins-Randolph County-Jennings Randolph Field, NDB-A, Amdt. 2

. . . *Effective May 12, 1983*

Jefferson City, MO—Jefferson City Memorial, NDB Rwy 30, Amdt. 6
Tulsa, OK—Richard Lloyd Jones Jr., NDB Rwy 36L, Original, cancelled

Note.—The FAA published an amendment in Docket No. 23604, Amdt. No. 1240 to Part 97 of the Federal Aviation Regulations (Vol. 48 FR No. 75 Page 16482; Dated April 18, 1983) Under § 97.27 effective March 30, 1983, which is hereby amended as follows:

Hutchinson, MN—Hutchinson Muni, NDB Rwy 33, Amdt. 12 is changed to read as follows:
Hutchinson, MN—Hutchinson Muni, NDB Rwy 15, Amdt. 1, effec. 30 MAR 83

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *Effective June 9, 1983*

Durango, CO—Durango-LaPlata County, ILS/DME Rwy 2, Amdt. 1
Oakland, CA—Metropolitan Oakland Int'l, ILS Rwy 27R, Amdt. 30
Gainesville, FL—Gainesville Regional, ILS Rwy 28, Amdt. 9
Melbourne, FL—Melbourne Regional, ILS Rwy 9R, Amdt. 6
Savannah, GA—Savannah Muni, ILS Rwy 9, Amdt. 21
Mattoon-Charleston, IL—Coles County Memorial, ILS Rwy 29, Amdt. 3
Evansville, IN—Evansville Dress Regional, ILS Rwy 22, Amdt. 20
Evansville, IN—Evansville Dress Regional, ILS Rwy 4, Amdt. 1
West Yellowstone, MT—Yellowstone, ILS Rwy 1, Amdt. 3
Poughkeepsie, NY—Dutchess County, ILS Rwy 6, Amdt. 3
Akron, OH—Akron-Canton Regional, ILS Rwy 1, Amdt. 31
Akron, OH—Akron-Canton Regional, ILS Rwy 19, Amdt. 1
Akron, OH—Akron-Canton Regional, ILS Rwy 23, Amdt. 4
Altoona, PA—Altoona-Blair County, ILS Rwy 20, Amdt. 2
Latrobe, PA—Westmoreland County, ILS Rwy 23, Amdt. 10
Crossville, TN—Crossville Memorial, ILS Rwy 25, Amdt. 7

5. By amending § 97.31 RADAR SIAPs identified as follows:

. . . *Effective June 9, 1983*

Evansville, IN—Evansville Dress Regional, RADAR-1, Amdt. 5
Des Moines, IA—Des Moines Muni, RADAR-1, Amdt. 15
Mandan, ND—Mandan Muni, RADAR-1, Original
Akron, OH—Akron-Canton Regional, RADAR-1, Amdt. 15
Burlington, VT—Burlington Intl, RADAR-1, Amdt. 3

6. By amending § 97.33 RNAV SIAPs identified as follows:

. . . *Effective June 9, 1983*

Eastman, GA—Eastman-Dodge County, RNAV Rwy 2, Original
Savannah, GA—Savannah Muni, RNAV Rwy 18, Amdt. 4
Savannah, GA—Savannah Muni, RNAV Rwy 27, Amdt. 3
Aurora, IL—Aurora Muni, RNAV Rwy 27, Amdt. 2
Evansville, IN—Evansville Dress Regional, RNAV Rwy 4, Amdt. 7
Detroit, MI—Detroit Metropolitan-Wayne County, RNAV Rwy 21R, Original
Detroit, MI—Detroit Metropolitan-Wayne County, RNAV Rwy 21C, Amdt. 4, cancelled
Poughkeepsie, NY—Dutchess County, RNAV Rwy 6, Amdt. 4
Wise, VA—Lonesome Pine, RNAV Rwy 24, Original

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory

Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C. on April 29, 1983.

John M. Howard,

Manager, Aircraft Programs Division.

[FR Doc. 83-11805 Filed 5-4-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 390

[Docket No. 30422-62]

General Order Suspending Validated Licenses and Other Authorization for Exports to the U.S.S.R.

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule removes § 390.6, General Order Suspending Validated License and Other Authorizations for Exports to the U.S.S.R. This order was issued on January 11, 1980, 45 FR 3027, January 16, 1980 in reaction to the Soviet invasion of Afghanistan and was superseded by the order of December 30, 1981 (§ 390.8) 47 FR 144, January 5, 1982 which suspended all licensing for exports to the U.S.S.R. On November 18, 1982, the President rescinded the controls which lead to the December 30, 1981 order, and § 390.8 was removed. Section 390.6 should also have been removed at that time.

EFFECTIVE DATE: This rule is effective May 5, 1983.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters Staff, Telephone: (202) 377-4811.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Part 390

Advisory committees, Exports.

PART 390—[AMENDED]

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

§ 390.6 [Removed and Reserved]

Section 390.6 is removed and reserved.

(Sec. 4, 13, 15, 16 and 21, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. section 2401 *et seq.*; E.O. No. 12214 (45 FR 29783, May 6, 1980))

Dated: April 28, 1983.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83-11905 Filed 5-4-83; 8:45 am]

BILLING CODE 3510-25-M

INTERNATIONAL TRADE COMMISSION

19 CFR Parts 201, 210 and 211

Procedures in Unfair Import Trade Practice Investigations

AGENCY: International Trade Commission.

ACTION: Final rules; amendment and clarification.

SUMMARY: On June 10, 1982, the Commission published amendments to Part 210 of its Rules of Practice and Procedure (19 CFR Part 210) providing procedures in unfair import trade practice investigations under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) for initial determinations by the presiding officer and discretionary Commission review. (47 FR 25134, June 10, 1982). On March 4, 1983, the Commission issued further amendments in the form of interim rules designed to clarify certain provisions and effectuate the smooth functioning of the new procedures. (48 FR 9242, April 4, 1983). The interim rules were to remain in effect pending the receipt of public comment and the issuance of final rules. No public comments were received by the Commission during the 30-day comment period.

EFFECTIVE DATE: May 5, 1983. The procedures amended by these rules are applicable only to section 337 investigations instituted subsequent to June 10, 1982.

FOR FURTHER INFORMATION CONTACT: Michael P. Mabile, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C., telephone 202-523-0486.

SUPPLEMENTARY INFORMATION:

List of Subjects

19 CFR Part 201

Administrative practice and procedure, Classified information, Confidential business information, Freedom of information, Investigations, Lawyers, Privacy, Seals and insignia, Sunshine Act.

19 CFR Parts 210 and 211

Business and industry, Customs duties and inspection, Imports, Investigations.

Authority for adoption of these amendments is contained in 19 U.S.C. 1335 and the Administrative Procedure Act, 5 U.S.C. 551, et seq. Complete explanation of the purpose of the amendments may be had by reference to the Commission's prior notice of March 4, 1983 (48 FR 9242).

PART 201—[AMENDED]

19 CFR Part 201 is amended as set forth below:

1. In § 201.16, paragraph (d) is revised to read as follows:

§ 201.16 Service of process and other documents.

* * * * *

(d) *Additional time after service by mail.* Whenever a party or Federal agency or department has the right or is required to do some act or take some proceedings within a prescribed period after the service of a document upon it and the document is served upon it by mail, three (3) days shall be added to the prescribed period, except that when mailing is to a person located in a foreign country, ten (10) days shall be added to the prescribed period.

PART 210—[AMENDED]

19 CFR Part 210 is amended as set forth below.

1. In § 210.14, paragraph (b) is revised to read as follows:

§ 210.14 Commission action, public interest factor, and bonding.

* * * * *

(b) Unless otherwise ordered by the Commission, the presiding officer shall not take evidence or other information or hear arguments from the parties and other interested persons with respect to the subject matter of paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this section. However, with regard to settlements by agreement or consent order under § 210.51 (c) and (d), the parties may file statements regarding the impact of the proposed settlement on the public interest, and the presiding officer may in his discretion hear argument, although no discovery may be taken with respect to issues relating solely to the public interest. Thereafter, the presiding officer shall consider and make appropriate findings in the initial determination regarding the effect of the proposed settlement on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers.

2. In § 210.51, paragraphs (c)(1) and (c)(2) are revised to read as follows:

§ 210.51 Termination of investigation.

* * * * *

(c) *Settlement by licensing or other agreement.* (1) An investigation before the Commission may be terminated as provided in paragraph (a) of this section on the basis of a licensing or other agreement entered into between the complainant (all of the complainants if there is more than one) and one or more of the respondents. A motion for termination by such parties shall contain copies of the licensing or other agreement and any agreements supplemental thereto and an affidavit executed by the parties stating that there are no other agreements, written or oral, expressed or implied, between such parties concerning the subject matter of the investigation. If the licensing or other agreement contain confidential business information within the meaning of § 201.6 of the Commission's rules, a copy of the agreement with such information deleted shall accompany the motion.

(2) The motion, licensing or other agreement and any agreements supplemental thereto, and affidavit shall be certified by the presiding officer to the Commission with an initial determination regarding the motion for termination. If the licensing or other agreement or the initial determination contains confidential business information, copies of the agreement and initial determination with confidential business information deleted shall be certified to the Commission simultaneously with the confidential versions of such documents. The Commission shall promptly publish a notice in the **Federal Register** stating that an initial determination has been received terminating the respondent or respondents in question on the basis of a licensing or other agreement, that nonconfidential versions of the initial determination and the agreement are available for inspection in the Office of the Secretary, and that interested persons may submit written comments concerning termination of the respondents in question within ten (10) days of the date of publication of the notice in the **Federal Register.** An order of termination based upon such licensing or other agreement shall not constitute a determination as to violation of section 337.

* * * * *

3. In § 210.53, paragraph (h) is revised to read as follows:

§ 210.53 Initial determination.

* * * * *

(h) *Effect.* An initial determination shall become the determination of the Commission thirty (30) days after the service thereof, unless the Commission, within thirty (30) days after the date of filing of the initial determination, shall have ordered review of the initial determination or certain issues therein pursuant to § 210.54(b) or § 210.55, or by order shall have changed the effective date of the initial determination.

* * * * *

4. In § 210.54, paragraph (b)(1) is revised to read as follows:

§ 210.54 Petition for review.

* * * * *

(b) *Grant or denial of review.* (1) The Commission shall decide whether to grant, in whole or in part, a petition for review within thirty (30) days of the filing of the initial determination, or by such other time as the Commission may order.

* * * * *

5. § 210.55 is revised to read as follows:

§ 210.55 Commission review on its own motion.

Within the time provided in § 210.53(h), the Commission on its own initiative may order review of an initial determination or certain issues therein when at least one of the participating Commissioners votes for ordering review. The standards for granting review of an initial determination are set forth in § 210.54(a)(2). In its order, the Commission shall establish the scope of the review and the issues that will be considered and make provisions for filing of briefs and oral argument if deemed appropriate by the Commission. The order and notice that the Commission has directed review on its own initiative shall be served by the Secretary on all parties, the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and such other departments and agencies as the Commission deems appropriate.

PART 211—[AMENDED]

19 CFR Part 211 is amended as set forth below.

1. In § 211.20, paragraph (b) is revised to read as follows:

§ 211.20 Opportunity to submit proposed consent order.

* * * * *

(b) *Subsequent to institution of an investigation.* In investigations under section 337, a proposal to settle a matter by consent shall be submitted as a motion to the presiding officer to terminate an investigation under § 210.51 together with a consent order agreement which incorporates a proposed consent order. If the consent order agreement contains confidential business information within the meaning of § 201.6 of the Commission's rules, a copy of the agreement with such information deleted shall accompany the motion. The proposed agreement shall comply with the requirements of § 211.22. At any time prior to commencement of a hearing as provided in § 210.41(a)(1), the motion may be filed jointly by all of the following: (1) All private complainants, (2) the commission investigative attorney, and (3) one or more respondents. However, upon request and for good cause shown, the presiding officer may consider such a motion during or after a hearing. The filing of the motion shall not stay proceedings before the presiding officer unless the presiding officer so orders. The presiding officer shall promptly file with the Commission an initial determination regarding the motion for termination. If the initial determination contains confidential business information, a copy of the initial determination with such information deleted shall be filed with the Commission simultaneously with the filing of the confidential version of the

initial determination. The Commission shall promptly publish a notice in the **Federal Register** stating that an initial determination has been received terminating the respondent or respondents in question on the basis of a consent order agreement, that nonconfidential versions of the initial determination and consent order agreement are available for inspection in the Office of the Secretary, and that interested persons may submit written comments concerning termination of the respondents in question within ten (10) days of the date of publication of the notice in the **Federal Register**. Pending disposition by the Commission of a consent order agreement, a party may not, absent good cause shown, withdraw from the agreement once it has been submitted pursuant to this section.

2. Section 211.21 is revised to read as follows:

§ 211.21 Settlement by consent.

(a) After the initial determination on the motion for termination based on a consent order agreement has been filed with the Commission, the Commission shall promptly serve copies of the nonconfidential version of the initial determination and the proposed consent order agreement on the Department of Health and Human Services, the Department of Justice, and the Federal Trade Commission, and such other departments and agencies as the commission deems appropriate.

(b) The Commission, after considering the effect of the consent order upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers in the manner provided by § 210.14(a)(4), shall dispose of the initial determination according to the procedures of §§ 210.54–210.56. An order of termination based upon a consent order agreement shall not consititute a determination as to violation of section 337. The Commission shall publish in the **Federal Register** and serve on all parties notice of its action together with a statement of reasons in support thereof. Should the Commission reject the proposed agreement and deny the motion, the parties are in no way bound by their proposal in later actions before the Commission.

Issued: April 28, 1983.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-11911 Filed 5-4-83; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 880, 881, 883, 884, and 886

[Docket No. R-83-1040]

Section 8 Housing Assistance Payments Programs for New Construction and Substantial Rehabilitation

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

ACTION: Notice of announcement of effective date for interim rule.

SUMMARY: This notice announces the effective date for the interim rule published in the **Federal Register** on March 28, 1983 (48 FR 12698) that implemented certain provisions in the Housing and Community Development Amendments of 1981 which changed the Section 8 Housing Assistance Payments Programs for New Construction and Substantial Rehabilitation. The effective date provision of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver, and announced that future notice of the effectiveness of the rule would be published in the **Federal Register.**

Thirty calendar days of continuous session of Congress have expired since the rule was published.

DATE: The effective date for the interim rule published March 28, 1983 (48 FR 12698), is May 4, 1983.

FOR FURTHER INFORMATION CONTACT: James Hamernick, Director, Office of Multifamily Housing Development, Telephone: (202) 755-5720 or (with respect to Part 883) Steven Silvert, Acting Director, Office of State Agency and Bond Financed Programs, Telephone: (202) 755-6135. (These are not toll-free numbers.)

Dated: May 2, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-12070 Filed 5-4-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Outer Continental Shelf; Notice of Interpretation of Rules Concerning Extension of a Lease Beyond Its Primary Term

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of interpretation.

SUMMARY: In accordance with the Outer Continental Shelf Lands Act (OCSLA), an oil and gas lease shall be for an initial period and for as long thereafter as the lease is producing in paying quantities or approved drilling or well reworking operations are being conducted on the lease. This notice sets out the policy of the Department of the Interior (DOI) with regard to the circumstances under which a lease may be extended beyond its primary term.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860-7916 or FTS: 928-7916.

SUPPLEMENTARY INFORMATION: Section 8(b) of the OCSLA requires that an oil and gas lease be for an initial period "and as long after such initial period as oil or gas is produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon * * *." The section also entitles the lessee to explore, develop, and produce subject to due diligence requirements. Section 5(a) (7) requires the Secretary to promulgate regulations requiring the "prompt and efficient exploration and development of a lease area * * *."

To meet these responsibilities, DOI promulgated the regulations at 30 CFR 250.35. In that rule, DOI established a requirement that a lease could be continued beyond its primary term either by production or by the conduct of approved drilling or well reworking operations at no greater time intervals than every 90 days. By allowing no greater time lapse than 90 days, the activities would be deemed prompt and efficient.

Questions have arisen concerning leases that are near the end of or beyond their primary term, and on

which a discovery has been made, but for various reasons production is not feasible at that time. Is the lessee required to conduct drilling or well reworking operations at least every 90 days in order to keep the lease alive?

Section 250.35(a) contains a caveat that no time lapse of greater than 90 days will be deemed prompt and efficient "unless operations on the lease have been suspended pursuant to § 250.12 of this part." Section 250.2 sets out the circumstances under which lease operations may be suspended, thereby extending the term of the lease for a period of time equivalent to the time period of the suspension. These regulations implement section 5(a)(1) of the OCSLA.

Under § 250.12(b), the Director of the Minerals Management Service may suspend operations upon the request of the lessee if the Director determines that the suspension is in the national interest and will * * *

(i) Facilitate proper development of a lease; (ii) allow for the construction of, or for the negotiation for the use of, transportation facilities; (iii) facilitate the installation of equipment the Director determines is necessary for safety or environmental reasons; or (iv) allow for inordinate delays encountered by the lessee in obtaining any required permit or consent from Federal, State, or local government authority, including administrative or judicial challenges or appeals.

In order for the Government to evaluate a request for a suspension, the lessee must provide the reasons for the request, a schedule leading to the initiation or restoration of operations, and any other information as required. It is DOI's policy that leases which are near the end of or beyond their primary term, and on which a discovery has been made but are not yet in production, will be considered for a suspension of production or other operations if sufficient exploration to delineate areas of production has been completed and development has commenced. Commencement of development must be evidenced by a discovery of minerals in paying quantities and by submission of a schedule reasonably designed to lead to commencement of production. In determining the reasonableness of a schedule, due consideration shall be given to circumstances such as water depth, distance from shore, and availability of transportation and storage facilities. The times projected in the schedule must be reasonable for the conditions under which the lease is being developed. Such schedule shall also provide for the development of all known significant accumulations of hydrocarbons on the lease. If the Director determines that the criteria have been met, a suspension may be granted, and the lessee would not be required to meet the 90-day requirements of § 250.35 during the period of the suspension.

Therefore, the DOI believes that the suspension provisions of 30 CFR 250.12 answer the question asked above. Every lease past its primary term and not in production is not necessarily required to conduct approved drilling or well reworking operations every 90 days in order to continue the term of the lease. Under appropriate circumstances, a lease term can be extended by the granting of a suspension of production or other operations. If the request is based on circumstances that meet the requirements of § 250.12 and the lessee has a work schedule that is reflective, under the circumstances, of prompt and efficient measures to develop and produce a lease, then it is the DOI's policy that a suspension is in order.

In keeping with the spirit of Executive Order 12291 and the DOI's policy to avoid proliferation of regulations, amendments to § 250.35 are considered unnecessary under these circumstances. The flexibility to extend or continue a lease term without burdensome, counterproductive, or expensive drilling or well reworking operations at least every 90 days already resides in the suspension provisions of 30 CFR 250.12.

Dated: April 26, 1983.

Harold Doley,

Director.

[FR Doc. 83-11923 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 294

[DOD Directive 5400.12]

Obtaining Information From Financial Institutions

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: The change to this part specifically recognizes the statutorily mandated authority of the Inspector General, Department of Defense, to issue administrative subpoenas for access to financial records held by financial institutions.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Lt. Col. William C. Goforth, USAF, Staff Executive (Attorney), Defense Privacy Board, c/o OSD Mail Room, Rm: 3A948, The Pentagon, Washington, D.C. 20301. Telephone: 202/694-3027.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-8380 appearing in the **Federal Register** on March 19, 1980 (45 FR 17575) the Office of the Secretary of Defense (OSD) published a final rule establishing procedures for the Department of Defense Components to follow in obtaining information from financial institutions under the "Right to Financial Privacy Act of 1978", Title 12, United States Code, Section 3401, *et seq.* Subsequently in FR Doc. 81-16451 published in the **Federal Register** on June 3, 1981 (46 FR 29705) OSD published as a final rule certain changes to the basic rules including suggested procedures to be followed by Components when obtaining financial records from U.S. financial institutions overseas. This new rule modifies further the basic rule by recognizing the fact that under the provisions of the Inspector Generals Act of 1978 as amended (Pub. L. 95-452 as amended by Pub. L. 97-252) the new Inspector General, DOD, has the authority to issue administrative subpoenas for access to financial records under the Right to Financial Privacy Act. No DOD Component had this authority before.

List of Subjects in 32 CFR Part 294

Banks, banking, Credit, Privacy.

PART 294—[AMENDED]

Accordingly, 32 CFR Chapter I, Part 294, is amended by revising paragraphs (a)(1) and (d) of § 294.9 to read as follows:

§ 294.9 Other access procedures.

(a) *Access by compulsory legal process.*—(1) *Administrative summons or subpoena.*

(i) Within the Department of Defense, the Inspector General, DOD, has the authority under Pub. L. 95-452 (The Inspector General Act of 1978, as amended by Pub. L. 97-252) to issue administrative subpoenas for access to financial records. No other DOD Component official may issue summons or subpoenas for access to these records.

(ii) The Inspector General, DOD, shall issue administraive procedures for access to financial records in accordance with established procedures.

* * * * *

(d) Annual Report. The annual reporting requirements of § 294.14 shall

apply to access procedures under § 294.9 (a) and (b).

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 29, 1983.

[FR Doc. 83-11872 Filed 5-4-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5-83-01]

Drawbridge Operation Regulations; Kent Island Narrows, Md.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Maryland Department of Transportation, the Coast Guard is changing the regulations that govern the operation of the Kent Island Narrows Drawbridge at Grasonville, Maryland which will change the number and times of openings during summer weekend peak traffic periods. This change is being made because some summer weekend draw openings have contributed to large vehicular traffic back-ups in the vicinity of the drawbridge. This action will better balance the needs of vehicular and marine traffic.

EFFECTIVE DATE: This rule becomes effective on May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Bridge Administrator, Aids to Navigation Branch, Fifth Coast Guard District, Portsmouth, Virginia 23705 (804) 398-6222.

SUPPLEMENTARY INFORMATION: On February 22, 1983, the Coast Guard published a proposed rule (48 FR 7476) concerning this amendment. The Commander, Fifth Coast Guard District, also published this proposal as a Public Notice dated February 24, 1983. In each notice, interested persons were given until April 9, 1983 to submit comments. A public hearing was also held on March 24, 1983 at Chesapeake College, Queen Anne's County, Maryland, in which the public was invited to make oral comment.

Due to the expected heavy holiday traffic for the upcoming Memorial Day weekend, and the fact that this final rule will be widely disseminated by various means, this amendment is being made effective less than 30 days from its publication.

Drafting Information

The drafter of this rule is Commander David J. Kantor, project attorney.

Discussion of Comments

At the public hearing, 21 individuals spoke in favor of the proposed operating schedule change and 13 individuals spoke in opposition.

All 21 proponents of the change indicated they favored the change as written, feeling that it would help alleviate the traffic problems now being experienced in the vicinity of the drawbridge. Public safety officials, supported by comments of local residents, expressed concern that the ability of emergency vehicles to respond during periods of heavy traffic back-up was seriously jeopardized. Two individuals expressed concern about opening the draw to navigation on Fridays and Sundays at 8:00 p.m. when average hourly directional vehicular traffic exceeds 2000 vehicles. However, both individuals endorsed the proposed change as written and did not request a change be made at these times.

All of the opponents felt the increased opening restrictions unduly burdened navigation. Concerns over safety and negative economic impact were also voiced, although no substantive data was offered in support. Four individuals recommended that the bridge be opened every other hour. Based upon surveys and the testimony of state highway officials from Maryland, it is apparent that large vehicle back-ups currently occur when directional traffic exceeds 2000 vehicles per hour. However, 2000 vehicle per hour conditions are reached only during certain portions of Fridays, Saturdays and Sundays. A schedule which takes into account the differing conditions, both vehicular and marine, will better balance the equities and be responsive to the needs of both user groups. With respect to the suggestion of an opening every other hour, a 2-hour opening schedule has previously been tried and found to have only aggravated the problem. One of these four individuals also recommended shortening the summer schedule to the period from Memorial Day to Labor Day. Because of heavy vehicle traffic extending from early May until at least mid October, opening on signal at these times would only serve to increase existing problems. For this reason, it is felt a summer schedule running from May 1 to October 31 will better address the situation.

Another person recommended adding to the proposed schedule a 7:00 p.m. Friday opening, a 10:00 a.m. Saturday opening and a 4:00 p.m. Sunday opening. Similarly, another person proposed deleting from the proposed schedule the 3:00 p.m. Friday opening and adding a 4:00 p.m. and 6:00 p.m. Friday opening, deleting the 7:00 a.m. Saturday opening and adding openings at 8:00 a.m., 10:00 a.m. and 2:00 p.m. on Saturdays, and adding openings at 2:00 p.m., 4:00 p.m. and 6:00 p.m. on Sunday. Since these suggestions are similar to some written comments, they will be responded to below.

In addition to the statements made at the public hearing, 122 written comments and 1 petition were submitted to the Coast Guard. Of the 122 comments, 64 were in favor of the proposed change and 58 (22 of which were identical form letters stating general opposition) were in opposition. The petition, which contained 30 signatures, favored more restrictive openings. Of the 64 comments favoring the change, 62 either indicated their support for the change as written or the need to simply limit current draw openings because of excessive vehicular traffic congestion. One letter requested that the drawbridge be permanently closed to navigation. This suggestion must be rejected as it obviously calls for a total restriction of navigation. Another comment suggested the addition of a 4:00 p.m. or 5:00 p.m. Sunday opening but deleting the 8:00 p.m. openings on both those days. Since the 8:00 p.m. openings on Friday and Sunday are the only late evening openings permitted by the proposed schedule, elimination of this opening would unfairly restrict navigation.

The 58 comments submitted in opposition to the proposed change in draw operations generally contended that it unreasonably restricted navigation. Many of the comments contained suggested modifications to the proposed schedule. Without detailing each suggested modification, their basic tenor was that either an additional opening be permitted Saturday morning or a time change be made to the Saturday morning proposed schedule. In addition, they requested additional openings between the 1:00 p.m. and 8:00 p.m. openings on Sunday. There were also requests for additional Friday afternoon openings, retention of the present schedule, openings every two hours, and openings every half-hour.

Based upon prior studies and the information gathered at the public hearing and through written comments, the Coast Guard is making one change to the proposed schedule by changing the Saturday 7:00 a.m. opening to a 9:00 a.m. opening. This change will better accommodate the needs of the boater

and motorist by providing the much requested mid-Saturday morning opening while keeping the bridge closed to navigation at a time (7:00 a.m.) when eastbound traffic is heaviest. Although many comments requested additional openings between the Sunday 1:00 p.m. opening and the 8:00 p.m. opening, statistics have shown that westbound traffic between these hours is at its highest volume. Considering the major disruption to vehicular traffic a bridge opening would cause during this period, additional draw openings cannot be justified. Based on a large compilation of data, as well as all comments received, it is felt the final rule will best temper the existing traffic problem and yet provide for the reasonable needs of navigation.

Many comments submitted by those opposing the change expressed some concerns about potential safety problems and a need to better facilitate the passage of vessels through the draw. While the Coast Guard is not convinced that there is a water safety problem, other than the normal hazards related to negotiating a draw, it does feel that the second concern merits consideration. In addressing this latter concern, some commenters have suggested the establishment of vertical clearance and tidal guage signs to permit boaters to know whether they can clear the bridge in a closed position, either under the main or adjacent spans. In addition, it's been suggested that a system be established, such as large digital clocks, to notify boaters of the time of the next opening. This, combined with a 5 minute warning whistle prior to each opening, may help reduce waiting time. Also suggested was the use of red and green traffic lights for vessels, under the control of the bridgetender, to provide a more rapid and orderly passage by vessels. Finally, it may be helpful to the motorist if permanent signs were displayed at or near approaches to the Kent Narrows corridor informing all motorists of bridge opening times. The Coast Guard believes these suggestions are meritorious and has strongly encouraged the State of Maryland, as bridge owner, to adopt and implement these measures to enhance the flow of marine traffic.

Finally, many of the comments and statements received on this matter suggested construction of a high level bridge. The Coast Guard must agree that any permanent solution to the traffic problems in the Kent Narrows corridor necessitates either an expansion of the present bridge or construction of a new high level bridge or tunnel. In the interim, it is expected that this final rule will achieve a better balance between the motorist and boater. It is not anticipated that any further adjustments will be made to this rule. The permanent solution remains in the hands of the State of Maryland.

This rule has been reviewed for its potential economic impact. It should carry a positive economic impact for those business interests, including resort areas, on the Eastern Shore that have expressed a concern that the heavy traffic back-ups hamper business. Although there are on file several letters which express a concern based on negative economic impact, this final rule is based upon all available evidence. It is designed to preserve numerous bridge openings, especially at most of the times where statistics have shown concentrated vessel traffic. Based on this, it is the Coast Guard's position that there should be no significant reduction of recreational boating in the area. Therefore, the economic impact in the immediate area should be minimal.

Economic Assessment and Certification

These final regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major rules. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(d) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

PART 117—[AMENDED]

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revising § 117.290 (b) and (c) to read as follows:

§ 117.290 Kent Island Narrows, Md., Highway bridge at Grasonville, Md.

* * * * *

(b) From May 1 through October 31:

(1) On Monday (except Monday holidays) through Thursday, the drawbridge shall open for the passage of vessel traffic on the hour from 7 a.m. to 7 p.m., but need not open at any other time.

(2) On Friday, the drawbridge shall open for the passage of vessel traffic on the hour from 6 a.m. to 3 p.m. and at 8 p.m., but need not open at any other time.

(3) On Saturday, the drawbridge shall open for the passage of vessel traffic at 6 a.m., 9 a.m., and 12 noon, and on the hour from 3 p.m. to 8 p.m., but need not open at any other time.

(4) On Sunday and legal holidays falling on Monday, the drawbridge shall open for the passage of vessel traffic on the hour from 6 a.m. to 1 p.m., and at 8 p.m., but need not open at any other time.

(5) The draw shall open at scheduled opening times only if vessels are waiting to pass, and at each opening the draw shall remain open for a sufficient period of time to allow passage of all waiting vessels.

(6) If a vessel is approaching the drawbridge and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to ten minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

(c) All public vessels of the United States, and those State or local vessels on public safety missions, shall be passed at any time. The opening signal from these vessels is five or more blasts of a whistle or horn. The opening signal from all other vessels is one long blast followed by one short blast.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: April 27, 1983.

John D. Costello,

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

[FR Doc. 83-12087 Filed 5-4-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[Reg. 83-01]

COTP Hampton Roads, VA; Safety Zone Regulations; Elizabeth River, Norfolk, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone in the Elizabeth River, Norfolk, Virginia to be effective whenever a naval aircraft carrier transits the river either to or from the Norfolk Naval Shipyard, Portsmouth, Virginia. The circumstances creating the need for this action are the restricted nature of the Elizabeth River and the reduced amount of maneuverability of aircraft carriers which, in turn, pose a

threat to other watercraft in the area. Excluding vessels moored prior to transit and which remain so moored, waterborne traffic will be prohibited from entering or remaining in the safety zone when in effect.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander W. K. Six, Chief, Port Operations Department, Coast Guard Marine Safety Office, Hampton Roads, Norfolk, Virginia 23510, (804) 441-3296.

SUPPLEMENTARY INFORMATION: On January 27, 1983, the Coast Guard published a notice of proposed rule making in the **Federal Register** for this regulation (48 FR 3783). Interested persons were requested to submit comments and one written comment was received.

Drafting Information

The drafters of this regulation are Lieutenant Commander W. K. Six, project officer for the Captain of the Port and Commander D. J. Kantor, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Comment

One written comment was received on the proposed regulation. The comment supported the concept of restricting the movement of marine traffic in the vicinity of naval aircraft carriers, and further suggested that the area in which this safety zone would be effective be extended out into Chesapeake Bay. This extension of the area is not considered necessary because of the greater maneuvering room in the Chesapeake Bay area for these vessels. Further, U.S. Navy representatives indicate the area they are concerned with is only that portion of the Elizabeth River from the Norfolk Naval Station, Norfolk, Virginia to the Norfolk Naval Shipyard, Norfolk, Virginia.

Economic Assessment and Certification

This regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the safety zone will be implemented on an average of only ten to twelve times per year and will generally be in effect for a few hours each time. Further, the safety zone is a moving zone around the transitory vessel, and will not significantly impede the movement of other vessels. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Act (94 Stat. 1164) that this regulation will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding § 165.503 to read as follows:

§ 165.503 Elizabeth River, Norfolk, Virginia.

(a) The waters and waterfront facilities located within the following boundaries are a safety zone when a naval aircraft carrier is transiting the Elizabeth River to or from the Norfolk Naval Shipyard, Portsmouth, Virginia: a circle with a radius of 500 yards with the transiting vessel as its center.

(b) The Captain of the Port will notify the maritime community of periods which this safety zone will be effective through Notice to Mariners and other normal means of notification.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: April 25, 1983.

J. D. Webb,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads, U.S. Coast Guard.

[FR Doc. 83-12084 Filed 5-4-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL 2323-2]

Approval and Promulgation of State Implementation Plans—Revision to the Montana Prevention of Significant Deterioration Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA is approving a revision to the Montana State Implementation Plan (SIP) submitted by the Governor on January 19, 1983. This SIP revision relates to requirements for the permitting of new major sources and major modifications to existing sources, in areas of the State which are in attaintment of the National Ambient Air Quality Standards. Montana has revised its SIP in accordance with the requirements for the Prevention of Significant Deterioration (PSD) of air quality (40 CFR 51.24), as those sections were amended on August 7, 1980 (45 FR 52729-52735). In conjunction with the approval of this plan revision, the application of the Federal PSD program to lands under State jurisdiction is being suspended.

EPA's review of this SIP revision was conducted concurrently with the public review of the same revisions at the State level. This concurrent review, which EPA refers to as "parallel processing", is designed to reduce the time necessary for EPA approval of SIP revisions.

EFFECTIVE DATE: This action will be effective June 6, 1983.

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:

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

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

Environmental Protection Agency, Montana Office, 301 S. Park, Helena, Montana 59626

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

FOR FURTHER INFORMATION CONTACT: Kenneth L. Alkema, Environmental Protection Agency, 301 S. Park, Drawer 10096, Helena, Montana 59626, Phone: (406) 449-5414.

SUPPLEMENTARY INFORMATION: On May 20, 1982 (47 FR 21880), EPA proposed to approve Montana's SIP revision for PSD. EPA proposed approval of the State's PSD regulations prior to final State adoption of the SIP revision. EPA refers to this new procedure as "parallel processing." It is designed to shorten the time needed to act on SIP Revisions. EPA indicated in the proposed rulemaking notice that if the regulations adopted by the State did not differ substantially from the version EPA proposed to approve, EPA would issue a final rule shortly after State adoption.

On November 19, 1982, the Montana State Board of Health and Environmental Sciences adopted the SIP revision on PSD. The revision which

was adopted did not differ substantially from the version which EPA proposed to approve in its May 20, 1982, Federal Register notice. The only changes made by the State were in the definition of baseline area. Under the initial proposal, baseline area was defined on a county basis. This definition was changed to "statewide" for sulfur dioxide and to "impact area" for total suspended particulates. Since all of these alternatives are discretionary to the State, they do not constitute a significant change relative to EPA's review authority. These rules were submitted to EPA on January 19, 1983.

The Montana PSD regulation does not explicitly require that any redesignation approved by the State be submitted to EPA for its approval. Although it is clear from a reading of the regulation that the State did not intend to exclude EPA from the process, EPA wishes to emphasize that any redesignation approved by the State must be submitted to EPA as a State Implementation Plan revision, and must be approved by EPA in order for the redesignation to take effect.

In developing its regulations, the State was unclear about who would take responsibility for interacting with the Federal Land Managers (FLMs). The State wishes to assume responsibility for notifying the FLMs of all sources wishing to locate with 100 km of any Class I areas. The State will also transmit the permit applications at the time they are declared complete, as well as all other relevant material. The State has committed to amend its regulations to clarify this responsibility. In the interim, the State has committed, as a policy measure, to comply with this responsibility.

As adopted, the portion of the State's regulation dealing with source impact analysis does not specifically address sources which have permits, but which have not begun construction. However, the State has agreed that, as a matter of policy, in making such analyses it will include allowable emissions from sources which have permits, but have not begun construction.

In the notice EPA published on May 20, 1982 (47 FR 21880), comments were requested on EPA's proposal to approve Montana's SIP revision on PSD. Only one set of comments was received. That came from the Western Energy Company in Butte, Montana. The comments concerned the manner in which the Montana PSD regulation treated fugitive emissions, increment consumption, baseline area, and baseline date. The comments consisted of a copy of the written testimony that Western Energy presented at the public hearing held by the Montana State Board of Health and Environmental Sciences on March 13, 1982. In the following paragraphs the Company's testimony is summarized and EPA's response to each of the comments is provided.

Comment: The company expressed a concern over the way in which emissions from mines, primarily "fugitive emissions," are treated.

The company asserted that the entire increment could be consumed by fugitive emissions, thereby precluding any future development.

EPA Response: The PSD regulation adopted by the State of Montana, treats fugitive emissions in a manner identical to EPA's PSD regulations (e.g., fugitive emissions from mines do not count in determining a "net emissions increase" or in determining "potential to emit" unless the source belongs to specified source categories, but fugitive emissions do consume increment). However, as a result of a recent settlement agreement nogotiated in response to litigation challenging EPA's August 7, 1980, final rules (*Chemical Manufacturers' Association, et al., v. EPA* (D.C. Cir., No. 79-1112)), EPA has agreed to propose certain changes to the federal PSD regulations which may alter some of the existing regulatory provisions. In his testimony at the hearing, the Chief of the Montana Air Quality Bureau (the agency responsible for drafting the regulation) stated that as soon as EPA modified its PSD regulation regarding increment consumption by fugitive dust, the State would propose to do likewise.

Inasmuch as the State designed its regulation to be consistent with EPA's existing regulation, EPA concludes that the State has dealt with this issue adequately.

Comment: The company contended that either a county-by-county or statewide baseline area was unduly restrictive. Many of the counties in Montana are quite large. To place this in perspective, the company's testimony pointed to the fact that Rosebud County in eastern Montana is larger than the states of Rhode Island, Delaware or Connecticut. The company, therefore, proposed as an alternative the use of an "impact area". The impact area "would be defined by measurable increases of SO_2 or particulate matter of one microgram per cubic meter or more on an annual basis."

EPA Response: The State made a concerted effort to involve the public in the development of the PSD regulation. A total of six drafts of the regulation were produced. These were widely circulated to industry, environmental groups, EPA and the public at large. Prior to the public hearing on March 13, 1982, numerous informal meetings were held with all persons interested in participating. Subsequent to the public hearing in Helena, three additional public meetings were held in Billings, Great Falls and Missoula, to gather additional public testimony on the proposal.

At its meeting on November 19, 1982, the Board of Health and Environmental Sciences voted to adopt the PSD regulation, including a provision which, in effect, establishes a statewide baseline area for sulfur dioxide and an impact baseline area for total suspended particulates. This decision is also consistent with EPA regulations, which allow States considerable discretion to establish a statewide baseline area provided the area established is no smaller than the impact area.

Action

EPA today is approving this revision to the Montana State Implementation Plan with the following understandings.

1. The State will submit a regulation which does not allow credit for other than GEP (Good Engineering Practice) stack height for sources constructed after December 31, 1970.

2. The State will add to its definition of "Potential to Emit" a provision to indicate that fugitive emissions do not count in determining net emissions for all source types not listed in NSPS (New Source Performance Standards) (40 CFR Part 60), or NESHAPS (National Emissions Standards for Hazardous Air Pollutants) (40 CFR Part 61).

3. The State will delete from its definition of "Actual Emissions" the phrase "as of the baseline date."

The State has committed, as a policy measure, to comply with these provisions in the interim.

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 July 5, 1983. This action may not be challenged later in proceedings to

enforce its requirements. (See sec. 307(b)(2)).

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

This rulemaking is issued under the authority of Part C, Subpart 1, and Section 110 of the Clean Air Act.

List of Subjects in 40 CFR Part 52

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

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

Dated: April 22, 1983.

Lee L. Verstandig,

Acting Administrator.

PART 52—[AMENDED]

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

Subpart BB—Montana

1. In § 52.1370 paragraph (c)(12) is added as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

(12) On January 19, 1983, Montana submitted revisions to the State Implementation Plan to meet the requirements of Part C, Subpart 1, and Section 110 of the Clean Air Act.

2. In § 52.1382 paragraphs (a) and (b) are revised to read as follows:

§ 52.1382 Prevention of significant deterioration of air quality.

(a) The Montana plan, as submitted, is approved as meeting the requirements of Part C, Subpart 1 of the Clean Air Act, except that it does not apply to sources proposing to construct on Indian Reservations.

(b) Regulation for preventing of significant deterioration of air quality. The provisions of § 52.21 (b) through (w) are hereby incorporated by reference and made a part of the Montana State Implementation Plan and are applicable to proposed major stationary sources or major modifications to be located on Indian Reservations.

* * * * *

[FR Doc. 83-12081 Filed 5-4-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[KY-014; A-4-FRL 2331-7]

Approval and Promulgation of Implementation Plans; Kentucky: Variances for Volatile Organic Compound Sources

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today approving variances for two dry cleaning establishments in Covington, Kentucky. The two variances are for volatile organic compounds (VOC), specifically for two perchloroethylene dry cleaning establishments. The affected companies satisfy EPA criteria for such variances.

EFFECTIVE DATE: This action will be effective on July 5, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to Waymond Blackmon of EPA Region IV, Air Management Branch (see EPA Region IV address below). Copies of the material submitted by Kentucky may be examined during normal business hours at the following locations:

Library, Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408

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

Air Management Branch, EPA, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Kentucky Department for Environmental Protection, 18 Reilly Road, Building 2, Fort Boone Plaza, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Waymond Blackmon, EPA Region IV, Air Management Branch, 404/881-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: Following public hearing, Kentucky adopted and submitted plan revisions involving sources of volatile organic compounds (VOCs). In connection with Kentucky regulation 401 KAR 61:160, "Existing Perchloroethylene Dry Cleaners," and Commonwealth of Kentucky has approved variances for two perchloroethylene dry cleaning establishments in Covington, Kentucky. The variances are for Community Cleaners and Perfect Cleaners and are based upon economic and/or technological justification. These variances end the requirement for carbon adsorbers, but good housekeeping and leak prevention requirements are still in force for these plants.

Discussion

The Community Cleaners is a small family operation. The Kentucky Division of Air Pollution Control granted an economic variance based upon an economic evaluation as set forth in the applicable Control Techniques Guideline (CTG) document (EPA-450/2-78-050). This particular document is related to the control of VOCs, specifically perchloroethylene, from all dry cleaning systems, which use this solvent. The methodology described in this document represents the presumptive norm or reasonably available control technology (RACT) that can be applied to existing perchloroethylene dry cleaning systems. RACT is defined as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. The CTG developed average or typical costs for each of four (4) capacity ratings of cleaning equipment, based upon 1978 first quarter costs.

The analysis used by the Division was based upon Community Cleaners' 25-pound capacity machines. The average costs for that equipment, as reported in the CTG and ajusted to reflect 1981 costs, was $0.49/kg ($447.97/ton) of controlled VOC. Applying the CTG method of economic analysis to the information submitted by Community Cleaners, a cost of $2.38/kg ($2,160.74/ton) of controlled VOC was obtained using current installation costs as of June 29, 1982 (which includes capital and direct operating costs, capital charges, and solvent cost, etc.). This figure is much larger than the average cost because the average is based upon an assumed 1600 kg/yr (1.76 TPY) of controlled emissions whereas Community Cleaners is so small it generates only 636 kg/yr (0.70 TPY) that can be controlled by RACT. The additional kilograms per year of emissions of VOC resulting from this action would be 1,235 kg/yr (1.36 TPY) uncontrolled emissions compared to 617 kg/yr (0.68 TPY) had this variance not been granted. This amount of uncontrolled emissions is less than one percent (.002%) of the total VOC emissions reported in the designated nonattainment area for 1981. In addition to the above RACT determination, the Agency also considered the effect of the cost on the individual facility, the amount of actual emissions and the source impact on the area's ability to

attain the National Ambient Air Quality Standard for ozone. Taking into consideration all the information submitted, EPA is approving the economic variance granted by the Kentucky Division of Air Pollution Control to Community Cleaners.

The Kentucky Division of Air Pollution Control granted Perfect Cleaners a variance because it is physically impossible to locate the required control equipment at the establishment without extensive renovation to the building. Under the provisions of Regulation 401 KAR 61:160, "Existing Perchloroethylene Dry Cleaning Plants," Perfect Cleaners applied for a technological variance.

Section 7 of this regulation provides for variances based on adequate technical information, that will be considered by the department on a case-by-case basis, to allow for technological or economic circumstances which are unique to a source. The applicable CTG document (EPA-450/2-78-050) defines technological variance, in part, as a variance granted because the source has inadequate space available to install a carbon adsorber. On September 23, 1981, the Kentucky Division of Air Pollution Control performed a field inspection of Perfect Cleaners to evaluate their request. It was found that their claim of inadequate space was correct. The building at 801 Highway would require extensive renovation to accommodate a carbon adsorption unit. This technological variance waives the requirements of Section 3 (2) and (3) of Regulation 401 KAR 61:160, "Existing Perchloroethylene Dry Cleaning Plants." All other requirements in Section 3 shall be adhered to. The additional emissions resulting from the granting of this variance will be 3,614 kg/yr (3.98 TPY) VOC. This amount of uncontrolled emissions is less than one percent (.006%) of the total VOC emissions reported for the designated nonattainment area for 1981. EPA is approving the technological variance granted by the Kentucky Division of Air Pollution Control to Perfect Cleaners because it meets Agency guidance for approving such a variance (Control of Volatile Organic Emissions from Perchloroethylene Dry Cleaning Systems, EPA-450/2-78-050).

Action

EPA has reviewed the submitted material and found it to be consistent with present EPA requirements and policies. The total uncontrolled tonnage from these two variances amounts to 4,849 kg/yr (5.34 TPY) of perchloroethylene, which is less than one percent (.008%) of the total VOC emissions reported for the designated nonattainment area for 1981. Further, the variances will not interfere with attainment or maintenance of the ozone standard or with Reasonable Further Progress towards attainment. Therefore, EPA is today announcing full approval of the State's submittal.

The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 5, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).

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.

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

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

List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: April 22, 1983.

Lee L. Verstandig,

Acting Administrator.

PART 52—[AMENDED]

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

Subpart S—Kentucky

1. In Section 52.920 is amended by adding paragraph (c)(37) as follows:

§ 52.920 Identification of plan.

* * * * *

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

(37) Variances for two dry cleaners, submitted on January 27, 1983, by the Kentucky Department for Environmental Protection.

[FR Doc. 83-12066 Filed 5-4-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6511]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

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

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

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

In addition, the Director of the Federal Emergency Management Agency has

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

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

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

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

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

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

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

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified
Arkansas: Howard	Unincorporated areas	050438A	Mar. 17, 1983, emergency	June 7, 1977.
Wyoming: Park	do	560085A	Mar. 24, 1983, emergency	Apr. 25, 1978.
California: Butte	do	060017	Mar. 21, 1983, emergency	Sept. 6, 1974 and Dec. 27, 1977.
Wisconsin: Barron	Rice Lake, city of	550016C	July 10, 1975, emergency, Oct. 15, 1982, regular, Oct. 15, 1982, suspended, Mar. 28, 1983, reinstated.	Mar. 16, 1979, Dec. 7, 1973 and July 30, 1976.
New York: Oneida	Marshall, town of	360534B	July 17, 1975, emergency, Sept. 30, 1982, regular, Sept. 30, 1982, suspended, Mar. 31, 1983, reinstated.	Aug. 2, 1974 and July 9, 1976.
North Dakota: Richland	Wyndmere, township of	380667-New	Mar. 31, 1983, emergency	
North Carolina: Madison	Hot Springs, town of	370153A	Nov. 17, 1977, emergency, July 5, 1982, regular, July 5, 1982, suspended, Mar. 31, 1983, reinstated.	Sept. 17, 1976.
Illinois: Clinton	Germantown, village of	170049A	Mar. 31, 1983, emergency	Mar. 29, 1974.
Missouri: Warren	Warrenton, city of	290648	do	Feb. 7, 1975.
Arkansas: Miller	Unincorporated areas	050451A	do	Jan. 10, 1983.
Colorado: Delta	Paonia, town of	080045B	Mar. 16, 1983, suspension withdrawn	May 24, 1974 and Oct. 31, 1975.
Connecticut: New Haven	East Haven, town of	090076	do	
Florida: Pinellas	Largo, city of	125122D	do	May 28, 1971 and June 18, 1971.
Indiana: Cedar	West Branch, city of	190058B	do	Mar. 1, 1974 and Jan. 23, 1976.
Kansas: McPherson	McPherson, city of	200217D	do	Mar. 15, 1974 and Apr. 11, 1975.
Maryland	Baltimore, city of	240087B	do	June 28, 1974 and Mar. 15, 1978.
New York:				
Steuben	Bath, village of	360767E	do	Aug. 15, 1977.
Suffolk	East Hampton, town of	360794B	do	Aug. 29, 1975.
Do	Belle Terre, village of	361532B	do	Dec. 27, 1974 and June 18, 1976.
Herkimer & Fulton	Dolgeville, village of	360301B	do	Dec. 13, 1974 and Sept. 26, 1975.
Wayne	Lyons, village of	360891B	do	May 3, 1974 and Sept. 24, 1976.
Niagara	Niagara Falls, city of	360506B	do	Mar. 29, 1974 and Nov. 14, 1975.
Westchester	Ossining, town of	361241B	do	Oct. 25, 1974 and Feb. 25, 1977.
Nassau	Oyster Bay, town of	360483C	do	Nov. 29, 1974, Sept. 12, 1975 and Aug. 1, 1978.
Suffolk	Shoreham, village of	361506B	do	
Montgomery	St. Johnsville, town of	360456	do	Aug. 16, 1974 and June 4, 1976.
Tioga	Waverly, village of	361343B	do	Nov. 1, 1974 and June 11, 1976.
New Jersey: Mercer	East Windsor, township of	340244B	do	Feb. 15, 1974 and Sept. 12, 1975.
Ohio: Lucas	Unincorporated areas	390359B	do	May 20, 1977.
Pennsylvania: York	Warrington, township of	422232B	do	Dec. 27, 1974 and Dec. 26, 1980.
South Carolina: Horry	North Myrtle Beach, town of	450110C	do	Aug. 23, 1974 and July 5, 1975.
Vermont: Franklin	Swanton, village of	500060	do	Nov. 26, 1976.
Virginia: Chesterfield	Unincorporated areas	510035	do	Jan. 10, 1975 and June 2, 1978.
Michigan: Monroe	Milan, township of	260152B	do	May 24, 1974 and June 25, 1976.
Minnesota: Marshall	Stephen, city of	270273B	do	June 4, 1976 and May 17, 1974.
Michigan: Oakland	West Bloomfield, township of	260182B	do	June 28, 1974 and Jan. 30, 1976.

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

Issued: April 11, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-12007 Filed 5-4-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6513]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency. FEMA.

ACTION: Final rule.

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

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

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

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

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

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

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

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

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

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified	Date [1]
California: Alameda	Fremont, city of	065028	Jan. 29, 1971, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Feb. 14, 1975, June 21, 1977 and Oct. 9, 1973.	May 2, 1983.
Colorado: Eagle	Vail, town of	080054B	Aug. 13, 1976, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Sept. 19, 1978	Do.
Connecticut: New Haven.	New Haven, city of	090084C	Oct. 25, 1973, emergency, July 16, 1980, regular, May 2, 1983, suspended.	June 7, 1974 and July 16, 1980	Do.
Louisiana: St. Charles Parish.	Unincorp. areas	220160B	Feb. 8, 1974, emergency, May 2, 19, 1983, regular, May 2, 1983, suspended.	Nov. 1, 1974 and June 28, 1977	Do.
Maryland: Anne Arundel.	Unincorp. areas	240008C	Mar. 3, 1972, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Nov. 15, 1974, Nov. 9, 1979 and Aug. 4, 1978.	Do.
Massachusetts:					
Worcester	Grafton, town of	250306C	July 29, 1975, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Apr. 5, 1974, Mar. 14, 1980 and Oct. 15, 1976.	Do.
Plymouth	Hull, town of	250269B	Dec. 29, 1972, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Dec. 10, 1976 and Feb. 22, 1980	Do.
Michigan:					
Wayne	Dearborn Heights, city of	260221B	Jan. 12, 1973, emergency, May 2, 1983, regular, May 2, 1983, suspended.	July 19, 1974 and Oct. 17, 1975	Do.
Monroe	South Rockwood, village of	260320B	Sept. 5, 1975, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Feb. 1, 1974 and June 27, 1975	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified	Date [1]
Minnesota: Houston	LaCrescent, city of	275237B	Feb. 11, 1973, emergency, July 20, 1973, regular, May 2, 1983, suspended.	July 20, 1973, July 1, 1974 and Nov. 28, 1975.	Do.
Nebraska: Red Willow	McCook, city of	310181A	Feb. 6, 1978, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Nov. 19, 1976	Do.
New Jersey:					
Atlantic	Galloway, township of	340008B	Mar. 26, 1974, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Jan. 3, 1975 and Apr. 30, 1976	Do.
Ocean	Manchester, township of	340382B	Oct. 10, 1973, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Oct. 18, 1974 and June 4, 1976	Do.
Ocean	Tuckerton, borough of	340395B	Aug. 9, 1973, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Mar. 1, 1974 and June 25, 1976	Do.
New York:					
Steuben	Bath, town of	360766B	Mar. 31, 1976, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Aug. 20, 1974 and Oct. 1, 1976	Do.
Suffolk	Westhampton Beach, village of	365345D	Feb. 26, 1971, emergency, June 30, 1972, regular, May 2, 1983, suspended.	July 1, 1972, July 1, 1974 and Feb. 6, 1976.	Do.
Ohio:					
Wood	Grand Rapids, village of	390585B	Feb. 19, 1975, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Mar. 1, 1974 and Jan. 30, 1976	Do.
Wood	Perrysburg, city of	390589B	Aug. 27, 1975, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Aug. 22, 1975	Do.
Oklahoma: Washita	New Cordell, city of	400224B	July 7, 1975, emergency, May 2, 1983, regular, May 2, 1983, suspended.	June 28, 1974 and Feb. 11, 1977	Do.
Pennsylvania:					
Cumberland	Silver Spring, township of	420370B	Mar. 2, 1973, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Mar. 15, 1974 and Nov. 12, 1976	Do.
Blair	Tyrone, borough of	420164B	July 9, 1973, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Dec. 28, 1973 and June 4, 1976	Do.
Texas:					
Galveston	Crystal Beach, township of	420164	Oct. 8, 1971, emergency, Sept. 30, 1976, regular, May 2, 1983, suspended.	Sept. 30, 1976	Do.
Galveston	Uninc. areas	485470C	Apr. 8, 1971, emergency, Apr. 9, 1971, regular, May 2, 1983, suspended.	Apr. 8, 1971, June 24, 1977 and July 1, 1974.	Do.
Jim Wells	Uninc. areas	481258C	July 21, 1975, emergency, May 2, 1983, regular, May 2, 1983, suspended.	June 10, 1977 and June 17, 1980	Do.
Washington: Yakima	Union Gap, city of	530229B	Apr. 30, 1975, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Jan. 9, 1974 and Jan. 30, 1976	Do.
Wisconsin: Rock	Beloit, city of	555544B	Nov. 27, 1970, emergency, July 9, 1971, regular, May 1, 1983, suspended.	July 10, 1971 and Apr. 23, 1976	Do.
Illinois: Scott	Naples, village of	170609B	Mar. 6, 1974, emergency, May 17, 1982, regular, May 2, 1983, suspended.	Jan. 9, 1974 and Apr. 2, 1976	Do.
Michigan: Oakland	Troy, city of	260180C	Feb. 23, 1973, emergency, May 2, 1983, regular, May 2, 1983, suspended.	June 28, 1974 and May 7, 1976	Do.
Ohio: Wood	Rossford, city of	390589B	Aug. 27, 1975, emergency, May 2, 1983, regular, May 2, 1983, suspended.	Mar. 1, 1974 and May 28, 1976	Do.

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

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

Issued: April 22, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-12006 Filed 5-4-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Part 303

Collection of Past-Due Support From Federal Tax Refunds

Correction

In FR Doc. 83-1498, beginning on page 2534, in the issue of Thursday, January 20, 1983, on page 2538, in the first column, in § 303.72 (e)(1), in the fifth line "offset when" should read "offset and when".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 82-07; Notice 2]

Federal Motor Vehicle Safety Standards; Power-Operated Window Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This notice amends Federal Motor Vehicle Safety Standard (FMVSS) No. 118, *Power-Operated Window Systems,* to permit the operation of a vehicle's power windows and partitions during the interval between the shutting off of the engine and the opening of a front door on the vehicle. This amendment, which was proposed in response to a petition from General Motors Corporation (GM), would permit the manufacturers to offer power window systems which are more convenient than current systems. The agency believes the amendment would increase design flexibility without adversely affecting safety.

EFFECTIVE DATE: This amendment is effective on May 5, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Erickson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2720).

SUPPLEMENTARY INFORMATION: In 1970,

NHTSA issued FMVSS 118 in response to numerous cases of injury and death resulting from accidental operation of power windows. The standard sought to address the main source of these accidents, the unsupervised use of power windows by children, which could result in the child being caught between the closing window or partition and the window or partition frame.

The standard provides that power-operated window and partition systems may be operable only in certain specified circumstances. First, operation is permitted when the vehicle's ignition switch is in the "ON," "START," or "ACCESSORY" position. The rationale for permitting operation in that situation is that the driver would presumably still be in the vehicle to supervise the operation of the windows by any children who are passengers. Second, the standard permits operation of the systems by "muscular force." Third, the systems may also be operated by a key-locking system on the exterior of the vehicle. Here again, the driver would presumably be able to observe the window or partition being closed to assure that the closing track is clear. Fourth, the standard permitted operation of the systems when the key is in the "off" position or removed from the vehicle and the door is opened a specified amount. This provision, which applies only to vehicles having doors with no frame meeting the upper edge of the closed window, was added to the standard in 1975 in response to a petition from GM. However, neither GM nor any other manufacturer ever produced the system which this provision was intended to permit, and it appears that no manufacturer plans to offer such a system in the future.

On April 1, 1982, in 47 FR 13845, the agency proposed to permit operation of power windows and partitions in a fifth circumstance, in response to another petition from GM. Under this proposal, these systems would be operable during the interval between the time the vehicle's ignition key is shut off to the time one of the vehicle's doors is opened. This provision would permit windows to be operable in situations such as refueling stops at service stations, an added convenience for the driver. However, it would also assure, except in rare circumstances, that the driver is still in the vehicle and able to supervise the operation of the windows. The provision was proposed as a method of increasing driver convenience and was anticipated to have no impact on safety.

The agency received 28 comments on the proposal. Comments from the vehicle manufacturers favored the proposal, with some having proposals for slight refinements of the proposed regulatory language. Comments were also received from a number of individuals, most of whom opposed the amendment. After careful consideration of these comments, the agency has determined to promulgate the proposed amendment.

The individuals who opposed the proposed amendment generally argued that the change would permit the operation of power windows by unsupervised children and therefore would be a detriment to safety. Based on the agency's review of the comments and conversations with several of these individuals, it appears that they were unaware that the window systems would cease being operational as soon as the engine is shut off and a door is opened and would remain nonoperational even if the door were again closed. Thus, the proposal would tend to assure that the driver is in the car when the windows can move. Once this aspect of the proposal was explained to the individuals, they no longer opposed the amendment.

While there is a possibility under the new option for power windows to be operational without the driver being present in the vehicle, that possibility could arise only in rare circumstances. Further, similar possibilities exist under one of the existing options. For example, under the new option, a driver could get out of a vehicle, leaving the engine running and close the door. The windows would still be operational. Then, if the driver's window were open so that he or she could reach through the open window instead of opening the door to shut the engine off, the windows would continue to be operational. Similarly, under one of the current options, power windows would be operable in the same circumstances, at least until the driver reached into the vehicle and shut off the engine. The agency believes that these circumstances would rarely occur and would be even less likely to occur when children were in the car. Accordingly, the agency believes that this potential detriment would, if it occurs at all, be very small. Even if it does occur, it could be offset by a small benefit suggested by other commenters. They felt that the amendment would provide a security advantage, by permitting drivers to quickly close the vehicle's windows for protection without first having to turn on the ignition switch. Overall, the agency does not anticipate that the proposal would result in any increase in injuries or deaths.

Several manufacturers argued for certain modifications to the proposed rule. Mercedes-Benz argued that the interval after engine shut-off during which the windows are operable shoul end when one of the front doors is opened. American Motors made a similar suggestion. The agency agrees that, in the case of four door automobiles, it is unlikely that the driv would exit from one of the rear doors and entry to or exit from rear seats should not impede the ability of the driver to supervise children in the vehicle. Therefore, the agency has adopted this suggestion.

Fiat Motors suggested that the agenc permit the use of systems incorporatin a 20 second time delay, i.e., windows would be operable for 20 seconds after the engine is shut off regardless of whether a door had been opened. Such system could provide a brief interval during which children in a vehicle wou be unsupervised and the power windo system would be operational, possibly increasing the risk of the types of accidents FMVSS 118 was designed to prevent. The agency believes, on the basis of current information, that adoption of the proposal is not appropriate. If Fiat or any other commenter wishes to present data or arguments with regard to the safety impacts of such a system, the agency will reconsider permitting the use of th type of system.

American Motors Corporation (AM) also suggested several clarifications to the proposed rule. First, AM suggested that the rule explicitly state that powe window and partition systems may be operable when the ignition switch is in the "ACCESSORY" position after a do is opened. Since the standard always permitted systems to be operable whenever the ignition key is in the "ACCESSORY" position, no substanti change would be involved. The agency has attempted to clarify this point. AM further suggested that references in the standard to the "key that controls activation of the vehicle's engine" be replaced by "ignition switch." Howeve the standard would apply to any systems used in electric vehicles or other motor vehicles which operate by energy produced by means other than ignition. Therefore, the latter suggestio has not been adopted.

AM also favored the deletion of the provision permitting the operation of power windows in certain vehicles when a door is opened a specified amount, since that provision never has and likely never would be used. Since this provision is apparently obsolete, i has been deleted.

The agency is making this amendme effective immediately upon publicatio since the amendment "relieves a

restriction" within the meaning of 5 U.S.C. 553(d)(1), by permitting the use of certain systems which were previously unauthorized. The agency also finds that making this amendment effective immediately is in the public interest, in accordance with section 103(e) of the National Traffic and Motor Vehicle Safety Act, since doing so will permit the use of more convenient power window systems at an early date. Also, since the amendment relieves a restriction in FMVSS 118, providing 180 days lead time is unnecessary.

NHTSA has determined that this proceeding does not involve a "major rule" within the meaning of section 1, paragraph (b), of Executive Order 12291 because it is not likely to have an effect on the economy of $100 million or more, to result in a major increase in costs or prices, or to have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States firms to meet foreign competition. Similarly, this action is not deemed "significant" for purposes of Department of Transportation procedures for internal review of regulatory actions. The economic impacts of this amendment are so minimal as to not warrant preparation of a full regulatory evaluation, since the amendment merely permits the use of certain systems which were previously prohibited.

Pursuant to the Regulatory Flexibility Act, the agency has considered the impact of this rulemaking action on small entities. I certify that this action will not have a significant economic impact on a substantial number of small entities, including small organizations or governmental units.

Therefore, a regulatory flexibility analysis is not required for this action. The agency has concluded that few, if any, manufacturers of power window systems are small entities and that the impacts of this rule on those companies which decide to take advantage of the new alternative method of compliance should be minimal. There would be no significant impact on the cost of new vehicles manufactured in accordance with the new provision. Therefore, there should be no significant impact on small entities which purchase vehicles with power windows.

NHTSA has concluded that the environmental consequences of this action will be of such limited scope that they will not have a significant effect on the quality of the human environment.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

§ 571.118 [Amended]

In consideration of the foregoing, 49 CFR 571.118 is amended as follows:

1. Section 3 is revised to read as follows:

* * * * *

S3. *Power window or partition systems may be operable only in the following circumstances.* (a) When the key that controls activation of the vehicle's engine is in the "ON", "START", or "ACCESSORY" position;

(b) By muscular force unassisted by a vehicle power source;

(c) Upon activation by a key-locking system on the exterior of the vehicle; or

(d) During the interval between the time a running engine is turned off and the opening of either of a two-door vehicle's doors or, in the case of a vehicle with more than two doors, the opening of either of its front doors.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on April 29, 1983.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 83–12025 Filed 5–4–83; 8:45 am]

BILLING CODE 4910–59–M

Proposed Rules

Federal Register
Vol. 48, No. 88
Thursday, May 5, 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.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 337

Unsafe and Unsound Banking Practices

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Proposed rule.

SUMMARY: The FDIC is proposing an amendment to § 337.3(b) of its regulations that would (1) eliminate the current requirement for prior approval by a majority of a bank's board of directors of all extensions of credit exceeding in the aggregate $25,000 that are made to one of the bank's directors, executive officers, principal shareholders, or any related interest of any such person, and (2) substitute a prior approval formula whereby extensions of credit in excess of five percent of capital and unimpaired surplus or $25,000, whichever is larger, must receive prior approval but in no event may any extension of credit exceeding in the aggregate $500,000 be made without prior board approval.

DATE: Comments must be received no later than July 5, 1983.

ADDRESS: Send comments to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550–17th Street, NW., Washington, D.C. 20429.

Comments may be hand-delivered to Room 6108 between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Pamela E. F. LeCren, Senior Attorney, Legal Division, (202–389–4171), Room 4126E, 550–17th Street, NW., Washington, D.C. 20429, or Ken A. Quincy, Examination Specialist, Division of Bank Supervision, (202–389–4141), Room 760–F, 1709 New York Avenue, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: Section 22(h) of the Federal Reserve Act (12 U.S.C. 375b) places certain restrictions on extensions of credit to "insiders" of member banks (directors, executive officers, principal shareholders and related interests of such persons) and is made applicable to nonmember banks to the same extent and in the same manner as if they were member banks by section 18(j)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(2)). Section 22(h) was recently amended by the Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97–320, 96 Stat. 1469) so as to delete the express requirement in section 22(h) that a majority of a bank's board of directors give its prior approval for all extensions of credit to a bank insider that exceed in the aggregate $25,000. Substituted in its place was the requirement that prior approval be obtained for all extensions of credit that exceed in the aggregate an amount fixed by regulation of the appropriate Federal banking agency. Effective October 22, 1982, the FDIC amended Part 337 of its regulations concerning unsafe and unsound banking practices so as to (1) clarify the extent to which nonmember banks are subject to the requirements of Federal Reserve Board Regulations 0 (12 CFR Part 215) which implements section 22(h) of the Federal Reserve Act, and (2) to continue the $25,000 threshold prior approval figure on an interim basis. (See 47 FR 47002).

The FDIC is hereby proposing to amend Part 337 to provide that a majority of the board of directors of an insured nonmember bank must give prior approval for all extensions of credit to its directors, executive officers, principal shareholders, or any related interest of any such person if the extension of credit exceeds, in the aggregate, five percent of the bank's capital and unimpaired surplus or $25,000, whichever is greater, but in no event may an insured nonmember bank grant any extension of credit exceeding in the aggregate $500,000 unless prior board approval is obtained. The formula thus sets $25,000 as the floor for prior approval and $500,000 as the ceiling in excess of which all extensions of credit must be approved.

Any insured nonmember bank that has total capital in excess of $500,000 would have higher prior approval trigger under the proposed formula than under the existing regulations. As 96 percent of the total number of insured nonmember banks have total capital in excess of $500,000, the proposal would reduce the existing prior appoval burden for the majority of such banks, Only the very smallest state nonmember bank would still be subject to a $25,000 prior approval requirement. Not only does this not change the status quo for such banks, setting a $25,000 floor avoids setting and unrealistically low threshol figure in the case of small banks that would otherwise kick in if a straight percentage test were used. The $500,000 cap serves as a check for the very largest of banks. This sliding scale that would operate for all other banks has the advantage of more closely aligning the prior approval requirement with the potential threat posed to any particular banks's capital position by insider lending.

The proposal does not establish any additional recordkeeping or reporting requirements and will not affect the competitive positions of banks. As the Comptroller of the Currency and the Board of Governors of the Federal Reserve System are expected to adopt a similar proposal respecting prior approval of extensions of credit to insiders of national banks and member banks, insured nonmember banks woul be under the same restrictions regardin prior approval of insider transactions a national and member banks,

Regulatory Flexibility Analysis

The Board of Directors hereby certifies that, if adopted, the proposal would not have a significant economic impact on a substantial number of smal entities. The Board bases its conclusion in part on the fact that, for the very smallest of insured nonmember banks, the proposal would not affect the status quo. For the large majority of nonmember banks that would be affected by the change, the proposal would reduce some of their existing prior approval burden. The Board does not associate any economic impact witl raising the prior approval trigger as it only relates to the oversight function of a bank's board of directors and neither increases nor decreases a bank's ability to make extensions of credit.

List of Subjects in 12 CFR Part 337

Banks, banking, State nonmember banks.

In consideration of the foregoing, the FDIC hereby proposes to amend Part 33 of title 12 of the Code of Federal Regulations as follows:

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

1. The authority citation for Part 337 is as follows:

Authority: Sec. 9, 64 Stat. 881–882, 12 U.S.C. 1819; sec. 18(j)(2), 92 Stat. 3664, 12 U.S.C. 1828(j)(2); sec. 422, 96 Stat. 1469, Pub. L. No. 97–320.

§ 337.3 [Amended]

2. It is proposed that Part 337 be amended by revising § 337.3(b) by removing "$25,000" where it appears and inserting in lieu thereof the following:

"the greater of $25,000 or five percent of the bank's capital and unimpaired surplus,[3] or $500,00"

By Order of the Board of the Directors, May 2, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83–12062 Filed 5–4–83; 8:45 am]

BILLING CODE 6714–01–M

[3] For the purposes of § 337.3 an insured nonmember bank's capital and unimpaired surplus shall have the same meaning as found in § 215.2(f) of Federal Reserve Board Regulation O (12 CFR 215.2(f)).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83–ASW–19]

Proposed Alteration of Transition Area: Granbury, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area at Granbury, TX. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Granbury Municipal Airport. This action is necessary since there is a proposed change to the SIAP which approaches the airport from the west using the Acton VORTAC.

DATE: Comments must be received on or before June 16, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877–2630.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G § 71.181 as republished in Advisory Circular AC 70–3A dated January 3, 1983, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Granbury, TX, will necessitate an amendment to this subpart. This amendment will be required at Granbury, TX, since there is a proposed change in IFR procedures to the Granbury Municipal Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83–ASW–19." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877–2630. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Granbury, TX Revised

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Granbury Municipal Airport (latitude 32°23'33" N., longitude 97°49'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necesssary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on April 26, 1983.

Richard L. Failor,

Acting Director, Southwest Region.

[FR Doc. 83–12036 Filed 5–4–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Parts 71 and 75

[Airspace Docket No. 83–AWA–9]

Proposed Alteration of VOR Federal Airways and Jet Routes, Minneapolis, MN, Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke segments of VOR Federal Airways V-13E, V-414, and V-416; Jet Routes J-30 and J-113, and to realign V-510 to enhance the traffic flow within the Minneapolis Air Route Traffic Control Center's area.

DATE: Comments must be received on or before June 15, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-9, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Boyd Archer, Airspace Regulations and Obstructions Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-AWA-9." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposals

The FAA is considering amendments to § 71.123 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to: (1) Revoke V-13E between Duluth, MN, and Grantsburg, MN; (2) revoke V-414 and EXARC intersection between Alexandria, MN, and Gopher, MN; (3) revoke V-416 between Alexandria, MN, and Gopher, MN; (4) revoke J-30 between Farmington, MN, and Nodine, MN; (5) revoke J-113 between Gopher, MN, and Dubuque, IA; and (6) realign V-510 between Alexandria, MN, DAYLE intersection and Gopher, MN, to enhance the traffic flow within the Minneapolis Air Route Traffic Control Center's area. Sections 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Parts 71 and 75

Airways, Jet routes, Aviation safety.

PARTS 71 AND 75—[Amended]

The Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulation (14 CFR Parts 71 and 75) as follows:

1. **V-13 [Amended]**

By deleting the words, "Duluth, MN, including an E alternate; 36 miles, 35 MSL, Thunder Bay, ON, Canada" and substituting for them the words "Duluth, MN; to Thunder Bay, ON, Canada"

2. V-414 and V-416 are revoked.

3. **J-30 [Amended]**

By deleting the words "Farmington, MN, via Nodine, MN; Joliet, IL," and substituting for then the words "Joliet, IL, via"

4. **J-113 [Amended]**

By deleting the words, "via Dubuque, IA, INT Dubuque 306° and Gopher 155° radials, to Gopher, MN" and substituting for them the words "to Dubuque, IA"

5. **V-510 [Amended]**

By inserting the words, "MN; INT Alexandria, MN, 110° and Gopher, MN, 321° radials" between the words; "Alexandria" and the words; "Gopher, MN"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 25, 1983.

S. Wugalter,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-11807 Filed 5-4-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

Proposed Customs Regulations Amendments Relating to Requirements for Entry and Release of Imported Electronic Products

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations relating to requirements for the entry and release of imported electronic products. The changes are being proposed to update and conform the regulations to current procedures and the statuory and regulatory requirements administered by Customs for the National Center for

Devices and Radiological Health of the Food and Drug Administration.

DATE: Comments must be received on or before July 5, 1983.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: Darrell D. Kast, Entry Procedures and Penalties Division, (202-566-5765); Operational Aspects: Harrison C. Feese, Duty Assessment Division (202-566-8651), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Electronic products offered for importation into the United States are subject to standards prescribed by the Food and Drug Administration (FDA) under section 358 of the Public Health Service Act (42 U.S.C. 201 *et seq.),* as amended by the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b *et seq.).* Based upon these standards, sections 12.90 and 12.91, Customs Regulations (19 CFR 12.90, 12.91), set forth the requirements for entry and release of imported electronic products.

Pursuant to statutory changes which necessitated regulatory changes, by notice published in the **Federal Register** on September 5, 1975 (40 FR 41118), Customs proposed to amend §§ 12.90 and 12.91. However, no final action was taken on the proposal. Subsequently, other statutory changes have resulted in the need for additional regulation changes.

Because of the redesignation of the Department of Health, Education, and Welfare, as the Department of Health and Human Services, pursuant to section 509(b) of Pub. L. 96-88, (section 2508(b) of title 20, United States Code), it is necessary to change the references to the "Department of Health, Education, and Welfare," and the "Secretary of Health, Education, and Welfare," in §§ 12.90 and 12.91.

It is proposed to amend §12.90 to provide that "the Act" as referred to in §12.91, refers to the Public Health Service Act, as amended (42 U.S.C. 201 *et seq.),* and not to the Radiation Control for Health and Safety Act of 1968 (42 U.S.C 263b-263n). It also is proposed to amend §12.91 concerning the declarations required to be made by the importer of record for the entry and release of electronic products subject to the performance standards in effect under section 358 of the Public Health Service Act, as amended (42 U.S.C. 263f).

Present §12.91 requires a declaration by the importer or consignee of electronic products that the products either (1) conform to the standards of section 358 of the Public Health Service Act, as amended (42 U.S.C. 263(f), or (2) will be brought into compliance with these standards, unless intended solely for export.

To conform with FDA requirements, the proposed amendment to § 12.91 would add two alternative declarations, whereby the importer of record may affirm that the products either (1) were manufactured before the date the standards became effective, or (2) are being imported for the purpose of research, investigations, studies, demonstrations, or training. The proposed amendment to § 12.91 also would modify the language of the two existing declarations presently contained in that section to bring them into conformity with current Customs procedures.

The cross-reference in § 12.91 to the provisions of 42 CFR Part 78, pertaining to the administration and enforcement of the provisions of the Public health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b-263n), would be changed to reflect that the current appropriate regulatory citation is 21 CFR, Chapter I, Subpart J.

This proposal also would set forth the current citation of authority for § 12.91, as well as correct the statutory reference in § 12.90 to the Radiation Control for Health and Safety Act of 1968.

List of Subjects in 19 CFR Part 12

Customs duties and inspection, Imports, Importers.

Proposed Regulations Amendments

It is proposed to amend Part 12, Customs Regulations (19 CFR Part 12), in the following manner:

PART 12—SPECIAL CLASSES OF MERCHANDISE

Sections 12.90 and 12.91, Customs Regulations, would be revised to read as follows:

§ 12.90 Definitions

As used in §§ 12.90 and 12.91, the term "the Act" shall mean the Public Health Service Act (42 U.S.C. 201 *et seq.*), as amended by the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b *et seq.*), and as further amended from time to time.

§ 12.91 Electronic products offered for importation under the Act.

(a) *Standards prescribed by the Department of Health and Human Services.* Electronic products offered for importation into the customs territory of the United States are subject to standards prescribed under section 358 of the Act (42 U.S.C. 263f) unless intended solely for export. Prescribed standards shall not apply to any electronic product intended solely for export if:

(1) Such product and the outside of any shipping container used in the export of such product are labeled or tagged to show that it is intended for export, and

(2) Such product meets all the applicable requirements of the country to which it is intended for export.

(See 21 CFR, Chapter I, Subchapter J.)

(b) *Requirements for entry and release.* Electronic products subject to standards in effect under section 358 of the Act (42 U.S.C. 263f), when offered for importation into the customs territory of the United States, shall be refused entry unless there is filed with the entry, in duplicate, a declaration (FDA Form fd 2877) verified by the importer of record which identifies the products and affirms:

(1) That the electronic products were manufactured before the date of any applicable electronic product performance standard (the date of manufacture shall be specified); or

(2) That the electronic products comply with all standards in effect under section 358 of the Act (42 U.S.C. 263f), and Chapter I, Subchapter J, title 21, Code of Federal Regulations (21 CFR, Chapter I, Subchapter J), and that the certification required by section 360 of the Act (42 U.S.C. 263h) in the form of a label or tag is attached to the product; or

(3)(i) That the electronic products do not comply with all standards in effect under section 358 of the Act (42 U.S.C. 263f), and Chapter I, Subchapter J, title 21, Code of Federal Regulations (21 CFR, Chapter I, Subchapter J), but are being imported for the purpose of research, investigations, studies, demonstrations, or training, (ii) that the products will not be introduced into commerce and when the use for which they were imported is completed they will be destroyed or exported under Customs supervision, and (iii) that an exemption for these products has been or will be requested from the National Center for Devices and Radiological Health, Food and Drug Administration, in accordance with section 360B(b) of the Act (42 U.S.C. 263j); or

(4) That the electronic products do not comply with all standards in effect under section 358 of the Act (42 U.S.C. 263f) and Chapter I, Subchapter J, Code of Federal Regulations (21 CFR, Chapter I, Subchapter J), but that a timely and adequate petition for permission to bring the products into compliance with applicable standards has been or will be filed with the Secretary of Health and Human Services in accordance with section 360 of the Public Health Service Act, as amended, and as implemented by 21 CFR 1005.21.

(c) *Notice of sampling.* When a sampling of a product offered for importation has been requested by the Secretary of Health and Human Services, as provided for in 21 CFR 1005.10, the district director of Customs having jurisdiction over the shipment from which the sample is procured shall give to its owner or importer of record prompt notice of delivery of, or intention to deliver, the sample. If the notice so requires, the owner or importer of record shall hold the shipment of which the sample is typical and not release the shipment until notice of the results of the tests of the sample from the Secretary of Health and Human Services stating the product fulfills the requirements of the Act.

(d) *Release under bond.* If a declaration filed in accordance with paragraph (b) of this section states that the entry is being made under circumstances described in paragraph (b)(4) of this section, the entry shall be accepted only if the owner or importer of record gives a bond on Customs Form 7551, 7553, or 7595 for the production of a notification from the Secretary of Health and Human Services or his designee, in accordance with 21 CFR 1005.23, that the electronic product described in the declaration filed by the importer of record is in compliance with the applicable standards. The bond shall be in the amount required under § 113.14 of this chapter. Within 180 days after the entry of such additional period as the district director may allow for good cause shown, the importer of record shall take any action necessary to insure delivery to the district director of the notification described in this paragraph. If the notification is not delivered to the district director for the port of entry of the electronic products within 180 days of the date of entry or such additional period as may be allowed by the district director, for good cause shown, the importer of record shall deliver or cause to be delivered to the district director those electronic products which were released. In the event that any electronic products are not redelivered to Customs custody or exported under Customs supervision within the period allowed by the district director in the Notice of Redelivery (Customs Form 4647), liquidated damages shall be assessed in the full amount of a bond given on Customs Form 7551. When the transaction has been charged against a bond given on Customs Form 7553, or 7595, liquidated damages shall be assessed in the amount that would have been demanded if the merchandise had been released under a bond given on Customs Form 7551.

(e) *Release without bond—special exemptions.* For certain electronic products the Director, National Center for Devices and Radiological Health, has granted special exemptions from the otherwise applicable standards under the Act. Such exempted products may be imported and released without bond if they meet all the criteria of the special exemption. A bond, once posted, may also be returned if a special exemption is granted after the product has been imported under bond.

(f) *Merchandise refused entry.* If electronic products are denied entry under any provision of this section, the district director shall refuse to release the merchandise for entry into the United States.

(g) *Disposition of merchandise refused entry into the United States; redelivered merchandise.* Electronic products which are denied entry under paragraph (b) of this section, or which are redelivered in accordance with paragraph (d) of this section, and which are not exported under Customs supervision within 90 days from the date of notice of refusal of admission or date of redelivery, shall be disposed of under Customs laws and regulations. However, no such disposition shall result in an introduction into the United States of an electronic product in violation of the Act (42 U.S.C. 263f, 263h).

Authority

The amendments are proposed under the authority of R.S. 251, as amended, section 484, 498, 624, 46 Stat. 722, as amended, 728, as amended, 759 (19 U.S.C. 66, 1484, 1498, 1624).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Executive Order 12291

Because this document will not result in a regulation which would be a "major" rule as defined by section. 1(b) of E.O. 12291, a regulatory impact analysis and review as precribed by section 3 of the E.O. is not required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the proposed amendments will not have a significant economic impact on a substantial number of small entities.

The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention through comments, either formal or informal.

Accordingly, it is certified under the provision of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the proposed amendments, if promulgated, will not have a significant impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Jesse V. Vitello, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: April 19, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-12067 Filed 5-4-83; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

26 CFR Part 1

[LR-57-81]

Source of Income From Certain Leased Aircraft, Vessels, and Spacecraft

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the Income Tax Regulations under section 861(e) of the Internal Revenue Code of 1954, relating to the source of income with respect to certain aircraft, vessels, and spacecraft that are or have been leased to a United States person. This amendment will affect owners of such crafts that are used outside the United States.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 5, 1983. This amendment is proposed to be effective for income with respect to crafts that are first leased after December 28, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-57-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Mary Frances Pearson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 861 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to changes made to section 861(e) by section 104 of the Miscellaneous Revenue Act of 1980 (84 Stat. 3523). The amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Section 861(e), as amended, provides that income with respect to aircraft, vessels, and spacecraft that are section 38 property (as defined in section 48) and that are manufactured or constructed in the United States will be treated as income from sources within the United States after the craft is leased to a United States person. Income with respect to a craft includes payments for use of the craft and gain on the sale or exchange of the craft. Section 861(e) alters the general statutory rules that (1) payments under a lease of personal property are considered to be from sources within the United States only if the leased property is used within the United States and (2) gain or loss on the sale or exchange of personal property is treated as from sources within the country in which the transfer of titles takes place. Thus, this provision modifies the rules for determining the source of income with respect to certain crafts that are used or sold outside the United States.

Section 861(e) does not apply if the lessor and the lessee are members of the same controlled group of corporations. For purposes of this section, if either the lessor or the lessee is a partnership at least 80 percent of which is owned by members of a controlled group of corporations, that partnership is considered to be a member of the controlled group.

Prior law applies to the income with respect to aircraft and vessels first leased on or before December 28, 1980. Those rules allowed taxpayers to elect to treat the subject income as from sources within the United States. The miscellaneous Revenue Act of 1980 changed this treatment from elective to mandatory and expanded the scope of the provision to include spacecraft. The statutory source rule was made mandatory to insure that the lease payments from a United States person to the lessor were subject to income taxation by some country. In this regard, see H.R. Rep. No. 96-1278, 96th Cong., 2d Sess. 24 (1980); S. Rep. No. 96-1036, 96th Cong., 2d Sess. 16-17 (1980).

The proposed regulations describe the crafts covered by section 861 (e) and § 1.861-9A (b). The crafts must be section 38 property, that is, property for which an investment tax credit is available. The proposed regulations treat a craft as manufactured or constructed within the United States if at least 50 percent of the basis of the craft on the date it is leased to a United States person is attributable to value added within the United States.

The proposed regulations would require that later income with respect to a craft be treated as U.S. source income even after the craft is no longer leased to a United States person or the property ceases to be section 38 property. This treatment as U.S. source income also continues under proposed §1.861-9A (c) when the craft is transferred or distributed if the basis of the craft in the hands of the recipient is determined by reference to its basis in the hands of the transferor or distributor.

Regulatory Flexibility Act and Executive Order 12291

Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public comment procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Commissioner of Internal Revenue has determined that this proposed rule is not subject to Executive Order 12291.

Drafting Information

The principal author of this regulation is Martha E. Kadue of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

List of Subjects in 26 CFR Parts 1.861-1 through 1.997-1

Income taxes, Aliens, Exports, DISC, Foreign investment in U.S., Foreign tax credit, Sources of income, United States investments abroad.

Adoption of amendments to the regulations. The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Paragraph 1. Section 1.861-1(a)(4) is revised to read as follows:

§ 1.861-1 Income from sources within the United States.

(a) *Categories of income.* * * *

(4) *Exceptions.* An owner of certain aircraft or vessels first leased on or before December 28, 1980, may elect to treat income in respect of these aircraft or vessels as income from sources within the United States for purposes of sections 861(a) and 862(a). See § 1.861-9. An owner of certain aircraft, vessels, or spacecraft first leased after December 28, 1980, must treat income in respect of these craft as income from sources within the United States for purposes of sections 861(a) and 862(a). See § 1.861-9A.

* * * * *

Par. 2. Section 1.861-9 is amended as follows:

1. The title of the section is revised to read "Income from certain aircraft or

vessels first leased on or before December 28, 1980.".

2. The second sentence of paragraph (a) is amended by adding after the word "date", the phrase "of aircraft or vessels first leased by the taxpayer on or before December 28, 1980".

3. A new paragraph (g)(6) is added immediately after paragraph (g)(5), the new paragraph to read as follows:

* * * * *

(g) * * *

(6) *Revocation or termination after December 28, 1980.* The rules in paragraph (g)(1) through (g)(5) continue to apply with respect to any election made pursuant to this section even though the revocation or termination may occur after December 28, 1980.

Par. 3. Section 1.861-9A is added immediately after § 1.861-9, to read as follows:

§ 1.861-9A. Income from certain crafts first leased after December 28, 1980.

(a) *General rule.* If a taxpayer—

(1) Owns a qualified craft (as defined in paragraph (b) of this section),

(2) Leases such qualified craft after December 28, 1980, to a United States person that is not a member of the same controlled group of corporations as the taxpayer, and

(3) The lease is the taxpayer's first lease of the craft and the taxpayer is not considered to have made an election with respect to the craft under § 1.861-9(e)(2),

then the taxpayer shall treat all amounts includible in gross income with respect to the qualified craft as income from sources within the United States for each taxable year ending after commencement of the lease. If this section applies to income with respect to a craft, it applies to all such amounts that are includible in the taxpayer's gross income, whether or not includible during or after the period of a lease to a United States person. Amounts derived by the taxpayer with respect to the qualified craft include any gain from the sale, exchange, or other disposition of the qualified craft. If this section applies to income with respect to a craft and there is a loss with respect to that craft (either due to the allowance of expenses and other deductions or due to a sale, exchange, or other disposition of the qualified craft), such loss is treated as allocable or apportionable to sources within the United States. The fact that a craft ceases to be section 38 property, ceases to be leased by the taxpayer to a United States person, or is leased or subleased for any period of time to a person who is not a United States person will not terminate the application of this section.

(b) *Qualified craft*—(1) *In general.* A qualified craft is a vessel, aircraft, or spacecraft that—

(i) Is section 38 property (or would be section 38 property but for section 48 (a)(5), relating to use by governmental units), and

(ii) Is manufactured or constructed in the United States.

(2) *Vessel.* The term "vessel" includes every type of watercraft capable of being used as a means of transportation on water, and any items of property that are affixed in a permanent fashion or are integral to the vessel. A vessel that is used predominantly outside the United States must be described in section 48(a)(2)(B)(iii) and § 1.48-1(g)(2)(iii), relating to vessels documented for use in the foreign or domestic commerce of the United States, to be a qualified craft.

(3) *Aircraft.* An aircraft used predominantly outside the United States must be described in section 48(a)(2)(B)(i) and § 1.48-1(g)(2)(i), relating to aircraft registered by the Administrator of the Federal Aviation Agency, and operated to and from the United States or operated under contract with the United States, to be a qualified craft.

(4) *Spacecraft.* A spacecraft must be described in section 48(a)(2)(B)(viii) and § 1.48-1(g)(2)(viii), relating to communications satellites, or any interest therein, of a United States person, to be a qualified craft.

(5) *United States manufacture or construction.* A craft will be considered to be manufactured or constructed in the United States if 50 percent or more of the basis of the craft on the date of the lease to a United States person is attributable to value added within the United States.

(c) *United States person.* For purposes of this section, the term "United States person" includes those persons described in section 7701(a)(30) and individuals with respect to whom an election under section 6013 (g) or (h) (relating to nonresident alien individuals married to United States citizens or residents) is in effect.

(d) *Controlled group.* For purposes of paragraph (a)(2) of this section, whether a taxpayer and a United States person are members of the same controlled group of corporations is determined under section 1563. Solely for purposes of this section, a partnership at least 80 percent of the interests in which are owned, directly or indirectly, by one or more corporations that are members of the same controlled group of corporations shall be considered to be a member of that same controlled group of corporations.

(e) *Certain transfers involving carryover of basis*—(1) *In general.* If—

(i) The income with respect to a craft is subject to this section,

(ii) The taxpayer transfers or distributes such craft, and

(iii) The basis of such craft in the hands of the transferee or distributee is determined by reference to its basis in the hands of the transferor or distributor, then this section will apply to the income with respect to the craft includible in the gross income of the transferee or distributee. This paragraph (c) applies even though the transferor or distributor recognizes an amount of gain that increases basis in the hands of the transferee or distributee and even though the transferee or distributee is a nonresident alien or foreign corporation. For example, if a corporation distributes a craft the income of which is subject to this section to its parent corporation in a complete liquidation described in section 332(b), the parent corporation will be treated as if it satisfied the requirements of paragraph (a) of this section with respect to such craft if the basis of the property in the hands of the parent corporation is determined under section 334(b) (relating to the general rule on carryover of basis in liquidations). In further illustration, if a corporation distributes a craft the income of which is subject to this section, in a distribution to which section 301(a) applies, the distributee will be treated as if it satisfied the requirements of paragraph (a) of this section with respect to such craft if its basis is determined under section 301 (d)(2) (relating to basis of corporate distributees) even though the basis may be the fair market value of the craft under section 301(d)(2)(A).

(2) *Partnerships.* If a partnership satisfies the requirements of paragraph (a) (1), (2), and (3) of this section, each partner shall treat all amounts includible in gross income with respect to the craft as income from sources within the United States for any taxable year of the partnership ending after commencement of the lease. In addition, if a partnership distributes a craft the income of which is subject to this section, to a partner, the partner will be treated as if he or she satisfied the requirements of paragraph (a) of this section with respect to such craft.

(3) *Affiliated groups.* If a member of a controlled group of corporations (as defined in section 1563(a)) that files a consolidated return for the year during which the member transfers a craft, the income of which is subject to this section, to another member of that same

group, the transferee will be treated as if it satisfied the requirements of paragraph (a) of this section with respect to the craft.

Par. 4. Section 1.862-1(c) is revised to read as follows:

§ 1.862-1 Income specifically from sources without the United States.

* * * * *

(c) *Income from certain property.* For provisions permitting a taxpayer to elect to treat amounts of gross income attributable to certain aircraft or vessels first leased on or before December 28, 1980, as income from sources within the United States which would otherwise be treated as income from sources without the United States under paragraph (a) of this section, see § 1.861-9. For provisions requiring amounts of gross income attributable to certain aircraft, vessels, or spacecraft first leased by the taxpayer after December 28, 1980, to be treated as income from sources within the United States which would otherwise be treated as income from sources without the United States under paragraph (a) of this section, see § 1.861-9A.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-12110 Filed 5-4-83; 8:45 am]

BILLING CODE 4830-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Regulatory Flexibility Act; Ten Year Schedule for Review of Rules

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Regulatory Flexibility Act; Ten Year Schedule for Review of Rules.

SUMMARY: This document sets forth the PBGC'S ten year schedule for review of existing regulations, pursuant to requirements of the Regulatory Flexibility Act.

DATE: The schedule includes all regulations which are expected to be under review between June 30, 1981, and June 30, 1991.

FOR FURTHER INFORMATION CONTACT: Melanie Franco Nussdorf, Special Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Suite 7200, Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act requires that each agency publish a 10 year schedule for the review of all agency rules that are in existence on the effective date of the Act (January 1, 1981), and that have or will have a significant economic impact upon a substantial number of small entities. The Act further requires that such rules adopted after the effective date of the Act be reviewed within 10 years of their publication as final rules.

In the review of rules, agencies are required by the Regulatory Flexibility Act to endeavor to minimize any significant economic impact of the rules on a substantial number of small entities in a manner consistent with the stated objectives of applicable statutes. During the course of such review, agencies are to consider the following factors: (1) The continued need for the rules; (2) the nature of complaints or comments received concerning the rule from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and, (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

The Regulatory Flexibility Act also requires that each year agencies publish in the **Federal Register** list of the rules which have a significant economic impact on a substantial number of small entities which are to be reviewed during the succeeding twelve months. The list must include a brief description of each rule, the need for and legal basis of such rule, and must invite public comment. It is anticipated that the PBGC will publish its list of such, if any, in the **Federal Register** as an adjunct to its next semiannual agenda, which will be compiled to meet the requirements of both the Regulatory Flexibility Act and Executive Order 12291.

The PBGC issues regulations under Title IV of the Employee Retirement Income Security Act, as amended, for single-employer defined benefit pension plans and multiemployer defined benefit pension plans. As of January 1, 1981 the effective date of enactment of the Regulatory Flexibility Act, no regulations had been issued relating to multiemployer plans, since the Multi-employer Amendments Act of 1980, which established an entirely new regulatory scheme for multiemployer plans, was enacted on September 26, 1980. None of the multiemployer plan regulations promulgated since the enactment of the Regulatory Flexibility Act has a significant economic impact on a substantial number of small entities. If future rules are subject to the Act, PBGC will schedule a review of such regulations at a later date.

On the date of enactment of the Regulatory Flexibility Act, the PBGC has issued six regulations relating to internal administrative or general administrative law matters and eight single-employer plan regulations. Of those regulations, PBGC has determined that none has a significant economic impact on a substantial number of small entities. Since that time, PBGC has issued four final rules: Determination of Plan Sufficiency and Termination of Sufficient Plans, 29 CFR Part 2617; Allocation of Assets in Non-multiemployer Plans, 29 CFR Part 2618; Valuation of Plan Benefits in Non-multiemployer Plans, 29 CFR Part 2619; and Employer Liability for Single-employer Plan Terminations, 29 CFR Part 2622. While PBGC has not determined that these regulations have a significant economic impact on a substantial number of small entities, it expects to review these regulations in the next five years to update them as necessary and will, regardless of whether they are covered by the Act, ensure the needs of small entities have been taken into account, and the reporting burdens for these entities have been minimized. In this connection, PBGC has just completed a review and amendment of its regulation on Notice of Intent to Terminate, 29 CFR Part 2616. In the course of that process, the agency introduced a joint reporting form with the Internal Revenue Service to minimize duplicative reporting to the PBGC and the IRS on plan termination. In addition, PBGC is currently reviewing Reporting and Notification Requirements for Reportable Events, 29 CFR Part 2615 and Determination of Plan Sufficiency and Termination of Sufficient Plans, 29 CFR Part 2617 to ensure that these regulations require the minimum paperwork necessary, consistent with the requirements of ERISA.

PBGC welcomes comments from any interested member of the public on its regulations.

Issued this 2nd day of May, 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-12090 Filed 5-4-83; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 161

[CGD80-119]

Puget Sound Vessel Traffic Service

AGENCY: Coast Guard, DOT.

ACTION: Termination of rulemaking.

SUMMARY: The Coast Guard is withdrawing its Advance Notice of Proposed Rulemaking published in the **Federal Register** of April 16, 1981 (46 FR 22207) regarding the issuing or the amending of regulations governing the operation of vessels on the waters of Northwestern Washington (including the Puget Sound Vessel Traffic Service Area). Since the time of that notice, the Coast Guard has hosted an Open Conference of Puget Sound maritime users and interested parties. As a result of that Conference, a number of recommendations were made to the Coast Guard—some of which have already been implemented by other rulemakings. In addition, several non-regulatory proposals have been implemented. Consequently, there does not appear to be any further need for that notice. Accordingly, a determination has been made to terminate the rulemaking.

ADDRESS: The rulemaking docket is available for examination and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays, at the Office of the Commander (mps), Thirteenth Coast Guard District, Room 3506, 915 Second Avenue, Seattle, WA 98174. (206) 442-1711.

FOR FURTHER INFORMATION CONTACT: Commander T. Roger Pike, USCGR, Marine Safety Division, Thirteenth Coast Guard District, 915 Second Avenue, Seattle, WA 98174. (206) 442-5537.

Drafting Information

The drafters of this notice are Commander T. Roger Pike, USCGR, project officer, Marine Safety Division, Thirteenth Coast Guard District and Lieutenant Commander Richard R. Clark, USCG, project attorney, Thirteenth Coast Guard District Legal Office.

SUPPLEMENTARY INFORMATION: 1. On April 16, 1981 an Advance Notice of Proposed Rulemaking was published in the **Federal Register** (46 FR 22207) to address user conflicts for the navigable waters of Northwestern Washington, including the Puget Sound Vessel Traffic Service Area. Of particular concern was conflicts between the gillnet fishermen and deep-draft vessels.

2. The April 16, 1981 Advance Notice of Proposed Rulemaking, among other things, announced a public hearing in Seattle, Washington, on June 3, 1981 to receive public comments regarding regulatory or non-regulatory approaches to resolving the conflicts among Puget Sound users. This hearing was well attended and a wide spectrum of maritime and public interests was represented. Although a number of viewpoints were represented, the hearing produced no clear consensus on the direction the Coast Guard should take. However, most participants indicated they would be willing to take part in a subsequent "Open Conference" to jointly develop possible solutions.

3. An Open Conference was held on October 13-14, 1981 at the Seattle Center. This Conference was widely advertised in the press and by direct mail, and was well attended. The attendees were divided into four Working Groups, each of which elected its own chairperson, to address specific elements of the problem. On the second day of the conference, the Working Groups' recommendations for regulatory and non-regulatory solutions were presented to and voted upon by the full conference. Those that were approved became conference recommendations.

4. Three recommendations—or groups of recommendations—were considered "major" and received immediate action, as follows:

a. The Conference recommended that the COLREGS Demarcation Line in Puget Sound be eliminated and that all waters in Northwestern Washington be governed by the '72 COLREGS. This change meant that a single set of navigation rules would apply throughout the region so that mariners operating in the Strait of Juan de Fuca, Puget Sound and adjacent waters, and in Canadian waters, would be governed by rules of the road which are identical or very similar. An Interim Final Rule was published on December 17, 1981 (46 FR 61456) and this change became effective December 24, 1981.

b. A second recommendation—advanced by two Working Groups and adopted by the full Conference—was for periodic waterways users' meetings to discuss problems in a setting similar to the Open Conference. Many of the interested groups represented at the Open Conference recognized that they had never before had an opportunity to discuss mutual concerns in a face-to-face meeting, and felt that regular meetings of this nature could be constructive. Consequently, in early 1982 the Sea Use Council agreed to become the sponsoring organization for the "Puget Sound Users' Forum". An organizational meeting was held on June 23, 1982 and the first regular meeting was held on September 24, 1982.

c. Seven specific recommendations were received concerning the manner in which the Washington State Department of Fisheries establishes periods for gillnet fishing. Several participants at the Open Conference indicated that the Department of Fisheries publishes its regulations without regard for their impact on safety of navigation or vessel traffic management. It was proposed that a dialogue be established between the Coast Guard and the Department of Fisheries, and that Coast Guard input be provided and considered in the scheduling of each year's gillnet season. This dialogue was established in March of 1983 and appears to have increased cooperation between the two agencies.

5. In addition to these three "major" recommendations, a number of "minor" or "supplemental" proposals came from the Open Conference. These are summarized below:

a. Several recommendations called for establishing buoys to mark ferry routes, fishing areas, etc. These were evaluated by the Coast Guard but have not been adopted because they were considered either impractical to establish or too expensive in relation to expected benefit.

b. Other recommendations involved proposed actions by the Coast Guard Captain of the Port or the Puget Sound Vessel Traffic Service. These included:

(1) Directing deep-draft vessels to favor left/right side of the Traffic Lane to avoid concentrations of fishing vessels;

(2) Making special safety broadcasts during periods of heavy fishing vessel concentrations;

(3) Establishing special communication arrangements with fleets of fishing boats; and

(4) Establishing special Captain of the Port orders to manage vessel traffic when conditions reached the point of being clearly unsafe.

The above actions are already within the legal and technical capabilities of the Captain of the Port and the Puget Sound Vessel Traffic Service and can be implemented when the situation requires. No further rulemaking seems necessary or appropriate.

6. Based upon specific recommendations received from the Puget Sound Users' Forum, as well as from the Open Conference, the Coast Guard established "temporary special traffic lanes" during the 1982 gillnet season. One such lane was a one-half

mile wide corridor centered on the traffic separation buoys extending from Point No Point to Browns Point. During periods of heavy gillnet fishing, deep-draft vessels are granted deviations by the Puget Sound Vessel Traffic Service to use the temporary special traffic lane in lieu of the normal lanes prescribed by the Puget Sound Traffic Separation Scheme. Gillnet fishermen have agreed to avoid this relatively narrow corridor. They remain free to fish in all other areas of the channel, including the usual traffic lanes. In addition, the Coast Guard established the route normally followed by the Edmonds-Kingston ferry as a temporary special traffic lane. These actions are considered to have made a significant contribution to making the 1982 gillnet season relatively conflict-free.

7. Based upon the apparent effectiveness of these temporary special traffic lanes, the Coast Guard is considering undertaking a rulemaking project to make them a permanent part of the regulations enforced by the Coast Guard and to enhance their usefulness. However, that rulemaking would most probably occur in a part of the regulations not covered by this docket.

8. In view of the above, it appears that no rulemaking will be required under CGD80-119, and that this docket may be closed. The comments received on this rulemaking are available for examination and copying at the address listed above.

Dated: April 20, 1983

H. W. Parker,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 83-12088 Filed 5-4-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 207

San Diego Bay, California, Naval Restricted Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Navy has requested the Corps of Engineers establish a naval restricted area in the Pacific Ocean in North San Diego Bay, California. The proposed restricted area surrounds an existing ammunition pier where extensive loading and handling of ammunition and explosives take place. The restricted area would protect persons and property from the dangers associated with the ammunition pier.

DATE: Written comments must be received on or before June 20, 1983.

ADDRESS: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Glenn C. Lukos at (213) 688-5606 or Mr. Ralph T. Eppard at (202) 272-0200.

SUPPLEMENTARY INFORMATION: This proposed restricted area surrounds an existing ammunition pier at the Naval Air Station, North Island, San Diego County, California. Extensive loading and handling of ammunition and explosives takes place in this area. In order to provide maximum protection to lives and property, an area extending 100 feet from the ammunition pier (Bravo Pier) will be closed to all persons and vessels except those owned by, under hire to, or performing work for the Naval Air Station or Naval Weapons Station. The remainder of the restricted area will be open to vessels provided transit is made by the most direct route and without unnecessary delay. No fishing, swimming, mooring or anchoring will be allowed within the restricted area.

List of Subjects in 33 CFR Part 207

Navigation (water), Waterways.

The Corps of Engineers proposes to establish a restricted area under 33 CFR 207.612 as set forth below.

Note.— This proposed regulation is not a major regulation and is issued with respect to a military function of the Defense Department. Accordingly, the provisions of Executive Order 12291 do not apply. The Corps of Engineers has also determined that this regulation will not have a significant economic impact on a substantial number of entities and thus does not require preparation of a regulatory flexibility analysis.

Dated: March 11, 1983.

Approved:

Paul F. Kavanaugh,

Colonel, Corps of Engineers, Executive Director of Civil Works.

PART 207—[AMENDED]

Accordingly, Part 207 of title 33 of the Code of Federal Regulations is proposed to be amended by adding paragraph (a) to § 207.612 to read as follows:

§ 207.612 San Diego Harbor, California; restricted areas.

(a) Restricted area at Bravo Pier, Naval Air Station.

(1) The area. The water of the Pacific Ocean in North San Diego Bay in an area extending from the western boundary of North Island about 0.2 nautical mile bayward and basically outlined as follows:

Station	Latitude	Longitude
1	32°41'51.3" N	117°13'34.0" W.
2	32°41'51.3" N	117°13'46.6" W.
3	32°41'43.3" N	117°13'50.0" W.
4	32°41'35.8" N	117°13'48.0" W.
5	32°41'35.8" N	117°13'35.0" W.

(2) The regulations. (i) The restricted area shall not be open to swimming, fishing, mooring, or anchorage. (ii) Transit will be allowed through the restricted area except that no transit will be allowed within 100 feet of the ammunition pier (Bravo Pier). All unauthorized vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay. Only vessels owned by, under hire to, or performing work for the Naval Air Station or the Naval Weapons Station may operate within 100 feet of the ammunition pier.

* * * * *

(33 U.S.C. 1)

[FR Doc. 83-12060 Filed 5-4-83; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

46 CFR Part 67

[CGD 82-085]

Documentation of Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend 46 CFR 67.09-3, the portion of the vessel documentation regulations which prescribes which vessels will be considered "built in the United States" for purposes of the Vessel Documentation Act. New vessel documentation regulations were published in the **Federal Register** on June 24, 1982 (47 FR 27490) and became effective on July 1, 1982. On the basis of comments received prior to the publication of those regulations, the Coast Guard recognized there might be some potential problems in prospective administration of § 67.09-3 due to lack of definition of some of the words used and because it placed into the Code of Federal Regulations a "rule of thumb" concerning allowable use of foreign items in U.S. built vessels which the Coast Guard had used in the past but had not widely publicized. A decision was made to publish the final regulations without changing the section and to use a separate rulemaking project, an Advance Notice of Proposed Rulemaking (ANPRM), to decide whether a change was appropriate. As a result of the comments received in response to that ANPRM, the Coast Guard has decided to propose a change

to the vessel documentation regulations. The revision of § 67.09–3 now being proposed will change the factors to be considered in determining whether a vessel is "built in the United States" within the meaning of the Vessel Documentation Act.

DATE: Comments must be received on or before July 5, 1983.

ADDRESSES: Comments should be submitted to Commandant (G–CMC/24), (CGD 82–085), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426–1477 between the hours of 7 a.m. and 5 p.m. Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mrs. Phyllis D. Carnilla (Project Manager) or Lieutenant Robert R. Meeks (Staff Attorney), Office of Merchant Marine Safety, (202) 426–1492, or (202) 426–1493. Normal office hours are between 7 a.m. and 5 p.m Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this proposal are Mrs. Phyllis D. Carnilla (Project Manager) and Lieutenant Robert R. Meeks (Staff Attorney), Office of Merchant Marine Safety; and Lieutenant Commander William B. Short (Project Attorney), Office of the Chief Counsel.

Comments Invited

The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person making them, and identify this notice (CGD 82–085). Persons desiring acknowledgment that their comment has been received should enclose a stamped, self addressed postcard or envelope. All comments received before expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned.

Background

The regulations governing documentations of vessels contained in Part 67 of Title 46, Code of Federal Regulations, were extensively revised in a final rule published on June 24, 1982. That rulemaking project was undertaken primarily to simplify documentation procedures and was in implementation of the Vessel Documentation Act (Pub. L. 96–594). Comments received during the pendency of that rulemaking were critical of § 67.09–3 which pertains to U.S. build determinations. That section now reads:

A vessel is considered built in the United States if:

(a) All major components of its hull and superstructure are fabricated in the United States; and

(b) The vessel is assembled entirely in the United States; and

(c) At least fifty (50) percent of the cost of all machinery (including propulsion) and components which are not an integral part of the hull or superstructure relates to items procured in the United States.

(d) For the purposes of this section, United States includes America Samoa.

The comments received concerning that section before it became final said the words "procured," "components," and "superstructure" as used there were vague. Other commenters said the "fifty percent of cost rule" in paragraph (c) had no basis in law, conflicted with past agency practice, was more restrictive than industry practice, would present great difficulties in terms of proof where older vessels are involved, and would be ineffective due to practical problems relative to enforcement. One commenter also said the regulation constitutes a non-tariff customs barrier. In the supplementary information published with the final rule on June 24, 1982, the Coast Guard recognized that the regulations were deficient in treating some of the issues raised by the comments, but did not attempt to address that in the final rule. Instead, the Coast Guard stated in the supplementary information that a further rulemaking to address those issues would be initiated with an Advance Notice of Proposed Rulemaking. The ANPRM was published in October 14, 1982 (47 FR 45888) and the public was given until December 13, 1982 to comment. The following summarizes the comments received and indicates that action proposed by the Coast Guard.

Discussion of Comments and Action

A total of 28 comments were received in response to the ANPRM. Shipping companies, shipbuilders, equipment manufacturers, admiralty law firms, members of Congress, trade associations, fishing companies, current and former customhouse brokers, and others provided comments and analyses which were extremely useful to the Coast Guard. After careful review of all comments, the Coast Guard has determined that further rulemaking is necessary. It appears that the most appropriate way to clarify the rule for determining when a vessel should be considered "built in the United States" is to delete 46 CFR 67.09–3(c) from the regulations. That subsection contains the "fifty percent of cost rule" and the word "procured" which were the cause of most of the uncertainty and criticism reflected in the comments received prior to the publication of the final documentation regulations and repeated during the pendency of the ANPRM. This proposal contains the necessary amendment to delete paragraph (c) and redesignated paragraph (d) to compensate for the deletion.

The Coast Guard proposal is based on consideration of a variety of factors brought out by the comments. For example, 20 of the 28 commenters objected to the so-called "fifty percent of cost rule" in 46 CFR 67.09–3(c). Their objections were stated in a variety of forms, but in general they felt there was no legal foundation for it, that it would be ineffective, and that it was contrary to the intent of Congress as reflected in other laws. The Coast Guard has decided that there is considerable validity to those criticisms. Where the rule is without any legal foundation may be debated, but it is clear that no statute exists which either requires or specifically authorizes it. While the Coast Guard has in the past referred to the language of paragraph (c) as a "rule of thumb" for making U.S. build determinations, it did not publish it as a regulation and has not vigorously enforced it as a requirement. Three commenters noted that H.R. 5020, introduced in Congress during 1982, contained language closely resembling that found in the regulation and that the proposed legislation was not reported out of committee. They inferred that Congress was not inclined toward the approach reflected by the regulation. Regardless of the validity of that inference, the Coast Guard agrees that any need for a "Buy American" rule of this type ought to be more clearly established by Congress and that until it has been it should not be left in regulations which have the force and effect of law.

Eight commenters expressed opposition to any lessening of the "fifty percent of cost rule." Some of them suggested it ought to be tightened to insure that most or all components would be of United States manufacture. The Coast Guard is not inclined to adopt that approach. We belive Congress used the phrase "built in the United States" primarily to protect the United States shipbuilding industry rather than manufacturers. There are tariffs and trade barriers in place to protect U.S. manufacturers of items which may be

used by shipbuilders in the United States. The Coast Guard believes that forcing the shipyards in the United States or vessel owners to use less satisfactory or more costly equipment of U.S. manufacture in order to insure that vessels will qualify for use in the domestic trades or the fisheries, or to do without items because they are not available from domestic manufacturers, adds an element of cost to shipbuilders, ship owners, and the public generally which is not required or justified by the Vessel Documentation Act. Therefore, the Coast Guard intends to eliminate the "fifty percent of cost rule" from the regulation and discontinue its use as a "rule of thumb."

One commenter suggested that the sole criterion for determining whether a vessel was built in the United States should be whether the vessel was assembled entirely in the United States. The Coast Guard is not willing to adopt that suggestion. To adopt such a rule would suggest that vessels which are largely the product of foreign shipyards may qualify as U.S. built if they are shipped to the United States in sections and assembled here. That is not an acceptable construction of the phrase "built in the United States" because it is contrary to what the Coast Guard believes is the intent of Congress, that is, to protect the vitality of shipyards in the United States.

Several commenters noted that 46 CFR 67.09-3(c) is unclear as to whether the word "procured" as used there means purchased. Those engaged in fishing or familiar with the fishing industries also indicated that fishing companies would experience serious competitive disadvantages if they are forced to use items of U.S. manufacture or risk having their vessels not be considered U.S. built. They point out that much of the equipment used by the industry is either not avilable from domestic sources or, if it is available, it is not as efficient or advanced as that available from foreign sources where the fishing industry has expanded more rapidly. They suggested that "procured" be defined so that they could use engines and other items of equipment of foreign manufacture or, alternatively, that they be exempt from the regulation. It was also suggested that the regulations provide for a waiver under certain circumstances. The Coast Guard agrees that the word "procured" may have several meanings and that the regulation is unclear in that regard. Although it would be possible to remove the uncertainty by defining the word for purposes of the documentation regulations, for the reasons already discussed the Coast Guard does not feel that is the best way to proceed. Instead, we propose to delete paragraph (c) completely and in doing so will eliminate the word "procured." The Coast Guard believes that the question of whether a vessel should or should not be considered "built in the United States" can be adequately addressed by using the criteria now contained in paragraphs (a) and (b) as quoted above. It is not necessary for the Coast Guard to become involved in questions of where items which are not an integral part of the hull or superstructure were procured in order to answer the basic question of whether a vessel can reasonably be considered the product of United States shipyards. Moreover, acquiring the kinds of evidence which many of the commenters suggested would be appropriate to deal with such issues, that is, bills of sale, invoices, purchase agreements, sworn statements by builders or suppliers, or similar materials, would impose an added burden on the public and the Coast Guard which detracts from our goal of simplification announced in promulgating the vessel documentation regulations. It would also be contrary to the intent of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

Regulatory Analysis

This proposed regulation has been reviewed under the provisions of Executive Order 12291 and determined not to be a major rule. It is considered non-significant within the guidelines of the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). A determination has been made that the expected impact of changing the regulation is so minimal that the proposal does not warrant a full Evaluation. That determination is based on the nature of the change and the following circumstances relative to the need for change.

When the new vessel documentation regulations were proposed in 1981 an effort was made to include various longstanding agency practices. The "fifty percent of cost" rule, paragraph (c) as quoted above, was included on that basis. However, before the regulation was published in final form in June, 1982 it became apparent that paragraph (c), whatever its value or history as a "rule of thumb", would be impossible to implement as a regulation. Rather than change the final regulations, action to deal with § 67.09-3 was deferred to a subsequent rulemaking project. This proposal is part of the follow-up regulatory action which the public was advised would occur.

From the comments received before publication of the final vessel documentation regulations and in response to the ANPRM which preceded this proposal, it is apparent that the existence of a "fifty percent of cost" rule as a Coast Guard guideline or "rule of thumb" for U.S. build determinations was not widely publicized and that it was not well known either within the Coast Guard or the shipbuilding industry. It is also apparent that it was not vigorously enforced. Therefore, it is reasonable to conclude that it has not been a significant factor in decisions by those who might have been affected by it. It is highly unlikely that that situation changed when the final regulations were published, since the Coast Guard advised the public that § 67.09-3 would be subjected to further rulemaking action. No doubt those who have factored paragraph (c) into their decisions since 1 July 1982 have protected themselves against the obvious risk that the subsection might be changed or removed. Thus, the proposed change should produce no more than a minimal impact on anyone. For the same reasons, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164) that this rule, if promulgated, would not have a significant impact on a substantial number of small entities.

Proposed Regulatory Change

List of Subjects in 46 CFR Part 67

Vessels, Documentation.

PART 67—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend 46 CFR Part 67 as follows:

1. The authority citation for Part 67 reads as follows:

Authority: 94 Stat. 3453 (46 U.S.C. 65 a, c, d, e, t, v); 65 Stat 290 (31 U.S.C. 483a); 41 Stat. 1002, 80 Stat. 795 (46 U.S.C. 927); 41 Stat. 1006 (46 U.S.C. 983); 94 Stat. 978 (42 U.S.C. 9101).

2. Revise 46 CFR 67.09-3 to read as follows:

§ 67.09-3 United States built.

A vessel is considered built in the United States if:

(a) All major components of its hull and superstructure are fabricated in the United States; and

(b) The vessel is assembled entirely in the United States.

(c) For the purposes of this section United States includes American Samoa.

Dated:April 11, 1983.

Clyde T. Lusk, Jr.

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 83-12086 Filed 5-4-83; 8:45 am]

BILLING CODE 4910-1-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-373; FCC 83-151]

Revision of the Commission's Rules With Respect to the Assignment of New and Modified Call Letters to AM, FM and TV Broadcast Stations

AGENCY: Federal Communications Commission

ACTION: Proposed rule.

SUMMARY: This Notice proposes to revise § 73.3550 of the Commission's Rules with respect to the assignment of new and modified call letters to AM, FM and TV broadcast stations. This action is taken because the present rules appear to be burdensome and unnecessary.

DATE: Comments are due by May 23, 1983 and replies by June 7, 1983.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert A. Hayne, Mass Media Bureau, (202) 632-6485.

List of Subjects in 47 CFR Part 73

Radio broadcast, Television.

Notice of Proposed Rulemaking

In re matter of revision of § 73.3550 of the Commission's rules with respect to the Assignment of New and Modified Call Letters to AM, FM and TV Broadcast Stations; MM Docket No. 83-373.

Adopted: April 7, 1983.

Released: April 14, 1983.

By the Commission: Commissioner Fogarty absent.

1. The Commission, on its own motion, has under consideration the above-captioned matter concerning the processing of broadcast station call letter requests, and the Commission's underlying policies with respect to the assignment of call letters to broadcast stations.

Background

2. This proceeding is part of an overall effort to expedite the processing of all applications and requests which come before this Commission. Over the past two years, we have revised FCC Form 301-Application for construction Permit for Commercial Broadcast Station and released a *Second Report and Order* in General Docket No. 79-137 involving application processing procedures. We are also in the process of revising FCC Form 340-Application for Construction Permit for Noncommercial Educational Broadcast Station and FCC Form 302-Application for New Broadcast Station License. All of these efforts represent significant progress in meeting our objective. Against this background, we believe that significant improvements can likewise be made in regard to our rules and policies regarding the assignment of call letters.

3. The present call letter rules are the result of our 1973 action codifying existing Commission policies which were scattered throughout various decisions and public notices, and, at the same time, addressing processing problems not previously considered by the Commission. *Assignment of Call Signs,* 41 FCC 2d 481 (1973). In essence, that proceeding provided that a station, may, in most situations, request call letters of its choice (except the initial letter) if the desired call letters are available, are in good taste, and are sufficiently dissimilar phonetically and rhythmically from existing call letters of stations in the same service area so that there will be no significant likelihood of public confusion. That proceeding also dealt with such matters as the procedure for requesting call letters and filing of objections to a proposed set of call letters, requests by a proposed assignee, reassignment of relinquished call letters and conforming basic call letters. After nearly ten years of experience, we are persuaded that our present procedures warrant an in-depth review to determine whether they should be retained, modified or eliminated.

4. The current procedure first requires an applicant to notify all broadcast station within 35 miles. After a staff review, the request is placed upon a Commission public notice for 30 days during which objections may be filed. In the absence of any objection, the call letters are made effective shortly affter the 30-day public notice period. In the event an objection is received, it is resolved at staff level. An aggrieved party may then seek reconsideration by the staff and/or file an application for review which will be considered by the Commission.

Proposed Changes Regarding Objections

5. In considering our current rules, the most obvious problem concerns the filing of objections to requests for call letters. For the most part, these objections allege phonetic and rhythmic similarity between call signs. In this connection, we are confronted with both administrative and substantive problems. Administratively, we have been, at times, overburdened with objections. Even though these objections may be disposed of by delegated authority, aggrieved parties do, on occasion, file an application for review requiring consideration by the full Commission. Considering the demands upon the limited administrative resources of the Commission and the staff, we do not feel that disposing of call letter objections represents an optimum utilization of these resources. In both an administrative and substantive context, it must be noted that in excess of 90% of the objections are denied. In fact, we consider a significant proportion of these objections to be frivolous. In any event, we find ourselves disposing of objections which are, for the most part, not valid. In addition, based upon our past experience, we question whether any valid public interest benefits mandate our continued involvement in this area.

6. Our first proposal is that the Commission not continue to be the forum to resolve call letter disputes. The Commission's role has been to determine whether there is sufficient similarity between call letters that would give rise to a significant likelihood of public confusion as to the identity of a particular station. The discharge of this public interest responsiblity has also had the ancillary benefit to stations of avoiding confusion involving advertisers and ratings. But, as we observed in a recent call letter dispute case: "In the early days of the development of broadcast stations, this Commission may have been properly concerned with protecting one station from possibly trading on another's good will, by adopting similar call letters. However, today broadcast is a mature and healthily competitive industry, and there is less need for protectionist rules." *Classsical Broadcasting Society of San Antonio, Inc.,* 53 RR 2d 87, 88 (1983). When a station does select confusingly similar call letters in order to misappropriate the good will of an established station in the market, the action may be a justicable wrong and constitute unfair competition under common law and state law. *See* 87 C.J.S. *Trade-Marks, Trade-Names, and Unfair Competition* 13, 87 (1954), 74 Am. Jur. 2d *Trademarks and Tradenames* 87 (1974); *Cf. Thompson v. Alpine Motor Lodge, Inc.,* 296 F2d 497 (5th Cir. 1961). The issue in the local forum would be, in essence, the same "Likelihood of public

confusion" issue which we now resolve in a call letter dispute.[1] Thus, instead of purporting to resolve call letter disputes, we propose, consistent with remaining rules and policies, to process and grant all call letter requests. In the event that a local court determines that a station should not use a particular set of call letters, we would take cognizance of that determination and assign a different set of call letters. *Cf. Shamrock Development Corp.*, 32 FCC 2d 82 (1971).

7. In the event it is determined that the Commission should continue to resolve this type of call letter dispute, we should, at the very least, revisit the criteria used to resolve these disputes. We have previously stated that when considering a call letter objection, an objector is not required to show that public confusion is bound to result. Rather, the objector is only required to show that a significant likelihood of public confusion exists. *John Poole Broadcasting Co., Inc.*, 25 RR 335 (1963). Section 73.3550(j) of the Commission's Rules now embodies this principle. Over the ensuing years, we have received numerous objections but have found over 90% of these objections not to be valid. While we believe that most of these objection were filed in good faith, there does seem to be a problem of perception on the part of the objecting stations as to what constitutes a "significant likelihood of public confusion." In this connection, there is considerable precedent on the issue of public confusion, including a recent decision announcing more of a common sense approach to call letter objections.[2] Nevertheless, we realize the misperceptions can easily exist when each case involves a subjective determination beased on the particular call letters involved. If we determine that the public interest requires us to continue to resolve call letter disputes, we propose to modify the language contained in §73.3550(j) of the Rules. Specifically, we would substitute a phrase such as "clear and convincing likelihood of public confusion" in lieu of "significant likelihood of public confusion."

8. Many objections refer to the fact that proposed call letters could be promoted in a manner which could be confused with either existing call letters and/or existing promotional uses. An example of this could be a station requesting call letters with an "EZ" combination when an existing station promotes itself as "easy listening." We have repeatedly stated that promotional announcements and materials used by broadcast stations are influenced by competitive factors which, by their very nature, are subject to frequent changes. For this reason, among others, the manner in which call letters are, or could be, promoted is not taken into consideration by the Commission in resolving a call letter dispute. *PSA Broadcasting, Inc.*, 42 FCC 2d 772 (1973). Nevertheless, this policy does not hamper any party from asserting such rights as it may have under local law in a local forum. Should it be determined by an appropriate authority that a licensee should not use a particular set of call letters for some reason outside the Commission's purview, the initial assignment of call letters would not serve as a bar to the making of a different call letter assignment. *Shamrock Development Corp., supra.* Even though our procedures are clear, we continue to receive objections premised on potentially confusing promotional uses. Therefore, should we decide that the public interest requires us to continue to resolve call letter disputes, we propose to add specific language to §73.3550 of the Rules to advise stations that objections premised on potential promotional use will not be entertained at the Commission.

Notification

9. Section 73.3550(e)(1) of the Rules requires an applicant requesting a new or modified call sign assignment to notify each broadcast station within 35 miles of the community of license. Upon reflection, it appears that the Commission's Public Notice concerning the request for call letters affords any interested station adequate notice. Our primary goal in this proceeding is to streamline a process that we believe to be outmoded and therefore, in many instances, unnecessarily burdensome to our licensees and the Commission. Accordingly, we propose to eliminate § 73.3550(e)(1), whether or not this rulemaking results in elimination or modification of § 73.3550(j).

30-Day Holding Period

10. Section 73.3550(g) of the Rules provides for a 30-day holding period following the issuance of public notice, during which objections may be filed. In the event we were to defer all objections alleging public confusion to local forums for a determination under local law, it would not be necessary to continue with a 30-day holding period. We would merely process and grant all call letter requests as they arrive. If we were to continue to entertain objections, we do not feel that a full 30-day holding period is, in fact, necessary. Therefore, we propose to shorten this period to 15 days. This would not appear to be a hardship to an objecting party and would expedite the processing of these requests.

Conforming Call Signs

11. Section 73.3550(1) of the Rules provides that only commonly owned stations assigned to the "same or adjoining" communities may request conforming the basic call sign. The reason for the above requirement is the avoidance of public confusion as to community of license. See *Eastern Oklahoma Television Company*, 28 FCC 2d 31 (1971). Subsequently, in *Doubleday Broadcasting Co., Inc.* v. *FCC*, 655 F 2d 417 (D.C. Cir. 1981), the Court of Appeals reversed our action denying a request for waiver of § 73.3550(1) of the Rules involving communities less than 2 miles apart. Following *Doubleday*, we have routinely waived this rule with respect to communities 2 or 3 miles apart. At this juncture, we must consider the continuing efficacy of this rule as well as its underlying rationale. In a waiver context, it is exceedingly difficult to "draw a line" at a certain mileage separation between communities, e.g., there is little justification to deny a waiver involving a 4-mile separation when we routinely waive a 3-mile separation. Furthermore, we are unaware of any instance of public confusion emanating from conforming call signs of stations assigned to different communities, which has compromised any cognizable public interest objective. Indeed, to the extent there may be public confusion, we believe that the further the communities are apart, the *less* the likelihood of public confusion as to a particular station's community of license. Accordingly, we are proposing to eliminate the requirement that the requesting stations be assigned to the same or adjoining communities.

Reassignment of Relinquished Call Letters

12. For the most part, call letter requests are processed on a "first-come-first-served" basis, with the first request blocking the acceptance of a subsequent request for the same call letters. In our 1973 proceeding, we considered the matter of "trafficking" in call letters. Specifically, trafficking involves a licensee relinquishing call letters and

[1] In this connection, we must concede that the Commission has no particular expertise in this area vis-a-vis other available forums.

[2] In *Classical Broadcasting Society of San Antonio, Inc. supra*, we stated that the controlling question is simply whether the letters in the call signs, apart of in combination, would sound sufficiently alike to the average listener so that a listener would confuse one station for another.

another licensee wishing to acquire them, by prearrangement, controlling the "availability" date by appropriate timing of their respective requests. We viewed this practice as being unfair to other parties having a legitimate interest in the relinquished call letters and bordering upon an abuse of process. In response to this purported problem, we adopted § 73.3550(k) of the Rules which provides for the Commission announcing the availability of relinquished call letters. All requests for the relinquished call letters received within a subsequent 15-day period are considered on an equal footing, with the call letters being awarded to the applicant having the longest continuous period of broadcast service. After careful consideration of this matter, we are not persuaded that private agreements between licensees harm other parties or the public interest to the extent of justifying the ongoing burden the above rule places upon our processing staff. In arriving at this determination, we would like to emphasize that any potential applicant for a set of call letters in the process of being relinquished may simply inquire as to the effective date of the proposed change in call letters. Since this date constitutes the date of relinquishement, the interested party may then submit its request on that date. Therefore, we are proposing to eliminate the 15-day procedure and process all call letter requests on a "first-come-first-served" basis. In the event we receive requests for the same call letters on the same day, we would only then select the applicant with the longest continuous period of broadcast service.

13. Section 73.3550(q) of the Rules proscribes reassignment of call letters in the same community within 180 days of relinquishment, except to the same licensee or its successor-in-interest. The purpose of this rule is to avoid the erroneous impression among listeners and viewers that the same principals are involved in the new operation. We are skeptical whether this rule furthers a tangible public interest objective. The purpose of call letters is to permit the identification of a station and not the principals of the licensee. Furthermore, this rule, in effect, draws a dichotomy between a licensee assigning its license (and call letters) to a new party and a new party merely requesting reassignment of relinquished call letters in the same community. Both situations would appear to involve an equally erroneous impression concerning the ownership of the station. We are not convinced that considering one situation to be in the public interest and the other to be contrary to the public interest is a valid distinction. Accordingly, we are proposing to eliminate this proscription concerning assignment of relinquished call letters.

"Suitable Clearance" for Certain Call Letters

14. Section 73.3550(s) of the Rules proscribes the assignment of call letters using the initials of the President, a living former President, the United States of America or any of its agencies or departments, unless "suitable clearance" is obtained. This requires the applicant to undertake efforts to gain suitable clearance and requires us to make *ad hoc* determinations that these efforts represent compliance with this rule. We question whether assignment of such call letters without suitable clearance harms the public interest. In this connection, it should be noted that with the plethora of federal agencies, we have, on occasion, inadvertently assigned call letters representing the initials of a federal agency without any suitable clearance (e.g., Station WEPA, Eupora, Mississippi). In a somewhat similar vein, as individuals become President of the United States, their initials can easily conflict with existing call letters (e.g., Station WRMN, Elgin, Illinois). Such instances do not appear to have caused public confusion or otherwise harmed the public interest. Therefore, we propose to delete this rule and routinely assign such call letters, if requested.

Other Matters

15. There are other matters involving call letters which appear to warrant comment in this proceeding. The first concerns the actual need for call letters. In this connection, we must evaluate our international treaty obligations to assign call letters. We would welcome comments on this subject. We also seek comment on the necessity for and usefulness of call signs with regard to enforcement activity of the Field Operations Bureau. The second matter concerns the requirement of § 73.3550(j) that call letters be "in good taste." In this regard, we would consider comments on whether there should be specific Commission criteria on what is, or is not, in "good taste," and/or whether we should eliminate § 73.3550(j) altogether. Finally, as indicated in paragraph 6, above, we are proposing to have issue of confusingly similar call letters arbitrated in local forums. In such situations, we believe that relief could be afforded regardless of whether or not the confusingly similar call letters are valid technical service marks. *Cf. American Shops v. American Fashion Shops,* 13 N.J. Super. 416, 80 A. 2d 575 (1951). However, it appears that a proceeding in a local forum could be facilitated if the call letters were a valid service mark. For this reason, we would also welcome comments concerning this matter and whether a Commission action conferring a proprietary or ownership right to call letters would be legally sufficient for the licensee to obtain a valid service mark.

16. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IKRFA) of the expected impact of these proposed policies and rules on small entities. The IRFA is set forth below. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Regulatory Flexibility Analysis. The Secretary shall cause a copy of this Notice, including the IRFA, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act.

17. Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

I. Reason for Action

Requiring applicants for call letters to notify all broadcast stations within 35 miles and comply with other rules of questionable public interest value unnecessarily restricts broadcast licenses, imposes a burden on applicants and delays the processing of these requests.

II. The Objective

The Commission proposes to delete such requirements.

III. Legal Basis

Section 303(r) of the Communications Act of 1934, as amended, which permits the Commission to make such rules and regulations, not inconsistent with law, as may be necessary to carry out the provisions of this Act.

IV. Description, Potential Impact and Number of Small Entities Affected

Many broadcast stations can be classified as small businesses. These stations will benefit by lessening the requirements imposed upon them.

V. Recording, Record Keeping and Other Compliance Requirements

None.

VI. Federal Rules Which Overlap, Duplicate or Conflict With This Proceeding.

None.

VII. Significant Alternatives Minimizing Impact on Small Entities

The alternative would be to maintain the status quo and thus continue to require compliance with these rules. This would not accomplish the beneficial objective sought in this rulemaking.

18. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contracts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is a written or oral communication (other than formal written comment/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commissioner's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See Generally,* § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

19. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to the procedures set forth in § 1.415 of the Rules, 47 CFR 1.415, interested parties may file comments on or before May 23, 1983 and reply comments on or before June 7, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the *Report and Order.*

20. In accordance with the provisions of § 1.419 of the Rules, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interests by participating informally, may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

21. For further information concerning this document, contact Robert Hayne, (202) 632-6485.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-11983 Filed 5-4-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 100-179, Ch. I

[Docket No. HM-188]

Transportation of Hazardous Materials Between Canada and the United States

AGENCY: Research and Special Programs Administration, Materials Transportation Bureau, DOT.

ACTION: Advance notice of proposed rulemaking; notice of public hearing.

SUMMARY: The Materials Transportation Bureau (MTB) solicits public comments relative to any future action it should take concerning the provisions of § 173.8 of the Department's Hazardous Materials Regulations (HMR). This section allows, with certain exceptions, shipments of hazardous materials to be transported by railroad into or through the United States in conformance with the regulations of the Canadian Transport Commission (CTC). MTB will consider oral comments at a public hearing as well as written comments. Commenters may also address matters related to proposed requirements of Canada's Ministry of Transport (Transport Canada) even though such comments would only be relevant to § 173.8 if they are adopted as final requirements under Canada's Transportation of Dangerous Goods Act at a future date.

DATE: hearing June 2, 1983, beginning at 9:30 a.m.

ADDRESS: The Hearing will be held in room 2230, Nassif Building, DOT Headquarters, 400 Seventh Street, SW., Washington, D.C.

Written comments: Submit written comments to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, International Standards Coordinator, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Telephone: (202) 426-0656.

SUPPLEMENTARY INFORMATION: Until the mid 1970's, the regulations of the CTC (formerly the Board of Transport Commissioners for Canada) were, with few exceptions, identical to those found in the HMR. It was due to this regulatory compability that trans-border shipments of hazardous materials moved without confusion on the part of shippers and carriers as to the applicability of regulatory requirements of each country. This may not be the present situation since CTC's and DOT's regulations for the safe transportation of hazardous materials differ in a number of significant ways.

The CTC regulations are entitled "Regulations for the Transportation of Dangerous Commodities by Rail" (TDCR) and are prescribed by "General Order No. 1974-1-Rail" of the Canadian Transport Commission dated July 31, 1974. The following is stated in general notice as a forward to the TDCR:

> These regulations are applicable to dangerous commodities transported over railways subject to the jurisdiction of the Commission.

Paragraph 9(a) of § 173.8 of the HMR reads as follows:

> Except for hazardous wastes and hazardous substances, shipments of hazardous materials which conform to the regulations of the Canadian Transport

Commission (formerly the Board of Transport Commissioners for Canada), may be transported from the point of entry in the United States to their destination in the United States, or through the United States en route to a point in Canada. Empty rail tank cars may be transported in conformity with Canadian Transport Commission regulations from point of origin in the United States to a point of entry into Canada.

Considering the applicability of CTC's TDCR and the paragraph from the HMR quoted above, so-called reciprocity in regulations exist at the present time only in regard to transportation of hazardous materials (dangerous commodities) by railroad and only to materials that are subject to both CTC and DOT regulations (e.g., there is no CTC regulation presently applicable to conbustible liquids; therefore, the provisions of § 173.8 do not apply and combustible liquids must be transported in conformance with the HMR).

Most recent major revisions to CTC's regulations became effective on May 1, 1982. Many of the revisions reflect conformance to international standards based on recommendations issued by the United Nations Committee of Experts on the Transport of Dangerous Goods. The following discussions do not constitute a comprehensive analysis of CTC's regulations; they are provided only to illustrate some of the differences between CTC and DOT regulations (two numbers before a decimal in a section citation denote a CTC rule, e.g., § 71.1, whereas three numbers before a decimal denote a DOT rule contained in 49 CFR, e.g., § 171.1):

1. The list of dangerous commodities in § 72.5 most closely aligns with the list of the International Maritime Dangerous Goods Code (IMDG Code) and differs in many respects from the list in § 172.101. For example, numerous explosives descriptions not given in § 172.101 are listed in § 72.5. The list is virtually identical to DOT's optional hazardous materials table in § 172.102 and quite similar to the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, use of which is permitted by § 171.11.

2. A number of materials are classed differently in § 72.5 than they are in § 172.101. Also, the international class numbering system is used in § 72.5 rather than the class words in § 172.101. Examples are: (1) Aluminum hydride bears class number 4.2 which, according to § 72.1, means a substance "liable to spontaneous combustion" whereas, in § 172.101, it is classed as a Flammable solid; (2) Ammonia, anhydrous and Hydrogen chloride bear class number 2.3 which, according to § 72.1, means "Poison gases" whereas, in § 172.101, each of these materials is classed as a nonflammable gas; and (3) according to § 72.1, high-strength nitric acid, e.g., a 72% concentration, bears class number 8 for corrosives, and according to § 172.101, nitric acid at this concentration is classed as an oxidizer.

3. Section 73.427 sets forth CTC's requirements for shipping papers. Included is a provision that the class number of a material be used rather than a class word(s) required by § 172.202 in referencing § 172.101. Use of class numbers alone is not generally permitted by the HMR for imported shipments moving by rail or highway; therefore, for basic descriptions of hazardous materials on shipping papers appearing in the United States, only shipments by rail coming from Canada are presently permitted (by § 173.8) to have classes identified on shipping papers by numbers in place of class words.

4. Except for placards for Explosives and Poison Gas, placards for railcars specified in § 74.548 are wordless enlarged UN labels bearing class numbers in the bottom corner. For example, the only distinction between a FLAMMABLE GAS and a FLAMMABLE LIQUID placard is class number 2 or 3, respectively, in the bottom corner. DOT requires class words on placards except when identification numbers are permitted and displayed. In § 74.548a, CTC not only requires identification numbers to be displayed on bulk packagings, as is required by DOT, but on every carload, container load, or trailer load of hazardous materials requiring a placard. Except for division 2.3 (poison gas), which is addressed in § 74.548b, § 74.548a requires identification numbers to be displayed only on placards and does not permit optional use of orange panels.

5. The CTC regulations contain no provisions for the transport of consumer commodities as provided by the HMR.

6. Paragraph 73.9(c) permits, with certain exceptions, the transport into the United States of hazardous materials prepared in accordance with the IMDG Code, provided they are transported in closed freight containers and that the DOT certification statement appears on the shipping papers. The HMR do not generally permit the transport by rail of hazardous materials packaged or placarded in accordance with the IMDG Code without regard to the corresponding requirements in the HMR.

7. The CTC regulations contain no listing of forbidden materials, as listed in § 172.101, and certain provisions appear in § 173.21 for which there is no corresponding provision in § 73.21. For example, § 173.21(d) forbids "* * * materials (other than those classed as explosives) which will detonate in a fire". The CTC regulations contain no such general prohibition. Other examples of materials forbidden for transport under the HMR, but permitted by the CTC regulations, include "new" explosives not approved in accordance with § 173.86 and Methyl ethyl ketone peroxide containing more than 9 per cent active oxgen.

MTB believes that it should make every reasonable effort to recognize shipments coming into the United States in conformance with CTC regulations (and future Transport Canada regulations) in consideration of the fact that (1) CTC fully recognizes shipments moving into Canada under DOT regulations (§ 73.8), and (2) more than $3 billion worth of hazardous materials (dangerous commodities) move annually between our countries.

Commenters are invited to address any potential safety impacts being encountered or contemplated as a result of the present "reciprocal" regulatory provisions of § 73.8 and § 173.8 or that may result from Transport Canada requirements (a number of which, if adopted as proposed in the *Canada Gazette* on June 19, 1982, would be the same as those of CTC). Of particular concern to MTB are those potential safety impacts that may be related to emergency response actions because of several fundamental differences in communications requirements. This concern may be offset by the fact that both regulatory systems use identification numbers assigned to materials based on the worldwide UN System. It is these identification numbers which provide rapid access to emergency response information in the U.S. Emergency Response Guidebook and Canada's Emergency Response Guide for Dangerous Goods. Commenters are encouraged to discuss the value of this matrials identification numbering commonality in offsetting other differences in light of the wide dissemination of the Guidebook and its growing use by fire, police, and other emergency response entities in the United States.

MTB wishes to emphasize that the purpose of this Advance Notice of Proposed Rulemaking is to solicit comments concerning safety impacts due to differences in regulations pertaining to the safe transportation of hazardous materials. It is not intended to address the mertis of CTC's regulations (or those proposed by Transport Canada); nor is it intended to serve as a forum for such a purpose.

It is requested that persons desiring to provide oral comments at the hearing advise Mr. Altemos before June 2, 1983.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1 and paragraph (a)(4) of Appendix A to Part 106)

Issued in Washington, D.C. on April 28, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-11849 Filed 5-4-83; 8:45 am]

BILLING CODE 4910-60-M

Federal Railroad Administration

49 CFR Part 229

[Docket No. RSGC-2, Notice 4]

Display of Alerting Lights by Locomotives at Public Rail-Highway Crossings; Termination of Rulemaking

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Termination of rulemaking.

SUMMARY: This notice terminates rulemaking action in FRA Docket No. RSGC-2. The last notice of proposed rulemaking (47 FR 44791) involved a proposal to require railroad locomotives to display flashing lights at public rail-highway grade crossings. The underlying assumption of the proposal was that such lights would alert motorists of an approaching train and thereby reduce the likelihood of an accident at the crossing. Termination of this rulemaking is based on public comments and FRA's determination that there is no justification for a Federal regulatory requirement that railroads equip their locomotives with an alerting light.

FOR FURTHER INFORMATION CONTACT: John Leeds, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, telephone (202) 426-4345.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 1978, the FRA published an advance notice of proposed rulemaking (ANPRM). The purpose of the ANPRM was to determine whether Federal regulations should require locomotives to be equipped with lighted devices, beyond the standard headlight, intended to alert motorists that a train is approaching a rail-highway crossing at grade (43 FR 9324).

Although the comments were largely negative, FRA determined that the alerting light concept warranted further exploration. Hence, FRA issued a notice of proposed rulemaking (NPRM) on June 18, 1979 (44 FR 34982). This NPRM proposed to require the display by railroad locomotives of dual alternating electronic flash tube lights (strobe lights) at public rail-highway crossings at grade.

The response to the strobe light NPRM was overwhelmingly negative. Substantial questions were raised about the effectiveness of the strobe light (and alerting lights generally), the costs involved, and the operational reliability of the strobe devices. As a result, the FRA withdrew the strobe light NPRM on April 15, 1982 (47 FR 16189).

On October 12, 1982, FRA issued a second NPRM (47 FR 44791). This notice proposed the installation of a single alerting light on railroad locomotives, with a wide variety of light types qualifying as an alerting light. By removing the concerns expressed by the commenters to the earlier NPRM that related solely to the strobe type light, FRA sought to focus attention on the critical question whether alerting lights were effective at all.

Once again, the comments were largely negative. In view of the practical experience of the commenters with alerting lights and the depth of the technical analysis, the working hypothesis of the proposed rule was substantially undermined.

Substantial data and analyses have now been developed as a consequence of this extended rulemaking proceeding. FRA believes that the current information is more than sufficient to permit a determination whether a requirement that locomotives be equipped with alerting lights is justified. Having conducted a thorough review of the data and analyses, FRA has concluded that the information in the Docket does not support the proposition that alerting lights are effective in reducing the incidence of grade-crossing accidents. Without that support, a Federal regulatory requirement that railroads equip their locomotives with an alerting light is not justified.

Alerting Light Effectiveness

The notion that the installation of a lighted flashing device on a railroad locomotive (in addition to the standard headlight) might make the locomotive more conspicuous is not a new one. Decades before FRA began its proceeding in this docket, some railroads were utilizing an oscillating headlight (Mars light) on locomotives used in high speed passenger service to attract the attention of persons along the right-of-way. More recently, other lighted devices (strobe lights and revolving dome lights, for example) have been utilized by various railroads for a variety of purposes.

Against this backdrop, FRA approached its inquiry with a working assumption or hypothesis that an alerting light would increase the conspicuousness of a railroad locomotive, and thereby reduce the number of rail-highway accidents at grade.

As set forth below, however, this assumption has not been validated by the analysis and data in the docket that has been developed as part of this rulemaking.

The most important study in support of the first proposed rule is entitled "Analysis for NPRM: Strobe Lights on Locomotives". It was prepared for FRA by Dr. W. Curtiss Priest and Mr. Karl Knoblauch of IOCS, Inc. The study includes an evaluation of the effectiveness of dual strobe lights, an analysis of the benefits and an estimation of the costs of a regulation requiring strobe lights, and a measure of the economic impact of such a regulation on the railroad industry. This study, which concluded that strobe lights are cost beneficial, formed the basis for FRA's cost/benefit analysis for the second NPRM.

The IOCS study, however, is not based on empirical data. It is instead a theoretical analysis of the possible impacts of requiring alerting (strobe) lights on railroad locomotives. On both aspects of the effectiveness issue—the degree of increased conspicuity alerting lights provide and whether that increased conspicuity will actually reduce the number of accidents—the authors, in the absence of any data, were compelled to speculate. The authors could conclude only that "[i]t is judged that between 25 and 75 percent of the motorists would react favorably."

The IOCS study, therefore, is of no real assistance on the issue of whether and to what extent alerting lights on railroad locomotives are effective.

The second study involves the FRA strobe light test program and is entitled "Operational Testing of Locomotive-Mounted Strobe Lights." The study was prepared for FRA by John B. Hopkins of the Transportation Systems Center of DOT. The testing, conducted in cooperation with four railroads, sought to assure compatibility with normal operations, validate previous cost estimates, and obtain a measure of safety effectiveness.

The major finding of the study was that the strobe light device used in the test program did not have adequate reliability in the rail environment, a concern voiced by the many railroad commenters in response to the first NPRM. As a result, the FRA withdrew

the strobe light NPRM and subsequently issued the second NPRM that would have permitted a wide variety of light types.

The operational tests did not provide an objective measure of the effectiveness of alerting lights. Compared on the basis of rail-highway crossing accidents per locomotive mile, the locomotives equipped with strobe lights fared slightly better than those without them. The authors of the study noted, however, that so few accidents occurred on each participating railroad that one more or one less accident involving either the equipped or the unequipped locomotives would produce substantially different comparative results. Accordingly, the study found (page viii) that "the sample was too small to draw valid conclusions on a wider basis." The study concluded that, insofar as effectiveness was a criterion, the limited operational test data did not provide justification for a universal requirement for alerting lights.

FRA likewise concludes that this test report does little to illuminate the issue of effectiveness. Moreover, FRA believes that no test program of any reasonable cost and scope can be devised to generate objective, statistically valid data from which the actual effectiveness of alerting lights can be determined. A host of factors are intertwined in the causal circumstances underlying public rail-highway crossing accidents, many of which are impossible to isolate or quantify for purposes of achieving valid test conclusions. The relative infrequency of such accidents on a per locomotive mile basis inhibits the accumulation of a proper data base. The wide differences in railroad environments and operating conditions preclude generalizing from limited testing in a few environments.

The third study relating to the effectiveness issue is the study included in the comments of the Association of American Railroads (AAR).

The AAR study analyzed the 1980 and 1981 accident rates at public rail-highway crossings at grade not protected by active warning devices. It compared the accident rates for railroads that have equipped their locomotives with alerting lights to the rates for railroads whose locomotives are not so equipped. The railroads included in the study accounted for approximately 70 percent of road locomotives, 60 percent of all public rail-highway crossings at grade, and 63 percent of all public rail-highway crossing accidents.

A summary of the conclusions of the study is found on page A-1 of the AAR comments:

> The results of the analysis indicate that there is no statistically significant relationship between the number of accidents per crossing and whether or not the locomotives were equipped with altering lights. There is no evidence in the available data that alerting lights are effective in reducing grade crossing accidents.

Having carefully reviewed the underlying study, FRA agrees that the conclusions drawn by the AAR are consistent with the data analyzed. As in the case with any complex statistical analysis, reasonable minds might differ with certain of the assumptions that were made by the AAR in comparing and analyzing the data. Nevertheless, FRA believes that such differences would not materially affect the validity of the AAR's conclusions.

Indeed, as a result of the approach taken by the AAR study, FRA developed a fourth study. This study also compares a group of railroads with locomotives equipped with alerting lights to a group whose locomotives were not so equipped to determine if the effectiveness of alerting lights on railroads locomotives can be demonstrated. The FRA study, which has been included in the docket, approaches the selection of the relevant rail-highway crossing accidents in a different manner. It attempts to isolate more specifically the altering light component in the overall accident rate of the two groups—an extremely difficult task since that component is only one of many, more significant factors.

The FRA analysis, at the very least, supports the identical conclusion reached by the AAR: there is no evidence that alerting lights are effective in reducing grade crossing accidents. In fact, the group of equipped railroads that were examined in the FRA study had a slightly higher grade-crossing accident rate. To the extent any affirmative conclusion could be drawn from the FRA study, it is that alerting lights have no discernible effect on the incidence of grade-crossing accidents.

Finally, FRA was presented with the statements of railroads commenters that their actual experience with altering lights on railroad locomotives does not indicate any discernible safety benefit. These statements are notably consistent with the negative and inconclusive results of the studies discussed above. At the public hearing held in conjunction with the last NPRM, the witness for Amtrak, which is a carrier whose locomotives are equipped with strobe lights, testified as follows:

> Although Amtrak now has extensive experience with the operation of trains in all parts of the country with warning lights on its locomotives, we do not feel there is any evidence in our experience that could justify the conclusion that these lights produce a significant safety benefit * * * Amtrak believes that enhanced visibility of trains, which we have sought to achieve through the use of warning lights, is not a significant factor in eliminating grade crossing accidents * * * Amtrak cannot specifically demonstrate that there have been no safety benefits from such lights; however, we have not found any positive evidence that these lights produce a significant safety benefit.

Not only is there no evidence warranting a finding that alerting lights are effective in reducing accidents, the data do not provide any adequate basis for comparing the relative effectiveness of alerting lights with other grade crossing safety efforts, *e.g.*, Operation Lifesaver, an industry-State cooperative public education program. Information in the docket indicates that States having Operation Lifesaver programs have a rail-highway crossing accident rate declining at a faster pace than States that do not have such programs. Thus, even assuming that alerting lights were effective to some degree, that alone would not warrant Federal regulation to require them as opposed to other alternatives.

Obtaining data to make comparisons between various rail-highway grade crossing protection programs is extremely difficult, if not impossible. The difficulties in isolating and measuring the effectiveness of alerting lights are also present in determining the effectiveness of other grade crossing protection programs. Accordingly, FRA has no basis upon which to mandate a universal rule for all railroad operations. An individual railroad is in the best position to determine the optimum grade crossing program or programs for its particular situation. The steady decline over the past decade in the number of rail-highway accidents, fatalities, and injuries indicates that the choices have been successful overall.

Accordingly, rulemaking action in Docket No. RSGC-2 is terminated.

(Secs. 2, 7, 8, 9, and 13, Locomotive Inspection Act (45 U.S.C. 23, 28, 29, 30 and 34); sec. 6 (e) and (f), Department of Transportation Act (49 U.S.C. 1655 (e) and (f)))

Issued in Washington, D.C., on April 26, 1983.

Joseph W. Walsh,

Associate Administrator for Safety.

[FR Doc. 83-11952 Filed 5-4-83; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-09; Notice 12]

Federal Motor Vehicle Safety Standards; Child Restraint Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to Standard No. 213, *Child Restraint Systems,* which would modify the buckle force requirements of the standard. The proposed amendment would reduce the minumum force requirement in the pre-impact test of the belt buckle from 12 to 9 pounds. It would also establish a new 12-pound maximum force requirement for the pre-impact test. The current maximum permitted force in the post-impact test would be reduced from 20 to 16 pounds. In addition, the notice proposed adding buckle size and buckle latching requirements to the standard. The effect of these requirements will be to ensure that child restraint belt buckles are easier for adults to operate, while also ensuring that children will not be able to open the buckles by themselves.

DATES: Comments must be received by June 20, 1983. The proposed effective date of the amendment is 35 days after publication of the final rule.

ADDRESS: Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Vladislav Radovich, Office of Vehicle Safety Systems, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2664).

SUPPLEMENTARY INFORMATION: On December 13, 1979 (44 FR 72131), the agency adopted Safety Standard No. 213, *Child Restraint Systems* (49 CFR 571.213). That standard substantially upgraded the performance requirements for child restraints. One section of the standard sets a limit on the amount of force necessary to open a child restraint belt buckle and release a child. The purpose of the requirement is to prevent young children from unbuckling the restraint, while still allowing adults to do so easily. Based on research done by Peter Arnberg for the National Swedish Road and Traffic Research Institute, the agency adopted a force of 12 pounds as the minimum force required to open a buckle and limited the maximum force to 20 pounds. (A copy of that research, "Handling Performance of Buckles on Child Seats with Regard to Opening Force Requirements," as well as the other research and information provided by manufacturers that is cited in this notice have been placed in the general reference section of this docket.)

Buckle Force Limits

Since adoption of the standard, the agency has received information indicating that the minimum force level found in belt buckles meeting the standard may be too high, thus making the buckles difficult to open. One manufacturer, Questor Juvenile Manufacturing Co., has provided the agency with letters from owners of its restraints commenting on the difficulty of opening the belt buckles. In addition, a study conducted for the agency by the University of Michigan's Highway Safety Research Institute (HSRI) has indicated that the operating force found in some buckles may be too high. The study, "Factors Affecting Consumer Acceptance and Use of Child Restraint Systems," examined the cause of consumer satisfaction and dissatisfaction with child restraint systems. Although the researchers did not conduct formal buckle force compliance tests, they did make measurements of the forces needed to open the buckle. They found that some buckles required as much as 21 pounds of pressure to release, a force which is difficult for most adult women to produce.

The researchers suggested that manufacturing variations were one reason for the high force level (i.e., to ensure that all their buckles do not open when a force of less than 12 pounds is applied to them, manufacturers may have to design their buckle to open at 14 pounds to account for expected variations in the manufacturing process).

To reduce potential problems in opening child restraint belt buckles, the agency has decided to reduce the minimum and maximum buckle release force limits. In addition, the agency is proposing to modify the buckle force measurement test procedures. Both of these changes will facilitate the use of belt buckles that require approximately 10.5 pounds of force to release.

At present, the buckle force test procedure specifies that a buckle is to be tested both before and after the impact testing of the child restraint. In both the pre-and post-impact tests, tension is applied to the buckle prior to measuring the buckle release force. The purpose of applying tension is to simulate the force that would be applied to the buckle by a child that is hanging upside down in the restraint.

The agency is proposing to make several changes to the pre-impact tests. The first change would eliminate the use of tension in the pre-impact test. While the application of tension is appropriate in the post-impact test, to simulate the buckle force that would be encountered by an adult who is releasing a child from a restraint after a rollover crash, the application of tension is not needed in the pre-impact test. Thus, in the pre-impact test, buckle force would be measured with no load applied to the belt buckle, except the load exerted by properly adjusting the belt system around a child.

The agency is also proposing the minimum buckle force permitted in the pre-impact test be reduced by 3 pounds, from 12 to 9 pounds. According to the Arnberg study, a minimum buckle force level of 9 pounds is sufficient to prevent children up to the age of approximately 4 from opening the buckle by themselves. In addition, the agency is proposing to set a force of 12 pounds as the maximum permitted in the pre-impact test. Setting a minimum level of 9 pounds will mean that even if the amount of manufacturing variation in buckle force is 3 pounds, the force required to open the buckle under normal conditions need not be more than 12 pounds. The agency specifically requests comments and test data from manufacturers about whether a difference of 3 pounds between the minimum and maximum buckle force is sufficient to account for the amount of buckle force variation that they are currently experiencing.

In the post-impact test, the agency would still apply tension to the buckle before the release force is measured. However, the maximum permitted release force would be reduced from 20 to 16 pounds. The agency is permitting a slightly higher maximum release force in the post-impact test to account for damage that might occur to the buckle during the impact test. According to Arnberg's research almost all of the adult women in the study were able to open a buckle with a maximum release force of 16 pounds using one hand.

Buckle Latching

The agency has received several letters concerning instances where parents have fastened a child restraint belt buckle, the buckle felt secured, but subsequently popped open. Such a design problem, referred to as false

latching, is easily correctable. To prevent further problems, the agency is proposing to require child restraint buckles to meet the latching requirement of S4.3(g) of Standard No. 209, *Seat Belt Assemblies*. That requirement prohibits the material used in the buckle from wearing so that it impairs the normal latching and unlatching of the buckle.

Buckle Size

A portion of the difficulty parents have experienced in opening some child restraint belt buckles may be attributable to the size of the buckle release mechanism (i.e., the size of the push button or other type of release mechanism). For example, the smaller the area of the push button release mechanism, the larger the amount of pressure per square inch the parent must exert to open the buckle. The agency has eliminated such problems for adult seat belt buckles by specifying a minimum area for the buckle release mechanism. To ensure that child restraint belt buckles are as easy to operate as adult belts, the agency is proposing to require child restraint buckles to have a minimum release area. For example, a push button would have to have a minimum area of 0.6 square inch. Most child restraints currently have minimum buckle release areas that comply with this requirement.

Belt Length/Shell Width

The HSRI report on child restraints also raised questions about the length of the harness webbing used in child restraints and the width of child restraints. The researchers noted that the use of winter clothing significantly increases the amount of harness webbing needed to accommodate a fully clothed and diapered child. They reported that a snowsuit can add six inches to the length required for a harness lap belt to accommodate a child. In addition, the researchers said that nearly all child restraints are too narrow for the size children they claim to accommodate.

The researchers attribute these design problems to a failure to use anthropometric data in determining needed width and harness webbing length and the failure to take into consideration the use of heavy clothing. They also commented that the design problems result in part from the use of the Part 572 three-year-old test dummy, which is used in the dynamic sled test to measure the crash performance of the restraint, as the exclusive design guide in developing restraints.

One long-range solution is for the standard to be amended to use additional test dummies to simulate larger children. However, because of the long time and expense needed for research, development and testing such dummies, such a solution would be several years away. Another possible solution is to conduct the crash tests with a test dummy dressed in a typical snowsuit. At present, child restraints are tested with the dummy dressed in summer-type clothing.

The agency requests comments from all interested parties on those and other regulatory and non-regulatory ways to address the issues of belt length and shell width.

Economic Effects

The agency has considered the economic and other effects of this proposal and has determined that the proposed rule is not a major rule within the meaning of Executive Order 12291. The agency has further determined that the proposal is not significant within the meaning of the Department of Transportation's regulatory procedures. The basis for those determinations is that the proposed rule reduces the current overly stringent buckle force requirements. The expected effects of the buckle force, latching and minimum size proposals are so minimal that the proposal does not warrant a full Regulatory Evaluation.

The agency has also considered the effect of this proposal in relation to the Regulatory Flexibility Act. I certify that the proposal would not have a significant economic impact on a substantial number of small entities. As explained previously, the effect of the proposal is to modify the buckle release requirements to make it easier for adults to open the buckle. The proposed requirements should not significantly increase the testing and design costs for child restraint manufacturers.

The proposed amendments would not have a significant effect on a substantial number of small government jurisdictions and small organizations. Some of those entities are affected because they are purchasers of child restraints. However, the cost effect of the proposed changes are minimal. Accordingly, no initial regulatory flexibility analysis has been prepared.

Finally, the agency has analyzed this proposal for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant effect on the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompained by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All coments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestion for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects In 49 CFR Part 571

Imports Motor vehicle safety Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

§ 571.213 [Amended]

In consideration of the foregoing, the following amendment is proposed to § 571.213, *Child Restraint Systems*, of Title 49 of the Code of Federal Regulations:

1. Section 5.4.3.5 would be revised to read as follows:

* * * * *

S5.4.3.5 *Buckle Release.* Any buckle in a child restraint system belt assembly designed to restrain a child using the system shall:

(a) When tested in accordance with S6.2.2 prior to the dynamic test of S6.1, not release when a force less than 9 pounds is applied and shall release when a force of not more than 12 pounds is applied;

(b) After the dynamic test of S6.1, when tested in accordance with S6.2.3, release when a force of not more than 16 pounds is applied;

(c) Meet the requirements of S4.3(d)(2) of FMVSS No. 209 (§571.209), except that the minimum surface area for child restraint buckles designed for push button application shall be 0.6 square inch;

(d) Meet the requirements of S4.3(g) of FMVSS No. 209 (§571.209) when tested in accordance with S5.2(g) of FMVSS No. 209; and

(e) Not release during the testing specified in S6.1.

* * * * *

2. Section 6.2 would be revised to read as follows:

* * * * *

S6.2 *Buckle release test procedure.* Any belt assembly buckle used in each child restraint system shall be tested in accordance with S6.2.1 through S6.2.4.

* * * * *

3. Section 6.2.1 would be revised to read as follows:

* * * * *

S6.2.1 Prior to testing specified in S6.1 place the locked buckle on a hard, horizontal, flat surface with each belt end loaded to 2 pounds. For pushbutton-release buckles the force shall be applied by a conical surface (cone angle not exceeding 90°) at the centerline of the push button 0.125 inches from a movable edge and in the direction that produces maximum releasing effect. For lever release or sliding type buckles, the force shall be applied on the centerline of the buckle lever or finger tab in a direction that produces maximum release. Measure the force required to release the buckle.

* * * * *

4. Section 6.2.2 would be revised to read as follows:

* * * * *

S6.2.2 After completion of the testing specified in S6.1, and before the buckle is unbuckled, tie a self-adjusting sling to each ankle of the test dummy in the manner illustrated in figure 4.

* * * * *

5. Section 6.2.4 would be revised to read as follows:

* * * * *

S6.2.4 While applying the force specified in S6.2.3, measure the force reqired to release the buckle as follows: For push button release buckles, apply a force with a conical surface (cone angle not exceeding 90°) at the centerline of the pushbutton 0.125 inches from a movable edge and in the direction that will produce maximum releasing effect. For lever release or sliding type buckles, the force is applied on the centerline of the buckle lever or finger tab in a direction that produces maximum release effect.

* * * * *

6. Section 6.2.5 would be removed.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on April 29, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-12026 Filed 5-4-83; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 260

Request To Grade Imported Fishery Products

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

ACTION: Request for comment.

SUMMARY: The National Marine Fisheries Service (NMFS) seeks comments on the effect on consumers and the U.S. seafood industry of grading imported finished fishery products for sale in the United States. Comments will be used to determine if seafood product inspection regulations should be changed in response to requests from U.S. corporations for grading services for imported finished products.

DATE: Comments should be received by June 30, 1983.

ADDRESS: Comments should be addressed to Thomas J. Billy, Acting Director, Office of Utilization Reseach, F/S3, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Richard V. Cano (Acting Program Manager, National Seafood Inspection Program), 202-634-7458.

SUPPLEMENTARY INFORMATION: NMFS has been requested by a U.S. corporation to grade foreign-processed, finished seafood products and mark them with the appropriate U.S. grade designation for sale in the United States. Similar inquiries have been received in the past from other interested parties in the United States and from U.S. companies with interests in foreign countries. The U.S. Department of Agriculture grades certain imported commodities (other than fish) under requirements of marketing orders. It also has bilateral arrangements with certain foreign inspection agencies to accept foreign certification of hygienic processing conditions and wholesomeness of certain commodities, in some cases for subsequent U.S. grading.

It has been determined that NMFS is not prohibited by statute from grading foreign finished seafood products so long as such grading will further the purposes of both the Fish and Wildlife Act of 1956, as amended, and the Agricultural Marketing Act of 1946, as amended. The Fish and Wildlife Act state that the fishing industry can prosper only if certain fundamental needs are satisfied, including:

- Maintenance of an economic atmosphere in which domestic production and processing can prosper;
- Protection from subsidized competing products; [and,] * * *
- Assistance consistent with that provided by the Government for industry generally, such as is involved in promoting * * * fair trade standards * * * [or] better health standards and sanitation * * *.

The Agricultural Marketing Act states the intent of Congress to provide:

> * * * an integrated administration of all laws enacted by Congress to aid the distribution of agricultural products [including fish] * * * to the end that marketing methods and facilities may be improved, that * * * the price spread between the producer and consumer may be narrowed, that dietary and nutritional standards may be improved, that new and wider markets for American agricultural products may be developed, both in the United States and in other countries, with a view to making it possible for the full production of American farms to be disposed of usefully, economically, profitably, and in an orderly manner.

Existing NMFS regulations do not permit the grading and subsequent marking of imported finished product. For such services to be provided, 50 CFR Part 260 would have to be amended to create a category of "approved foreign establishment" and to provide for an agreement with a foreign country to recognize its fishery products inspection program, if that program is determined to be at least the equivalent of the NMFS program.

In order to assess whether the regulations should be changed, NMFS needs the views of interested parties on the possible short or long term impacts, whether positive or negative, of grading foreign, finished product for sale in the United States with the appropriate U.S. grade designation on the product label.

Comments are solicited from all segments of the seafood industry, including fishermen, processors, brokers and distributors. Comments are also encouraged from consumers, food stores, and food service establishments. Comments, if possible, should address the supply of fishery products in the U.S. market, competition, product quality, production costs, prices, expected impacts on individual firms and the seafood industry in general, and consumer preferences.

List of Subjects in 50 CFR Part 260

Food grades and standards, Food labeling, Seafood.

Dated: April 29, 1983.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

[FR Doc. 83-11935 Filed 5-4-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 88
Thursday, May 5, 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.

COMMISSION ON CIVIL RIGHTS

Hawaii Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Hawaii Advisory Committee to the Commission will convene at noon on May 26, 1983 and will end at noon on May 27, 1983, at the Ala Moana Hotel, in the Board Room, 410 Atkinson Drive, Honolulu, Hawaii 96814. The purposes of this meeting are for the Subcommittee on Native Issues to discuss recent developments regarding Hawaiian homelands (from noon to 2:30p on May 26); for the full Committee to engage in program planning (from 3:00p to 8:00p on May 26); and to conduct a press conference on the Committee's statement on Affirmative Action in the Hawaii State Department of Education (from 10:00a to noon on May 27).

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Helen R. Nagtalon-Miller, 3201 Beaumont Woods Place, Honolulu, Hawaii 96822, (808) 948-7183 or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles, California 90010, (213) 688-3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. May 2, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-12097 Filed 5-4-83; 8:45 am]

BILLING CODE 6335-01-M

Michigan Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 6:00p and will end at 9:00p, on May 24, 1983, at the Michigan State University, Kellogg Center, Harrison Road, East Lansing, Michigan, 48824. The purposes of this meeting is to discuss the tuition tax credit and equality in commercial lending projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, M. H. Rienstra, 1225 Thomas South East, Grand Rapids, Michigan, 49506, (616) 949-4000 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. May 2, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-12096 Filed 5-4-83; 8:45 am]

BILLING CODE 6335-01-M

Wisconsin Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 7 p.m. and will end at 9 p.m. on May 25, 1983, at the University of Wisconsin Union Building, 800 Langdon Street, Madison, Wisconsin, 53706. The purpose of this meeting is to conduct orientation for the new members of the Committee and discuss program activities for Fiscal Year 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Herbert Hill, 2127 Van Hise Avenue, Madison, Wisconsin, 53705 (608) 263-2330 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604 (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 2, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-12098 Filed 5-4-83; 8:45 am]

BILLING CODE 6335-01-M

Pennsylvaina Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 6:30 p.m., on May 23, 1983, at the U.S. Post Office and Court House Building, in Courtroom 2, Washington Avenue and Linden Street, Scranton, Pennsylvania, 18501. The purposes of this meeting are to discuss designing a project on Federal Block Grant funding; review the Lewisburg Prison study; and provide a briefing on the status of ratification in Pennsylvania of the proposed U.S. Constitutional amendment for voting representation for District of Columbia residents.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Joseph Fisher, 35 South Fourth Street, Philadelphia, Pennsylvania, 19106; (215) 351-0776 or the Mid-Atlantic Regional Office, 2120 L Street, North West, Room 510, Washington, D.C., 20037; (202) 254-6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 25, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-11966 Filed 5-4-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Colorado State University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff,

U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-56. Applicant: Colorado State University, Department of Physics, Fort Collins, Colorado 80523. Instrument: Synchronously Scanned Tandem Mechanical Stage for a Fabry Perot Interferometer, Control Unit for Same, and Segmented Ramp Control Unit. Manufacturer: John Sandercock, Switzerland. Intended use of instrument: See Notice on page 54999 in the **Federal Register** of December 7, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a large free spectral range (FSR) up to 1000 gigahertz and a narrow bandwidth of approximately one megahertz. The National Bureau of Standards advises in its memorandum dated March 28, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(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. 83-11999 Filed 5-4-83; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-126. Applicant: Texas A&M University, College of Medicine, College Station, TX 77843. Instrument: Electron Microscope Model EM 420 and Accessories. Manufacturer: Philips Electronic Instruments, Inc., The Netherhlands. Intended use of Instrument: See Notice on page 5578 in the **Federal Register** of February 7, 1983. Instrument ordered: November 23, 1982.

Docket No.: 83-127. Applicant: University of California, Los Alamos National Laboratory, P.O. Box 990, Los Alamos, NM 87545. Instrument: Electron Microscope, EM 410 with Accessories. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of Instrument: See Notice on page 5578 in the **Federal Register** of February 7, 1983. Instrument ordered: September 27, 1982.

Docket No.: 83-132. Applicant: University of North Carolina School of Medicine, Department of Anatomy, 108 Swing Building 217H, Chapel Hill, NC 27514. Instrument: Electron Microscope, JEM 200-CX SEG. Manufacturer: JEOL, Japan. Intended use of Instrument: See Notice on page 8320 in the **Federal Register** of February 28, 1983. Instrument Ordered: September 23, 1982.

Docket No.: 83-135. Applicant: Cook County Department of Purchase (Cook County Hospital), 118 North Clark Street, Chicago, IL 60602. Instrument: Electron Microscope, Model JEM-100CX/II and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of Instrument: See Notice on page 9550 in the **Federal Register** of March 7, 1983. Instrument ordered: December 1, 1982.

Docket No.: 83-136. Applicant: Centers for Disease Control, 1600 Clifton Rd., NE., Atlanta, GA 30333. Instrument: Electron Microscope, EM 410G with Accessories. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of Instrument: See Notice on page 9550 in the **Federal Register** of March 7, 1983. Instrument ordered: February 14, 1983.

Docket No.: 83-137. Applicant: University of Michigan Hospitals, 1405 E. Ann Street, Ann Arbor, MI 48109. Instrument: Electron Microscope, EM 400 and Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended use of instrument: See Notice on page 9950 in the **Federal Register** of March 7, 1983. Instrument ordered: December 7, 1982.

Docket No.: 83-138. Applicant: The University of Texas System Cancer Center, M.D. Anderson Hospital and Tumor Institute, 6723 Bertner, Texas Medical Center, Houston, Texas 77030. Instrument: Electron Microscope, EM 410G and Accessories. Manufacturer: Nederlandse Philips Bedrijven B.V., The Netherlands. Intended use of Instrument: See Notice on page 9550 in the **Federal Register** of March 7, 1983. Application received by Commissioner of Customs: February 16, 1983.

Docket No.: 83-140. Applicant: University of Alabama in Birmingham, Department of Biochemistry, University Station, Birmingham, AL 35294. Instrument: Electron Microscope, EM 10CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of Instrument: See Notice on page 13214 in the **Federal Register** of March 30, 1983. Instrument ordered: August 10, 1982.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each instrument establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each instrument described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign instruments to which the foregoing applications relate, for such purposes as these instruments are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Services.

(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. 83-11998 Filed 5-4-83; 8:45 am]

BILLING CODE 3510-25-M

Geological Survey; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No: 82-00097. Applicant: U.S. Geological Survey, Water Quality Laboratory, 5293 Ward Road, Arvada, CO 80002. Instrument: Gas Chromatograph/Mass Spectrometer/Data System, Model MM707GDS. Manufacturer: VC Micromass Ltd., United Kingdom. Intended use of instrument: See Notice on Page 13394 in the **Federal Register** of March 30, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (September 26, 1980).

Reasons: This application is a resubmission of Docket Number 81-00075 which was denied without prejudice to resubmission on September 15, 1981 for informational deficiencies. The foreign instrument can scan from mass 500 to 25 including reset to 500 in 0.6 second. The Department of Health and Human Services advises in its memorandum dated April 4, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(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. 83-12000 Filed 5-4-83; 8:45 am]

BILLING CODE 3510-25-M

University of California; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 879) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue. NW., Washington, D.C. 20230.

Docket No.: 83-83. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Instrument: Camera, X-Ray, Ultra-Fast Streak, Model IMACON 500/X-Ray with Accessories. Manufacturer: John Hadland, Limited, United Kingdom. Intended use of instrument: See Notice on page 56534 in the **Federal Register** of December 17, 1982.

Comments: No comments have been received with respect to this application.

Decisions: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument operates in the visible ultraviolet x-ray range of 20 electron volts to 10 kilo electron volts. The National Bureau of standards advises in its memorandum dated March 29, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(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. 83-12001 Filed 5-4-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Invitation to Participate in International Laboratory Accreditation Conference (ILAC) 1983

AGENCY: National Bureau of Standards, Commerce.

ACTION: Invitation to participate in ILAC 83 Conference.

SUMMARY: The Seventh International Laboratory Accreditation Conference (ILAC) will be held in Prague, Czechoslovakia, October 31-November 4, 1983. ILAC is an informal organization of approximately 42 nations and 12 international organizations whose overall purpose and objective is to promote: (1) The development of national programs for accrediting testing laboratories; (2) the employment of harmonized accreditation criteria; and (3) the development of bilateral or multilateral arrangements which would encourage importers to accept the results of tests and data made by laboratories that have been accredited under a recognized laboratory accreditation program in exporting nations.

Annual conferences in support of ILAC's stated purpose have been held to develop information about laboratory accreditation systems, to provide a forum for discussing differences among such systems, to describe basic principles and criteria for operating such systems, and to develop bilateral or other arrangements which would establish mutual recognition of such systems or of test reports issued by laboratories accredited under such systems. These bilateral arrangements are intended to minimize technical barriers to trade.

The United States Delegation is chaired by the Director of the Office of Product Standards Policy. Anyone interested in attending this meeting in

Prague as a member of the U.S. Delegation, using his or her own financial resources, for registration fees, hotel accommodations, food, and travel expenses, is invited to submit a request by June 30, 1983, to Dr. Stanley Warshaw, Chairman, U.S. ILAC Delegation, National Bureau of Standards, TECH B154, Washington, DC 20234. Such persons should have a background in standards development, laboratory accreditation, product testing or product certification activities.

The U.S. Delegation will have an open pre-conference meeting at 10:00 a.m. on Friday, October 7, 1983, in Lecture Room A of the administration Building at the National Bureau of standards, Gaithersburg, Maryland to prepare for the conference. The meeting attendees and delegates will: (1) Review ILAC Task Force reports; (2) consider the position that the U.S. Delegation should take in response to those reports; (3) prepare any proposed resolution for introduction at ILAC 83; and (4) consider any additional matters of interest. The pre-conference meeting will be chaired by Dr. Stanley Warshaw, Director, Office of Product Standards Policy, National Bureau of Standards.

Anyone wishing to attend this meeting, which is open to the public or provide information on proposals for consideration by the delegation, should notify Mr. John W. Locke, National Bureau of Standards, TECH B141, Washignton, DC 20234, telephone: 301-921-3431.

Dated: May 2, 1983.

Ernest Ambler,

Director, National Bureau of Standards, Department of Commerce.

[FR Doc. 83-12011 Filed 5-4-83; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Scientific and Statistical Committee; and Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilities under the Act. The Council, its SSC and AP will hold separate public meetings.

DATES: The Council meeting will convene on Wednesday, May 25, 1983, at approximately 9 a.m., in the Old Federal Building, 605 West Fourth Avenue, Anchorage, Alaska, and will meet until approximately 5 p.m., on Thursday, May 26, 1983, or until Council business is completed. The SSC meeting will convene on Monday, May 23, 1983, at approximately 9:30 a.m., and will adjourn at approximately 5 p.m., on Tuesday, May 24, in the Old Federal Building. The AP will convene its meeting on Tuesday, May 24, at aproximately 9:30 a.m., and will adjourn at approximately 5 p.m., in the Old Federal Building. The meetings may be lengthened or shortened depending upon progress on the agenda.

Proposed Agenda: Council—A detailed agenda will be sent to the public approximately May 13, 1983. The Council will review its Herring Fishery Management Plan (FMP) for final submission to the Secretary of Commerce. This review will include considering changing herring from an allowable incidental catch by the foreign trawl fleets to a prohibited species. The Council will also be informed of the latest developments of the United States/Canada salmon negotiations. Crab fisheries regulations adopted by the Alaska Board of Fisheries will be reviewed along with two proposed amendments to the Tanner Crab FMP. The Council will give final consideration to Amendment #8 of the Bering Sea/Aleutian Islands Groundfish FMP, which will decrease the prohibited species catch limit for salmon in 1984 and 1985. The Council will hear a progress report of the Council's working group on prohibited species in the Gulf of Alaska. For both the Bering Sea and the Gulf, the Council will discuss the status of groundfish resources and management alternatives for both domestic and foreign fleets, including evaluation of present optimum yield levels for pollock and other species in both areas. The Council will also discuss objectives for future halibut limited entry sytem and will review a summary of a report submitted by Northwest Resource Analysis, and will set a schedule for public presentations of the report. Finally, the Council will review budget matters and may also have foreign fishing permits to review.

The SSC and AP agenda items will be the same as that of the Council.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274-4563.

Dated: April 29, 1983.

Alfred J. Bilik,

Acting Chief, Fees, Permits and Regulations Division, National Marine Fisheries Service.

[FR Doc. 83-11989 Filed 5-4-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Notice of Receipt of Application for Permit; College of the Atlantic

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name: College of the Atlantic (P322).

b. Address: Bar Harbor, Maine 04609.

2. Type of Permit: Scientific Research/Scientific Purposes.

3. Name and Number of Animals:

Unspecified number of various species of marine mammals of Western North Atlantic Canadian and United States waters for deposit and exchange in U.S. and Canadian scientific collections.

4. Type of Take:

Collection, importation and export of specimens found dead.

5. Location of Activity: Eastern coast of Canada and United States.

6. Period of Activity: 5 years.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300

Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: April 28, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-12124 Filed 5-4-83; 8:45 am]

BILLING CODE 3510-22-M

Patent and Trademark Office

Policy Regarding Exchange Agreements Under the Authority of 35 U.S.C. Section 6(a)

Background

The Patent and Trademark Office (PTO), by virtue of Section 6(a) of Title 35, United States Code, is empowered to enter into exchange agreements with other organizations to further the use of patent and trademark information, and to facilitate the use and availablity of that information. In recognition of these objectives, the PTO establishes the following guidelines and principles which shall apply when evaluating and entering into exchange agreements with other public, private, domestic and foreign agencies, firms and companies.

Nature of Exchange Agreements

Exchange agreements by the PTO will generally be for the purpose of: (1) Acquiring goods and services which will assist the PTO in accomplishing its mission and achieving its goals; (2) reducing the cost to the government of processing activities associated with the examination of applications for patent and trademark registration; (3) fostering the dissemination of information contained in patent and trademark documents; and (4) furthering the general goal of automating patent and trademark examination process.

In exchange agreements, the PTO and the industrial or commercial concerns will share in the cost and risks of the endeavor. Terms and conditions of each agreement, including the business arrangements, are negotiable within the limits of prevailing statutes and regulations and will be commensurate with the risks, involvement, and investment of the parties to the agreements. The PTO's intent is to offer as much latitude as practical in the agreement.

Each agreement will be negotiated on a case-by-case basis. Agreements will vary in size, complexity, scope and the nature of the materials, services, and/or products being exchanged by the parties. All exchange agreements will be subject to the availability of funds.

Incentives

Incentives provided by the PTO for the purpose of entering into exchange agreements may include, but are not limited to (1) Providing copies of PTO documents; (2) providing computer processable data obtained from patents, trademark applications, trademark registrations, and other data sources developed by the PTO; (3) providing government furnished equipment necessary for the other party to fulfill the agreement; and (4) entering into joint programs where each party funds its own participation.

Considerations

The factors to be considered by the PTO prior to entering into an exchange agreement or providing incentives shall include, but will not be limited to the following considerations: (1) public or social need for the product(s) of the agreement; (2) enhanced dissemination of technological information; (3) benefits accruing to the public or the U.S. Government from the endeavor; (4) the desirability of private sector involvement in PTO programs; (5) the merit of the research, development or application proposed; (6) the degree of risk and financial participation by the other party; (7) the amount of proprietary data or other information to be furnished by the concern; (8) the rights in data to be granted to the PTO and the concern as a result of their contributions; (9) the willingness and ability of the concern to market and sell any resulting new or enhanced products on a reasonable basis; and (10) the impact of PTO sponsorship upon a given industry or area of commercial endeavor.

Administration

The Administrator for Automation is delegated the authority to enter into negotiations. The Commissioner of Patents and Trademarks will approve exchange agreements on behalf of the PTO. Before proceeding into comprehensive evaluation of a joint endeavor, a preliminary assessment will be made of the merits of the offer. Exchange agreement proposals which are too sketchy or ill-defined to: (1) Establish the merit in the basic idea, (2) establish that the proposal is in accordance with PTO program objectives, or (3) establish that the proposing organization is willing to make significant contribution to the endeavor, will not be evaluated in depth and will be treated as correspondence or advertising. This preliminary assessment will be conducted by the Administrator for Automation or his or her designee to determine if the proposal warrants further consideration. If this determination is positive and if the parties agree to proceed with a joint endeavor, the Administrator for Automation will enter into detailed discussions and negotiations with the offeror regarding the technical and business aspects of the offer. Upon reaching a mutually satisfactory arrangement, the agreement will be submitted to the Commissioner of Patents and Trademarks for approval. Administration of the exchange agreement program will be performed by the Administrator for Automation.

Due to resource limitations and the necessity for diversity in the program, only one offer will normally be accepted for a given PTO incentive. If substantially similar offers are received within any 45-day period, they will be evaluated and/or negotiated together. The offer which provides the best total consideration for the Government will be accepted. Special consideration shall be given to small and minority businesses, as appropriate.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

May 2, 1983.

[FR Doc. 83-12111 Filed 5-4-83; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF EDUCATION

List of Accrediting and State Approval Agencies for Review Under Special Procedure

AGENCY: Office of Postsecondary Education, Education.

ACTION: Notice—List of accrediting and State approval agencies to be reviewed under a special procedure.

SUMMARY: The Secretary lists nationally recognized accrediting agencies and State approval agencies that the National Advisory Committee on Accreditation and Institutional Eligibility recommends to the Secretary under a special review procedure. The list of agencies to which the Advisory Committee has applied this procedure is composed of (1) agencies that were awarded the full four-year recognition period in their last review and (2) agencies that have submitted interim reports.

DATE: Comments on these analyses must be received no later than June 3, 1983.

ADDRESS: Comments may be submitted to Richard J. Rowe, Director, Eligibility

and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, SW. (Room 3030, ROB-3) U.S. Department of Education, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Richard J. Rowe, Telephone: (202) 245-9873.

SUPPLEMENTARY INFORMATION: This document is intended to advise the public that the National Advisory Committee,on Accreditation and Institutional Eligibility, in making recommendations to the Secretary regarding his responsibility for listing accrediting agencies and State approval agencies as required by 20 U.S.C. 1141(a), 20 U.S.C. 1094(b)(3) and other statutes, is following a special review procedure regarding some agencies.

Usually the Advisory Committee reviews in detail each report and petition and each staff analysis and hears oral presentations from the petitioning agencies and interested third parties before formulating the recommendations to the Secretary regarding the accrediting or State approval agencies.

The Special procedure for reviewing agency petitions and interim reports will reduce the depth of review by the Advisory Committee of agencies that were awarded the full four-year recognition period in their last review, and of agencies which have submitted interim reports. The Advisory Committee will use both staff analyses and public comment before submitting final recommendations to the Secretary regarding the list of these agencies under 34 CFR Part 603.

This notice provides the names of the agencies being reviewed under this special procedure. The Department's Eligibility and Agency Evaluation Staff has prepared analyses of the petitions and reports of these agencies according to the criteria in 34 CFR 603.6, and 34 CFR 603.23 and has prepared recommendations on them.

The public is offered an opportunity to comment on these analyses before the Advisory Committee makes final recommendations to the Secretary.

The reports and petitions of the following agencies are being reviewed:

Petitions for Recognition as Nationally Recognized Accrediting Agencies and Associations

A. *Petitions for Continuation of Recognition*—National agencies.

American Veterinary Medical Association, Committee on Animal Technician Activities and Training (for accreditation of two-year programs of animal technicians).

Proposed Recommendation: Continue recognition for a period of four years. Request the agency to submit an interim report in one year on training and selection of visiting teams [(a)(3)(iii)(B) and (d)(2)] and assessment of the validity and reliability of standards (b)(5).

American Veterinary Medical Association, Council on Education (for accreditation of colleges of veterinary medicine offering programs leading to a professional degree in veterinary medicine and for the preaccreditation status of "Reasonable Assurance").

Proposed Recommendation: Continue recognition for a period of four years.

Association of Theological Schools in the United States and Canada (for accreditation of free-standing schools, as well as schools affiliated with larger institutions, offering graduate professional education for ministry and graduate study of theology).

Proposed Recommendation: Continue recognition for a period of four years.

B. *Petitions for Continuation of Recognition*—Regional Commission.

North Central Association of Colleges and Schools, Commission on Institutions of Higher Education (for accreditation, and preaccreditation as Candidate for Accreditation of postsecondary institutions that offer a program of at least one academic year (or equivalent) in length and that require general education as an essential part, of or a prerequisite to, the principal programs in the States of Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, and Wyoming).

Proposed Recommendation: Continue recognition for a period of four years.

Petitions for Recognition as State Agencies Recognized for the Approval of Public Postsecondary Vocational Education

A. *Petitions for Continuation of Recognition.*

Arkansas State Board for Vocational Education (for recognition as the State agency for the approval of public postsecondary vocational education in Arkansas).

Proposed Recommendation: Continue recognition for a period of four years.

Kansas State Board of Education (for recognition of the Kansas State Board of Education as the agency for approval of public postsecondary vocational education in Kansas).

Proposed Recommendation: Continue recognition for a period of four years.

Petitions for Recognition as a State Agency Recognized for the Approval of Nurse Education

A. *Petitions for Continuation of Recognition.*

Montana State Board of Nursing (for recognition as a State agency for approval of nurse education in Montana).

Proposed Recommendation: Continue recognition for a period of four years.

Invitation to comment: A copy of the analysis of any of the reports and petitions submitted by the agencies listed in this Notice may be obtained from Richard J. Rowe.

Dated: May 2, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-12012 Filed 5-4-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

International Energy Program; Approval By the Secretary of Energy Pursuant To Section 5 of the Voluntary Agreement and Plan of Action

AGENCY: Department of Energy.

ACTION: Publication of Approval of Participation by U.S. Oil Companies in the International Energy Agency's Fourth Allocation Systems Test.

SUMMARY: On April 22, 1983, the Secretary of Energy issued letters of approval with respect to U.S. oil company participation in the International Energy Agency's Fourth Oil Allocation Systems Test. The text of the letter and related documents are appended to this notice.

FOR FURTHER INFORMATION CONTACT: Craig S. Bamberger, Assistant General Counsel for International Trade and Emergency Preparedness, Room 6A-141, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-2900.

SUPPLEMENTARY INFORMATION: Pursuant to section 252 of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6272, the Secretary of Energy monitors the carrying out of voluntary agreements to implement the Agreement on an International Energy Program (TIAS 8278, November 18, 1974) by U.S. oil companies and issues certain approvals with respect thereto. U.S. oil companies which are members of the Voluntary Agreement and Plan of Action to Implement the International Energy Program, 2 CCH Federal Energy Guidelines, para. 15,845, are afforded an

antitrust defense under EPCA section 252 for activities in connection with the preparation or testing of the International Energy Agency's (IEA's) emergency sharing system.[1] Pursuant to section 5(b) of the Voluntary Agreement, specific approval of the Secretary of Energy is required if these U.S. oil companies are to provide or exchange confidential or proprietary information or data in the test.

The IEA's Fourth Emergency Allocation Systems Test (AST-4) began on April 22, 1983, with the transmission by the IEA of a disruption telex to IEA member governments and participating companies. To facilitate the test activities of U.S. oil companies which participate in the Voluntary Agreement, written approval has been given by the Secretary of Energy pursuant to section 5(b) of the Voluntary Agreement for these companies' submission or exchange in AST-4 of confidential or proprietary information or data which is necessary to the conduct of the test.

The documents published herewith are the text of the letter of approval sent to the 20 U.S. oil companies participating in the Voluntary Agreement, the operating procedures and requirements for recordkeeping in connection with such participation (which apply and elaborate existing DOE regulations contaned in 10 CFR Part 209), and correspondence among the Department of Energy, the Department of Justice, the Department of State and the Federal Trade Commission evidencing consultation among those agencies and the required concurrence of the Department of Justice in the issuance of the letter of approval by the Secretary of Energy.

A draft of this approval letter with its operating procedures/recordkeeping requirements was published in the **Federal Register** for public comment, 48 FR 11760 (March 21, 1983). No public comments were received. The only substantive changes made in the letter published on March 21 concern its provisions with respect to the "Group of Experts," a subject discussed below.

The approval letter and operating procedures/recordkeeping requirements are similar to those which were provided for the IEA's Third Allocation Systems Test (AST-3) held in 1980, *see* 45 FR 71314 (October 27, 1980). Several improvements have been made in those documents based on experience of the U.S. Government in monitoring AST-3, and operating procedures and recordkeeping requirements have been simplified and made less burdensome.

The most significant new feature of the antitrust approval letter for this systems test is paragraph 9(n), dealing with approval of company disclosures of their confidential or proprietary information or data in the test. In previous tests, the clearance letters enumerated the types of confidential or proprietary information or data which could be disclosed by the companies, and required further Government approval before other types of such information or data could be communicated. Paragraph 9 of the letter similarly enumerates specific types of covered information, but under paragraph 9(n), it also would be permissible to disclose "such additional * * * types of information or data as may be needed on a timely basis in implementing the (IEA's) oil allocation procedures" if a request for advance approval of such disclosure were not feasible. However, prompt notice of any such additional disclosure must be given to U.S. Government test monitors along with an explanation of why advance approval could not be obtained, and approval for the continued submission or exchange of such information or data can be terminated prospectively by U.S. Government observers if that proves warranted.

Most of the data base for the test—consisting principally of historical import, export, indigenous production and stock level data for March through August of 1981—actually will be altered to reflect the effects of an hypothesized emergency oil disruption scenario. Also, companies are free to deliberately "mask" their data if they so wish. Thus the age of the data, their distortion to reflect the disruption scenario and their potential masking by the companies, combined with the protections built into the approval letter, should significantly reduce any risk of anticompetitive behavior as a result of the disclosure of proprietary company information during AST-4.

The pricing of oil transactions is not being tested in AST-4. The antitrust approval letter therefore expressly excludes permission for the U.S. oil companies to disclose or exchange confidential or proprietary crude oil or petroleum product prices or other commercial terms.

One unique feature of AST-4 is the role of a "Group of Experts," consisting of three consultants to the IEA Secretariat who are to witness the test and participate in appraising it.[2] The antitrust approval letter provides the participating U.S. companies with antitrust protection when they give these Experts access to the confidential or proprietary information or data which they will disclose while participating in AST-4. None of the three people who have been selected to serve as Experts currently is an employee of an IEA Reporting Company. However, because the Experts do have various kinds of consulting, investment or other relationships to the energy industry, the approval letter previously published in draft form has been revised to reflect the expectation that, in the absence of a further, specific approval by the U.S. Government, the Experts will not have access to any disaggregated confidential or proprietary information or data of the U.S. oil companies other than the information or data made available by them in AST-4 to the Industry Supply Advisory Group, the industry group serving at IEA headquarters as part of the IEA Emergency Management Organization.

Issued in Washington, D.C., April 28, 1983.

Craig S. Bamberger,

Assistant General Counsel for International Trade and Emergency Preparedness.

Appendices

A. Letter of Approval from the Secretary of Energy to U.S. Reporting Companies.

B. Operating Procedures and Recordkeeping Requirements.

C. Letter from the Secretary of Energy to the Assistant Attorney General, Antitrust Division, Department of Justice.

D. Letter from the Secretary of Energy to the Secretary of State.

E. Letter from the Assistant Secretary of State, Economic and Business Affairs, to the Secretary of Energy.

F. Letter from the Assistant Attorney General, Antitrust Division, Department of Justice, to the Secretary of Energy.

G. Letter from the Chairman of the Federal Trade Commission to the Assistant Attorney General, Antitrust Division, Department of Justice.

Appendix A

April 22, 1983.

Dear ————: 1. The International Energy Agency (IEA) will conduct in the near future a fourth test of the emergency allocation systems (AST-4). The Department of Energy (DOE) considers AST-4 an important part of our preparedness efforts. We hope your company will participate and

[1] The U.S. oil companies which participate in the Voluntary Agreement are: Amerada Hess Corporation, ARCO Petroleum Products Company, Ashland Oil, Inc., Caltex Petroleum Corporation, Champlin Petroleum Company, Cities Service Company, Conoco, Inc., Exxon International Corporation, Gulf Oil Trading Co.; Mobil Oil Corporation, Murphy Oil Corporation, Occidental Oil and Gas Company, Phillips Petroleum Company, Shell Oil Company, Standard Oil Company of California, Standard Oil Company of Indiana, Standard Oil Company of Ohio, Sun Company, Inc., Texaco, Inc., and Union Oil Company of California.

[2] The Experts are James D. Hughes of the United States, Robert Belgrave of the United Kingdom and Enno Schubert of the Federal Republic of Germany.

provide full cooperation to the IEA in this undertaking.

2. This letter sets out guidelines for participation in AST-4 by U.S. oil companies and personnel of the U.S. oil companies and provides required approvals for the disclosure or exchange of confidential or proprietary information or data in connection with AST-4, as required by the Voluntary Agreement and Plan of Action to Implement the International Energy Program ("Voluntary Agreement"), 2 CCH Federal Energy Guidelines, Paragraph 15,845. Participation by U.S. companies is governed by section 252 of the Energy Policy and Conservation Act (EPCA), DOE regulations at 10 CFR Part 209, and the Voluntary Agreement.

3. The primary objectives of AST-4 are: (a) To continue the program of periodic training of personnel of participating IEA governments, oil companies and the IEA Secretariat in the data systems and emergency oil allocation procedures developed to implement the provisions of the Agreement on an International Energy Program (IEP) (TIAS 8278, November 18, 1974), which are delineated in the Emergency Management Manual (EMM) and the Industry Supply Advisory Group/Secretariat Operations Manual (ISOM); (b) to exercise all elements of the National Emergency Sharing Organization (NESO) in each participating IEA country that are essential to the efficient and successful operation of the IEA emergency oil sharing systems, including national emergency procedures; and (c) to test modifications and improvements made to the systems and procedures since the last test (AST-3) held in the autumn of 1980. The scope of AST-4, as detailed in the AST-4 Test Guide, is to be broadly similar to that of AST-3 as far as the IEA Secretariat, the Industry Supply Advisory Group (ISAG), Reporting Company and NESO activities are concerned.

4. AST-4 will begin with the sending of a disruption telex on April 22, 1983, and will continue for approximately eight weeks. It will consist of one full and one curtailed allocation cycle. Prior to the completion of the full regular cycle commencing May 2, 1983; a second disruption telex will be released by the IEA Secretariat. Questionnaire A (QA) and Questionnaire B (QB) data will be submitted and allocation rights and allocation obligations will be calculated by the Secretariat and relayed to countries and companies for each cycle. Following communication of allocation rights and allocation obligations for the second cycle, the test will cease as far as IEA-directed activity is concerned. Thus the large majority of ISAG representatives will be involved for less than four weeks, although a few ISAG representatives may remain until the completion of the test.

5. An Experts Group of three persons engaged as consultants to the IEA Secretariat will witness the test, have access to any information or data to which the ISAG has access, and study the voluntary offer process. The Experts Group will contribute to the test appraisal, and for this purpose is expected to discuss the test with individuals participating in the test. For purposes of this letter, the activities of the Experts Group shall be considered to be part of the carrying out of AST-4. We understand that none of the members of the Experts Group will be an employee of an IEA Reporting Company.

6. Industry will participate in several ways. First, industry representatives will staff the ISAG; the ISAG, with the IEA's Allocation Coordinator, Secretariat and a Standing Group on Emergency Questions Emergency Group composed of representatives of IEA member countries, will comprise the IEA Emergency Management Organization at IEA headquarters in Paris, France, which will conduct the test. Second, Reporting Companies will submit QA and other data to the IEA Secretariat and the ISAG, and individually will discuss these data with the IEA Secretariat and with the ISAG to the extent required for the test; their affiliates will make similar data submissions and have similar individual discussions with the NESOs of the participating countries in which they operate. Third, Reporting Companies will propose and simulate the carrying out of the certain hypothetical supply reallocation measures called "Type 2" allocation by the IEA; in this connection, Reporting Companies may communicate with other Reporting Companies: (a) For the purpose of identifying suitable suppliers or receivers of oil to formulate "closed loop" Type 2 offers, (b) to enable Reporting Companies to work out logistics needed to implement Type 2 offers, or (c) to undertake needed subsequent modification of Type 2 offers which have previously been accepted by the Allocation Coordinator. Finally, it is our understanding that some NESOs may have employees of Reporting or Non-Reporting Companies or their affiliates as members or advisors.

7. In Paris, the test will be conducted, for notice purposes under the Voluntary Agreement, as a single meeting of ISAG carried out in accordance with Section 5 of the Voluntary Agreement. In addition to individual tasks and contacts with the Secretariat by ISAG members, working sessions will include meetings of all ISAG members and smaller group meetings of several ISAG members, as well as joint working sessions of a few ISAG members assigned to solve particular problems. The ISAG Manager or his designee may meet with members of the AST-4 Control Group, consisting of the Chairman of the Industry Advisory Board, the Chairman of the Standing Group on Emergency Questions and the IEA Executive Director, with the AST-4 Design Group Chairman, or with members of the Standing Group on Emergency Questions Emergency Group. A verbatim transcript of certain sessions will be made under the supervision of U.S. Government observers; such transcripts will be available for review by participants in the sessions so transcribed, or their counsel, either during the test or later. For some ISAG sessions, a full and complete record will be prepared by U.S. Government observers who are present. A full and complete record of other communications will be maintained by the U.S. test participants. More detailed recordkeeping requirements, including operating procedures, are set out in the attachment to this letter. These recordkeeping requirements have been prepared in cooperation with the Department of State, the Department of Justice and the Federal Trade Commission, and are to be considered an integral part of this letter of approval.

8. In order to carry out the test, it will be necessary for Reporting Companies to provide the IEA Secretariat and the ISAG with certain information or data on IEA questionnaire forms and formats, and to submit voluntary offers to supply or receive reallocated oil, and they may have to engage in other communications with the IEA Secretariat or ISAG to clarify, amplify, correct, or supplement such data submissions and voluntary offers. Further, ISAG members may have to exchange this and other information or data among themselves, with members of the IEA Secretariat, with IEA Reporting Companies, and with NESOs. Access to such information or data and to ISAG discussions and work sessions will be open to official observers from the European Communities and IEA member countries authorized by the IEA to be present at the test, and to the Experts Group. Aside from the IEA questionnaire and format data and information as to voluntary offers, much of the data or information will be available from public sources. Some such information or data, while actually public information, may not be definitely known to be publicly available by those exchanging it or it may be considered confidential by some companies. Some of the data or information needed to be provided or exchanged clearly will be confidential or proprietary.

9. Accordingly, approval under section 5(b) of the Voluntary Agreement is hereby given to Voluntary Agreement participants and their employees engaged in AST-4 to submit and exchange the types of information or data listed below which involve or might involve disclosure of confidential or proprietary information or data. However, this approval is granted only to the extent that the submission or exchange of these types of confidential or proprietary information or data is necessary during the first cycle, and until allocation rights and allocation obligations have been determined and communicated by the IEA Secretariat in the second cycle, in order to implement the oil allocation procedures of the IEP as guided by the EMM, the ISOM, and the AST-4 Test Guide, and to meet specific problems as they arise during AST-4. Approval is further limited to information or data covering the historical period March 1981 through August 1981. This letter neither approves nor disapproves the activities of company employees serving on NESOs or any communication between a Reporting Company or its affiliate and a NESO. Under these limitations, and those set forth in paragraphs 10, 11, 12, 13 and 14, the submission and exchange of the following types of information or data is approved:

(a) Disaggregated March thru August 1981 QA or QB data submitted during AST-4, *i.e.*, data as required by the QA and QB reporting instructions in effect for AST-4 as further defined in the AST-4 Test Guide, and ISAG work formats derived from such data, including:

—Indigenous production of crude oil and natural gas liquids (NGLs) and feedstocks;
—Imports and exports of crude oil, NGLs and feedstock;
—Petroleum product imports and exports (in crude oil equivalents);
—International marine bunkers;
—Inventory levels and changes; and
—Stocks at sea.

This data base will be amended by Reporting Companies, coordinating with their affiliates as required, and by NESOs for Non-Reporting Companies operating within their boundaries, based on the Secretariat's disruption telex at the beginning of each cycle, and as elaborated during each cycle by updating telexes from the Secretariat. Reporting Companies may mask data if they so choose in accordance with the procedures established in the AST-4 Test Guide. Reporting Companies will rearrange their international supply plans to reflect the reduced availability of certain types of crude oil as well as certain other restrictions as indicated in the disruption telex and updating telexes and will report the new supply plan on QA submitted to the Secretariat. In addition, each NESO will compile QB from information or data received from Reporting Companies or their affiliates operating within its country and from Non-Reporting Companies operating within its country and will submit QB to the Secretariat. Some of the data submitted by companies will be unaffected by the assumed supply disruption and will therefore be actual data. Such actual data are likely to include the following:

—Inventory level changes in March 1981 and inventories at the end of March 1981, from which inventories as of March 1, 1981 can be derived (see paragraph 10(b) with respect to provision of this data to the ISAG);
—Indigenous crude/NGL production through all six months in the data base; and
—International marine bunkers.

(b) Capability of a refinery to process crude oil or specific crude oils, and the capability of a pipeline, dock or terminal or other storage or transit facility to receive, store, or throughput crude oils or specific crude oils or petroleum products or specific petroleum products.

(c) Capability of a port, installation, or waterway to receive or move vessels of various sizes and configurations.

(d) The availability of tankers, including their location, routing, size, specifications and operating characteristics.

(e) Main characteristics of crude grades and product specifications (excluding individual company crude yields and product specifications).

(f) Actual and estimated historical production data on crude oils and NGLs for individual countries.

(g) Aggregated historical country supply patterns for crude oil, NGLs and petroleum products, *e.g.*, imports by country of origin, exports to country of destination, and inventory profiles.

(h) Specific refinery considerations that prevent acceptance or release of certain crudes, *e.g.*, the inability of a refinery to process specific types of crude oil or to make certain specialty products for which the crude oil is particularly suited; the inability of a type of crude oil to meet product specifications; hazards to refinery operations which processing of a particular type of crude oil might cause; or the need for a refinery to operate at a minimum throughput level.

(i) Identification of supply logistics problems relating to certain countries or regions of countries.

(j) Identification, without disclosure of specific costs, prices or financial information, or other underlying facts, of the existence of certain individual company considerations which would preclude or make impracticable a proposed movement of oil, involving:

(i) Commercial policy;

(ii) Supply or transportation factors;

(iii) Affiliate, third-party, concessional or other contractual arrangements; or

(iv) Constraints relating to actions or policies of governments.

(k) Identification of differences between the crude oil and pretroleum product supply mix and demand for products in certain countries or regions of countries.

(l) Information or data concerning voluntary offers made by Reporting Companies to supply or receive, and information or data concerning the implementation of voluntary offers which have been accepted by the Allocation Coordinator.

(m) Clarification, amplification, correction, explanation or supplementation of the types of information enumerated in (a)–(l), privided that this subparagraph (m) does not supersede any specific prohibition contained in this approval letter.

(n) Such additional information or data or types of information or data as may be needed on a timely basis in implementing the oil allocation procedures of the IEP as guided by the EMM, the ISOM and the AST-4 Test Guide, if a request for advance approval under paragrah 17 is not feasible; provided, that prompt written notice of such submission or exchange together with a description of the circumstances necessitating such submission or exchange without a request for advance approval must be given to the representatives of the Secretary of Energy, the Attorney General and the Federal Trade Commission attending the test. Approval for the continued submission or exchange of such information or data can be terminated prospectively by the Department of Energy representative or the Department of Justice representative.

10. In order to carry out the test, these information and data must be provided and exchanged on a disaggregated basis and the finding required by section 5(b)(2) of the Voluntary Agreement in this regard is hereby made, with the following limitations:

(a) During the first test cycle, U.S. ISAG personnel will examine QAs and QBs to detect supply or logistical anomalies that might indicate that an error had been made by a Reporting Company or NESO in preparing or transmitting the data. After detecting a potential supply or logistical anomaly, a U.S. ISAG member may discuss such anomaly with Secretariat personnel, members of ISAG, the Reporting Company or NESO which transmitted the anomalous QA or QB data and the Reporting Company whose data is included in a QB and which data is thought to be such an anomaly. U.S. ISAG personnel may not discuss suspected anomalies with any other persons. All discussions of anomalies among U.S. ISAG personnel and other members of ISAG must be conducted in the presence of a U.S. Government observer at AST-4. When responding to an inquiry from the ISAG member regarding such anomalies, a U.S. Reporting Company may only confirm the accuracy of the reported data, provide corrected data, or discuss with ISAG members whether the reported data accurately reflect the cycle's reallocation and the cycle's disruption scenario. Any further explanation of such anomalies may only be provided to personnel of the IEA Secretariat.

(b) Company-specific opening inventory data as of March 1, 1981, data showing inventory level changes in March 1981 and the "check total" for march 1981 as reflected in QAs and QBs shall not be made available to ISAG personnel on a routine basis, but only as necessary to solve specific supply problems when they arise. A U.S. Government observer present at the AST-4 test site may give written approval for disclosure of such data, upon receipt and consideration of a written request from the ISAG Manager or his delegate stating that access to such data is necessary.

(c) It is understood that the IEA Secretariat will not permit any disaggregated QA data of a Reporting Company, other than data submitted by the Reporting Company in AST-4, to be made available to any other Reporting Company or ISAG representative thereof, or to the Experts Group.

(d) The Experts Group will witness the provision and exchange of these disaggregated information and data, in AST-4. The Voluntary Agreement participants and their representatives serving on the ISAG, however, may not disclose to the Experts Group any additional confidential or proprietary information or data. Section 5(b)(1) of the Voluntary Agreement may apply to certain other communications (not involving confidential or proprietary information or data) with the Experts Group by U.S. Reporting Companies or their representatives serving on the ISAG.

(e) The Department of Energy representative, with the concurrence of the Department of Justice representative, after consultation with the Federal Trade Commission representative at AST-4, may terminate this approval as it applies to the conduct of any supply analysis by U.S. ISAG personnel if such analysis may lead to unwarranted disclosure of competitively sensitive supply or logistical information, or have any other unwarranted anticompetitive effect.

11. This approval does not extend to provisions or exchange of:

(a) Confidential or proprietary crude oil or petroleum product prices;

(b) Costs or market shares of crude oil or petroleum products (other than those which can be derived from the QA or QB data submitted during AST-4); or

(c) Individual company information regarding overall long-term investment,

divestment, refining, operating, transportation or marketing programs.

12. A U.S. Reporting Company will be permitted to communicate confidential or proprietary information or data with another Reporting Company only after first cycle allocation rights and allocation obligations have been determined and communicated, and continuing until its second cycle QA has been submitted to the IEA Secretariat, and only to enable it to formulate "closed-loop" voluntary offers, to arrange the logistics needed to implement Type 2 offers, and to modify previously approved voluntary offers if necessary, for the purpose of carrying out first cycle supply reallocation measures. Type 2 transactions are those intended to balance allocation rights and allocation obligations and to alleviate differences between product demand and the available supply mix. These communications will be limited to discussions of the quality and volumes of oil that would be involved in a voluntary offer and the timing or logistics involved in effecting the physical transfer of such oil. No other confidential or proprietary information or data shall be discussed or exchanged. Prices or values of the oil shall not be discussed. Type 1 transactions are transactions made by a company to satisfy its own commercial supply, distribution or logistics needs in response to an oil supply emergency situation. Type 1 transactions will be assumed to have occurred without inter-company communications during AST-4.

13. Participation in AST-4 does not create an obligation on U.S. ISAG members or U.S. Reporting Companies to provide or exchange any information or data which may be confidential or proprietary.

14. In no case shall an employee or representative of a U.S. company participant in the Voluntary Agreement or any affiliate of a U.S. Company, which affiliate is listed as a participant in the Voluntary Agreement, supply to his company or to any other person, any confidential or proprietary information or data obtained as a consequence of his membership in the ISAG or participation in any NESO, except such information or data as is necessary to be supplied in the course of carrying out AST-4 or related NESO activities. No U.S. ISAG member may remove any documents related to the test from the IEA premises, except as authorized in writing by a U.S. Government representative attending the test.

15. Copies of all QA data shll be provided on QA formats, as distinguished from telex form, to:

Ms. Catherine Monzel, Voluntary Agreement Coordinator, International Affairs, IA-11, Department of Energy, Forrestal Building, Room 7G-076, 1000 Independence Avenue, SW., Washington, D.C. 20585; Telex No. 710-822-0176, TWX No. 710-822-0061.

Ms. Melanie Stewart Cutler, Energy Section, Antitrust Division, Department of Justice, P.O. Box 14141, Washington, D.C. 20044; Telex No. 710-822-1907, TWX No. 710-822-1907.

16. Any confidential or proprietary information or data exchanged or furnished pursuant to the test to or by a U.S. Reporting Company or its representative serving on the ISAG shall be supplied by them, upon request, to U.S. Government observers from the Department of Energy, Department of State, Department of Justice or Federal Trade Commission. During AST-4 U.S. Government observers may obtain access to the offices of U.S. participants at the test site in Paris for the purpose of observing AST-4 elated activities, reviewing records kept in connection with AST-4 or interviewing U.S. Reporting Company employees participating in AST-4.

17. This approval may be modified or revoked in writing by the Department of Energy representative, with the concurrence of the Departtment of Justice representative in consultation with the Federal Trade Commission representative, if developments during AST-4 indicate that modification or revocation is warranted. Any modification or revocation shall be in writing and conveyed to all participants in the Voluntary Agreement and the ISAG Manager or his designee. No modification or revocation shall have retroactive effect.

18. This approval of U.S. company participation in the test and of the provision of certain data and information (including the need to provide it in disaggregated form) has been the subject of consultation with the Department of State and has been concurred in by the Department of Justice, after consultation with the Federal Trade Commission, all as required by the Voluntary Agreement. Copies of correspondence reflecting our consultation with the Department of State, and the Department of Justice's concurrence in our approval, after consulation with the Federal Trade Commission, are annexed.

Sincerely,

Donald Paul Hodel.

Appendix B

Operating Procedures and Requirements for Recordkeeping by U.S. Companies in the Fourth Allocation Systems Test (AST-4)

1. *Introduction.* The following operating procedures and requirements are in further implementation of the existing U.S. recordkeeping requirements in Section 252 of EPCA and 10 CFR Part 209 and apply to the fourth IEA Allocation Systems Test (AST-4). These operating procedures and requirements apply to U.S. Reporting Companies and to U.S. Reporting Company representatives serving on the ISAG who will be participating in the test at the Test Site.

If experience indicates the need, the U.S. Government observers at the Test Site will have discretion to allow alternative operating procedures and recordkeeping requirements consistent with Section 252 of EPCA and existing regulations.

2. *Definitions.* For purposes of these requirements the following definitions apply:

(a) "Communication" means any written or unwritten disclosure, provision or exchange of data or information (excluding administrative, procedural, or ministerial data or information), not subject to attorney-client privilege, in or relating to the carrying out of AST-4.

(b) "Test Site" means that space in IEA headquarters designated by the Allocation Coordinator as the work area in which AST-4 shall be conducted.

(c) "Test Site Communication" means any unwritten face-to-face Communication occurring on the Test Site, other than in a Test Meeting.

(d) "Test Site Telephone Communication" means any telephonic Communication received at or sent from the Test Site.

(e) "Off-Site Communication" means any unwritten face-to-face or telephonic Communication which does not occur on the Test Site.

(f) "Test Meeting" means the following group meetings held on the Test Site (with or without IEA Secretariat participation):

(i) Meetings of the entire ISAG:

(ii) Meetings of the ISAG's Country Supply, Supply Coordination or Supply Analysis subgroups; or

(iii) Meetings of the ISAG Manager and/or Deputy Manager with ISAG subgroup heads.

3. *U.S. Government Monitoring and Recordkeeping at the Test Site.* (a) A U.S. Government observer shall be present throughout all Test Meetings, and may be present at the Test Site during any other Communications. It is intended that a U.S. Government observer will be present continuously at the Test Site to monitor Test Meetings, Communications, work sessions and individual work by Reporting Company representatives serving on the ISAG: (i) During such regular work hours as ISAG adopts; and (ii) at any extraordinary hours if given reasonable advance notice. U.S. Reporting Company representatives serving on the ISAG may: (i) Engage in individual work or in Communications other than Test Site Communications or Communications in Test Meetings, even if no U.S. Government observer is present at the Test Site; or (ii) engage in Test Site Communications despite the absence of a U.S. Government observer at the Test Site if reasonable advance notice of such Communications has been given to the U.S. Government observers, or if reasonable advance notice cannot be given; provided, that adequate records of such Communications and, with respect to (ii), of the circumstances concerning notice given or of the circumstances which necessitated such Communications without reasonable advance notice, are made by the U.S. Reporting Company representatives serving on the ISAG.

(b) Test Meetings shall be monitored by a U.S. Government observer, who shall be responsible for keeping a written record of each session, or for ensuring that a verbatim transcript is made. Failure of the U.S. Government to maintain a full and complete written record shall not vitiate the antitrust defense accorded by Section 252 of EPCA unless such failure is due to the willful act of a U.S. Reporting Company representative serving of the ISAG or of a U.S. Reporting Company.

(c) U.S. Government observers shall be permitted to be present during any test activities, including Communications, involving a U.S. Reporting Company representative serving on the ISAG, except Communications between an individual U.S. Reporting Company representative serving on the ISAG and his legal counsel.

4. *Unwritten Communications Involving U.S. Reporting Company Representatives Serving on the ISAG.* (a) These recordkeeping requirements for unwritten Communications apply to Test Site Communications, Test Site Telephone Communications, and Off-Site Communications by or to U.S. Reporting Company representatives serving on the ISAG, including communications with members of the Industry Advisory Board or the Experts Group, but excluding Communications with the IEA Secretariat, members of the SEQ Emergency Group, or the U.S. NESO.

(b) All unwritten Communications of U.S. Reporting Company representatives serving on the ISAG which relate to AST-4 shall occur on the Test Site except when circumstances make an Off-Site Communication necessary, *i.e.*, when a need for an immediate Communication arises unexpectedly or after normal working hours or otherwise makes a return to the Test Site impracticable or unreasonable, or when time zone differences involved in necessary Communications otherwise would require early morning arrival or late night stay at the Test Site.

(c) Except when a U.S. Government observer present agrees to make the record, a U.S. Reporting Company representative serving on the ISAG shall make a full and complete record of any Test Site Communication, Test Site Telephone Communication or Off-Site Communication, by means of entering in a standardized log the date, time, identity of the parties (by name and organization) and a description of the transaction or information or data discussed, including identification of any problem involved and any conclusions reached or recommendations made. In the case of an Off-Site Communication, he also shall state the special circumstances necessitating this Communication; and in the case of a Test Site Communication occurring in the absence of a U.S. Government observer from the Test Site, he also shall state the circumstances concerning reasonable advance notice given to the U.S. Government observers, or the circumstances which necessitated such Communication without reasonable advance notice.

(d) When a U.S. Reporting Company representative serving on the ISAG has been assigned to a joint work session to solve a specific identified problem, the overall subject matter of which already is contained in a full and complete record of a Test Meeting, the result of which work session will be reported at a meeting where a full and complete record will be maintained, then notwithstanding subsection (c), the record of such session to be kept by the U.S. ISAG representative need only include the date, time and identity of the parties and a brief indication of the substance of the discussion during the work session, with a reference to the Test Meeting where it was more fully discussed.

(e) When a U.S. Reporting Company representative serving on the ISAG communicates with an individual in a NESO, he shall ascertain whether the NESO individual normally is employed by an oil company, and if so, the identity of that company should be recorded in the log kept pursuant to Section 4(c).

(f) When more than one U.S. Reporting Company representative serving on the ISAG is involved in a Communication, the representatives may designate who shall make and supply the record. Non-U.S. Reporting Company representatives serving on the ISAG may agree to furnish the records of Communications with U.S. Reporting Companies and with U.S. Reporting Company representatives serving on the ISAG which are otherwise required to be furnished by the U.S. Reporting Companies or their representatives on the ISAG, if such records are kept in the required form and supplied to a U.S. Government observer in accordance with these requirements, and if the U.S. Reporting Companies or their representatives involved so agree.

5. *Disposition of Records Made and Documents Prepared or Received at the Test Site by U.S. Reporting Company Representatives Serving on the ISAG.* (a) Each U.S. Reporting Company representative serving on the ISAG shall provide to a U.S. Government observer at the Test Site, within three working days of the first day it covers, a copy of any log kept pursuant to Section 4(c), and within one working day of the occurrence, a copy of any other written Communication which he prepares or receives that relates to the carrying out of AST-4.

(b) The requirement imposed by paragraph (a) of this Section may be waived by the U.S. Government observers at the Test Site, to the extent that the IEA Secretariat agrees to provide copies of such Communications to the U.S. Government observers in accordance with these requirements.

6. *U.S. Government Monitoring at U.S. Reporting Company Offices.* (a) U.S. Government observers shall be permitted to interview all U.S. Reporting Company employees engaged in AST-4 activities at Reporting Company offices upon reasonable advance notice to the U.S. Reporting Company involved. Any interviewed employee may have counsel present.

(b) U.S. Government observers shall be permitted to examine and copy, at company headquarters during normal business hours and upon reasonable notice to the Reporting Company involved, any Communication, or any document or other information source not subject to attorney-client privilege, in the possession of a U.S. Reporting Company, concerning the carrying out of AST-4 activities.

7. *Recordkeeping Requirements for U.S. Reporting Companies.* (a) A U.S. Reporting Company promptly shall make a full and complete record of the following Communications or documents (excluding documents which are administrative, procedural or ministerial in nature) and shall maintain such records and records of any other of the following documents (other than those which are administrative, procedural or ministerial in nature) which relate to the carrying out of AST-4:

(i) Intra-corporate documents, not subject to attorney-client privilege, including telexes received and sent, memoranda concerning intra-company discussions of hypothetical sales or exchanges, documentation concerning actions requested by the ISAG or proposed by a Reporting Company, and any other documents generated by the test;

(ii) Communications with Reporting Company representatives serving on the ISAG, including any of its own representatives serving on the ISAG, except when the Reporting Company has agreed with the ISAG or with a Reporting Company representative serving on the ISAG that the record of the Communication will be made and provided to U.S. Government observers at the Test Site, by ISAG or by the Reporting Company representative;

(iii) Communications with another company or with the IEA Secretariat, including Communications with respect to developing or implementing a voluntary offer; and

(iv) Communications with the Experts Group.

(b) Records of unwritten Communications should be made by U.S. Reporting Companies in the manner described in Section 4 for U.S. Reporting Company representatives serving on the ISAG.

8. *Disposition of Records by Reporting Companies.* (a) Each U.S. Reporting Company within two weeks of preparation shall forward copies of all records required by Section 7 to an appropriate office at company headquarters, where they shall be maintained for five years separately from other company records. These records may be subject to U.S. Government examination during and after AST-4.

(b) Each U.S. Reporting Company shall send to the Department of Energy, the Department of Justice and the Federal Trade Commission, within seven days after the close of the week (ending Saturday) of the Communications recorded thereunder, records required to be made and maintained under Sections 7(a) (ii), (iii) and (iv), except that records of unwritten Communications with another company shall be sent no later than the close of the week (ending Saturday) of the Communications recorded. Any portions of such records which are believed not to be subject to public disclosure should be specified. If possible, copies of Communications by U.S. Reporting Companies shall be sent to the U.S. Government simultaneously with and by the same means of transmission used to send the original. In the case of a voluntary offer a "clear" rather than a coded copy should be sent.

9. *Reports of Actions Taken.* (a) Under the Voluntary Agreement, U.S. Reporting Companies must report to the U.S. Government actions taken pursuant to a plan of action. Therefore, for the purposes of AST-4, each U.S. Reporting Company shall report to the Departments of Energy and Justice and the Federal Trade Commission, actions and hypothetical actions taken as part of the test, such as voluntary offers accepted, and reallocations of supply in response to accepted voluntary offers. Communications with respect to developing or implementing a voluntary offer are to be reported under Section 8(b).

(b) A report shall be submitted within seven days of the end of the week (ending Saturday) in which the action was taken.

(c) The style and content of a report are left to the discretion of the individual U.S. Reporting Company. It can be submitted in any fashion a company believes will best reflect what it has done. In the case of voluntary offers, the record should include substantially all of the material terms contained in the voluntary offer itself.

10. *Reporting Addresses.* Reports and records required hereunder to be sent to U.S. Government agencies should be addressed to:

Ms. Catherine Monzel, Voluntary Agreement Coordinator, International Affairs, IA-11, Department of Energy, Forrestal Building, Room 7G-076, 1000 Independence Avenue, S.W., Washington, D.C. 20585; Telex No. 710-822-0176, TWX No. 710-822-0001;

Ms. Melanie Stewart Cutler, Energy Section, Antitrust Division, Department of Justice, P.O. Box 14141, Washington, D.C. 20044; Telex No. 710-822-1907, TWX No. 710-822-1907; or

Mr. Harvey Blumenthal, Federal Trade Commission/CS-4, Washington, D.C. 20580.

Appendix C

April 19, 1983.

Mr. William F. Baxter,
Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C. 20530

Dear Mr. Baxter: The International Energy Agency (IEA) is making final preparations for the fourth test of its emergency allocation systems. The test, known as AST-4, will commence with the IEA's distribution on April 22 of a telex announcing the hypothetical oil supply disruption which will provide the backdrop for the test.

The conduct of AST-4 will require the active participation of U.S. oil companies. Pursuant to section 252 of the Energy Policy and Conservation Act, 42 U.S.C. 6272, the Department of Energy's regulations at 10 CFR Part 209, and the "Voluntary Agreement and Plan of Action to Implement the International Energy Program," 2 CCH Federal Energy Guidelines para. 15,845, an antitrust defense is made available to U.S. oil companies to facilitate their involvement in IEA activities. In order for the U.S. oil companies which are signatories to the Voluntary Agreement to receive the benefit of this antitrust defense for any disclosure or exchange of confidential or proprietary information or data, which may be necessary in AST-4, section 5(b)(2) of the Voluntary Agreement requires that the Secretary of Energy approve such exchange or disclosure, after consultation with the Secretary of State, and with the concurrence of the Attorney General, after the Attorney General has consulted with the Federal Trade Commission.

Enclosed is an approval letter which I propose to send to the U.S. oil companies which are signatories to the Voluntary Agreement. This letter was developed by the Department of Energy in conjunction with staffs of the Antitrust Division, Department of Justice, the Department of State and the Federal Trade Commission. A draft of this letter was published for public comment in the **Federal Register** on March 21, 1983 (48 FR 11760).

In our view the participation of U.S. oil companies and U.S. oil company personnel and in that connection the disclosure and exchange of confidential or proprietary information and data as specifically set forth in the proposed approval letter, are essential to the conduct of AST-4. Therefore, I request your concurrence in our intended approval.

Sincerely,

Donald Paul Hodel.

Appendix D

April 19, 1983.

Honorable George P. Shultz,
Secretary of State, Washington, D.C. 20520

Dear Mr. Secretary: The International Energy Agency (IEA) is making final preparations for the fourth test of its emergency allocation systems. The test, known as AST-4, will commence with the IEA's distribution on April 22 of a telex announcing the hypothetical oil supply disruption which will provide the backdrop for the test.

The conduct of AST-4 will require the active participation of U.S. oil companies. Pursuant to section 252 of the Energy Policy and Conservation Act, 42 U.S.C. 6272, the Department of Energy's regulations at 10 CFR Part 209, and the "Voluntary Agreement and Plan of Action To Implement the International Energy Program," 2 CCH Federal Energy Guidelines para. 15,845, an antitrust defense is made available to U.S. oil companies to facilitate their involvement in IEA activities. In order for the U.S. oil companies which are signatories to the Voluntary Agreement to receive the benefit of this antitrust defense for any disclosure or exchange of confidential or proprietary information or data, which may be necessary in AST-4, section 5(b)(2) of the Voluntary Agreement requires that the Secretary of Energy approve such exchange or disclosure, after consultation with the Secretary of State, and with the concurrence of the Attorney General, after the Attorney General has consulted with the Federal Trade Commission.

Enclosed is an approval letter which I propose to send to the U.S. oil companies which are signatories to the Voluntary Agreement. This letter was developed by the Department of Energy in conjunction with staffs of the Antitrust Division, Department of Justice, the Department of State and the Federal Trade Commission. A draft of this letter was published for public comment in the **Federal Register** on March 21, 1983 (48 FR 11760).

In our view the participation of U.S. oil companies and U.S. oil company personnel and in that connection the disclosure and exchange of confidential or proprietary information and data as specifically set forth in the proposed approval letter, are essential to the conduct of AST-4. Therefore, I request your concurrence in our intended approval.

Sincerely,

Donald Paul Hodel.

Appendix E

April 20, 1983.

Dear Mr. Secretary: Secretary Shultz has asked me to reply to your letter requesting the views of the Department of State regarding approval of the exchange and disclosure of confidential or proprietary information or data by U.S. oil companies during the fourth test of the International Energy Agency emergency oil allocation system (AST-4). It is important that the U.S. Government and U.S. companies participate fully in AST-4 so as to provide tangible evidence of the continued U.S. commitment to the IEA and its oil crisis response system. Since such participation may entail exchange or disclosure of confidential or proprietary information or data by the U.S. oil companies involved, the Department of State strongly supports your proposed approval of this activity.

Sincerely,

Richard T. McCormack,
Assistant Secretary of State.

Appendix F

April 22, 1983.

Honorable Donald Paul Hodel,
Secretary, Department of Energy, Washington, D.C. 20461

Dear Secretary Hodel: I am writing in response to your recent letter in which you seek the concurrence of the Department of Justice in your intended approval for designated U.S. oil companies, participating in the International Energy Program (IEP) as Reporting Companies, to provide and exchange certain confidential and proprietary information in the course of assisting the International Energy Agency (IEA) in carrying out a fourth test of its emergency oil-sharing system (AST-4). Your approval, conditioned on compliance with annexed recordkeeping requirements and other limitations and antitrust safeguards, is set forth in the letter that you propose to send to these companies, a draft of which you have provided me. Our concurrence in this action is sought pursuant to Section 5(b)(2) of the Voluntary Agreement and Plan of Action to Implement the International Energy Program, which is authorized by Section 252 of the Energy Policy and Conservation Act (EPCA), as amended, and which governs the conduct of participating oil companies in the IEA.

As you note, the Antitrust Division participated in the development of the approval letter. The conditions and procedures outlined in the letter, supplemented by U.S. Government monitoring of the required recordkeeping, exchanges of data and other company activities during the test, will minimize risks to competition and fulfill statutory requirements without imposing overly burdensome requirements on test participants. Accordingly, pursuant to Section 5(b)(2) of the Voluntary Agreement, I hereby concur in your approval of the proposed letter on submission and exchange of confidential and proprietary information and

data by U.S. oil company participants in AST-4 and the annexed recordkeeping requirements for the test. This approval is effective as of the commencement of the test on April 22, 1983 and will terminate when allocation rights and obligations have been determined and communicated in the second cycle of the test. I enclose a copy of a letter from the Federal Trade Commission evidencing the consultations we have held with that agency on this matter, as required by Section 5(b) of the Voluntary Agreement.

Sincerely yours,

William F. Baxter,

Assistant Attorney General, Antitrust Division.

Appendix G

April 21, 1983.

Honorable William F. Baxter,
Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C. 20530

Dear Mr. Baxter: The Honorable Donald P. Hodel, Secretary of Energy and Administrator of the Voluntary Agreement and Plan of Action to Implement the International Energy Program ("Voluntary Agreement"), has requested your concurrence on the attached clearance letter. The letter provides clearance for the oil company signatories of the Voluntary Agreement to exchange confidential and proprietary information among themselves and to provide such information and data to the International Energy Agency ("IEA") during the IEA's fourth test of the emergency oil allocation system ("AST-4"), beginning April 22, 1983. Under the Voluntary Agreement, the Attorney General must consult with the Commission before concurring in this exchange of information.

Section 252 of the Energy Policy and Conservation Act, 42 U.S.C. 6272, directs the Attorney General and the Federal Trade Commission to monitor the carrying out of the Voluntary Agreement to ensure that the purposes of the International Energy Program ("IEP") are substantially achieved in the least anticompetitive manner practicable. The Commission has examined the types of data and information proposed to be exchanged during AST-4. The data to be used during AST-4 will be almost two years old, likely to be distorted due to the hypothetical supply disruption, and subject to masking by the submitting company. Additionally, U.S. Government monitors will be at the IEA site during the conduct of the test and will have access to the offices of reporting companies during the test to interview company employees engaged in AST-4 related activities. A full and complete record will be made of all communications among U.S. oil company personnel, including a verbatim transcript of most group meetings. Finally, removal of documents from the test site without written U.S. Government approval will be prohibited, as will be communication of confidential information learned at the test to persons not involved in the test.

The safeguards employed and the limited competitive significance of the data appear to strike the appropriate balance between achieving the objectives of the IEP and ensuring that the test is conducted in the least anticompetitive manner practicable. Accordingly, the Commission does not object to your approval of the exchange of information and data needed to carry out AST-4.

By direction of the Commission.

James C. Miller III,

Chairman, Federal Trade Commission.

[FR Doc. 83-11970 Filed 5-4-83; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Final Action of Short-Term Sale of Nonfirm Energy to Direct-Service Industrial Customers

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of final action.

SUMMARY: BPA has offered to sell nonfirm energy to its direct-service industrial (DSI) customers through October 31, 1983, for loads incremental to those operating on March 8, 1983. This sale is designed to stimulate the Northwest's economy, increase employment in the Northwest, and increase BPA revenues.

Eight of BPA's 15 industrial customers have accepted BPA's short-term offer, including five of six operating aluminum company customers. The industries have agreed to buy more than 430 megawatts of nonfirm energy under the short-term contract, and may purchase up to an additional 200 megawatts.

DATE: The short-term sales of nonfirm energy to the DSIs is effective through October 31, 1983.

ADDRESS: Copies of the short-term DSI contract are available from the BPA Public Involvement Office, P.O. Box 12999, Portland, Oregon 97212. Copies of comments received from the public on this subject and a summary of those comments are also available from the Public Involvement Office.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Manager, at the above address, 503-230-3478. Oregon callers may use 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800-547-6048. Information may also be obtained from:

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503-230-4551

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6952

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3860

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington, Washington 98109, 206-442-4130

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, extension 701

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706

SUPPLEMENTARY INFORMATION:

Background

In the March 15, 1983 (48 FR 10903), **Federal Register**, BPA announced a proposal to offer nonfirm energy to the DSIs for increases in their loads through October 31, 1983. The offer was intended to encourage industries to restart idle production lines, to increase Northwest employment, to increase BPA revenues, and to make use of energy that might otherwise be wasted.

BPA proposed to sell nonfirm energy to the industries at 11.2 mills per kilowatthour under its current nonfirm energy (NF-2) rate schedule. Nonfirm energy purchases would be limited to loads above those operating on March 8, 1983. Other DSI purchases would continue to be made under BPA's current industrial firm (IP-2) rate at 24.5 mills per kilowatthour.

BPA requested comments from the public on the proposed sale. Comments were accepted through March 21, 1983. BPA received comments from 34 parties. The comments were analyzed and addressed, as appropriate, in revising the offer to the DSIs. Many comments led directly to contract revisions.

BPA offered short-term nonfirm energy to the DSIs on March 22, 1983. The offer closed on April 8, 1983. Eight of BPA's 15 industrial customers accepted the offer, including five or six aluminum company customers. Together, the industries have agreed to increase their loads by buying 430 megawatts (MW) under the short-term contract, and have expressed interest in buying up to another 200 MW during the later months of the contract. Some 600 persons will be hired by the industries as a result of the sale. The sale will increase BPA fiscal year 1983 revenues by $20 million to $29 million.

The short-term nonfirm energy sale to the DSIs ends on October 31, 1983, the day before BPA's wholesale power rate schedules are to go into effect. Sales of energy to the DSIs after the date will be governed by the 1983 rates, which are now being developed through BPA ratemaking proceedings.

Issues Addressed in Final Offer to DSIs

Most comments BPA received from the public supported the concept of selling nonfirm and surplus energy to increase Northwest industrial production. Commenters expressed concern that (1) BPA not establish ratemaking precedents through the short-term sale, (2) preference and other rights of all BPA customers be protected, (3) BPA assure that nonfirm energy sales to the DSIs would not decrease power availability to other Northwest customer classes, and (4) benefits be conferred equitably on all participating DSIs. BPA believes that the final offer to the DSIs addresses these concerns.

Surplus Energy Available

BPA's offer of nonfirm energy to its DSI customers was made after review of BPA studies which confirmed that BPA had substantially more surplus energy available for sale during the period of the DSI nonfirm energy contract than it was likely to be able to sell. Current studies project that BPA has an energy supply through July 1983 which exceeds available markets by more than 3,000 average megawatts. Preliminary planning studies based on adverse streamflow conditions indicate that this surplus will exceed 1,800 average megawatts for the period July through October 1983.

This supply situation is to be contrasted with anticipated BPA sales. Priority firm loads excluding exchange sales are less than projected. These sales for Fiscal Year 1983, excluding exchange sales, were anticipated to be 4,898 average megawatts. Due to a variety of factors including consumer reaction to increased rates, warm weather, reduced economic activity, and above anticipated water flows for generating customers, the projection for 1983 sales has been reduced to 4,477 average megawatts. Sales of surplus firm to the Southwest have also been adversely affected. In the 1982 rate case, BPA had anticipated sales of surplus firm energy to the Southwest totaling 548 average megawatts. To date, BPA has sold approximately 73 average megawatts.

Terms of BPD-DSI Contract

Copies of the BPA-DSI contract are available from the BPA Public Involvement Office. BPA believes that some of the key terms of the agreement are the following:

—Nonfirm energy is available at a contract rate of 11.2 mills from March 21, 1983, to October 31, 1983, subject to availability and the rights of BPA's preference customers.

—Requests for nonfirm energy are met to the extent that the request exceeds the DSI level of operation on the effective date of the nonfirm contract.

—DSIs that were already operating at or near their contract demand (maximum level of operation) prior to the short-term offer are able to take some nonfirm energy in lieu of their industrial firm energy based upon the amount of nonfirm energy purchased by other DSIs. This "mitigation feature" provides equity to those companies which have continued to operate at a high level notwithstanding a depressed economy.

—The amount of nonfirm energy for all DSIs is reduced in relation to the price of aluminum, once the price of aluminum exceeds 70 cents per pound. Nonfirm energy deliveries under these contracts cease entirely once the price of aluminum reaches 85 cents per pound, and the load is converted to a firm purchase at the 24.5-mill IP-2 rate.

—During the term of the agreement, the demand used to calculate curtailment charges is reduced by the demand associated with the nonfirm energy contract. Curtailment charges are fees that BPA assesses an industrial customer when it elects to operate its facilities below the level of the firm portion of its load.

—No commitment is made to continue nonfirm energy sales after October 31, 1983, and no commitment is made regarding the allocation of revenues that BPA anticipates to receive from the nonfirm sales.

—The nonfirm energy is sold pursuant to the authority of the Bonneville Project Act, the Federal Columbia River Transmission System Act, and Section 5(f) of the Pacific Northwest Electric Power Planning and Conservation Act.

DSI Plans of Service

Each participating DSI submitted a plan of service to BPA, showing the amount of nonfirm energy it planned to purchase and the speed with which it would bring loads on line. Industries also indicated further increases in loads they may make in addition to their committed plans of service.

Each of the industries will increase loads over a period of 1 to 3 months. Following are the summarized plans of services submitted by each participating industrial customer. Once brought up, all loads continue for the term of the agreement unless otherwise specified. All nonfirm additions to load described in these plans of service and October 31, 1983.

Pacific Carbide will increase its load 2.3 MW from March 24 to June 30, 1983, only. Its load prior to the short-term offer was 6.97 MW.

Georgia Pacific, with a pre-offer load of 11.25 MW, added 7 MW. to its loads by March 30, 1983, and may buy another 15 MW beginning May 1.

Pennwalt had a pre-offer load of 55.5 MW. It will purchase an additional 4.35 MW between April 4 and May 31, 1983. Its increase in load will decline to 2.1 MW thereafter.

Aluminum Company of America (ALCOA) had a pre-offer load of 196 MW. It is increasing its loads by 216.9 MW by May 1, 1983, and may buy another 26 MW beginning September 1

Intalco Aluminum was running very close to its capacity prior to the short-term offer, with a load of 432 MW. It is bringing on an additional 5 or 6 MW from late April through June 1983.

Kaiser Aluminum started with a pre-offer load of 349 MW. It is bringing on one 57-MW potline in May and a second 58-MW potline in June. It may bring on a third 58-MW potline in July 1983.

Martin Marietta Aluminum was also operating close to capacity prior to the short-term offer with a load of 366.3 MW. It will add another 40 MW of load gradually from April through August 1983 and may add another 40 MW of load.

Reynolds Aluminum has a pre-offer load of 334.6 MW. It is adding a 50-MW potline by May 15. It may add a second 50-MW potline in July, and a third 50-MW potline in August 1983. Pending negotiation with a third party, an additional two potlines could also be added.

Materials Available

Copies of the short-term DSI sale contract, public comments received by BPA on this issue, a summary of public comments, and the plans of service submitted by each participating DSI are available from the BPA Public Involvement Office.

Issued in Portland, Oregon, April 26, 1983.

Peter T. Johnson,

Administrator, Bonneville Power Administration.

[FR Doc. 83-12083 Filed 5-4-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Case Nos. 51825-3630-01,02,03-82]

Acceptance of Certification and Issuance of Proposed Prohibition Orders for Medina Electric Co-op., Inc., Pearsall Powerplant Units 1, 2, and 3

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Acceptance of Certification and Issuance of Proposed Prohibition Orders for Medina Electric Cooperative, Inc., Pearsall Powerplant Units 1, 2, and 3.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is giving notice of its acceptance of a certification filed with it on April 7, 1983 by the Medina Electric Cooperative, Inc. (Medina) concerning its Pearsall Powerplant Units 1, 2, and 3, Pearsall, Texas (hereafter referred to as Pearsall 1, 2, and 3) pursuant to section 301 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or "the Act"). The certification addresses the technical capability and financial feasibility of Pearsall 1, 2, and 3 to use a mixture of petroleum or natural gas and coal as a primary energy source. ERA has reviewed and accepted the certification and its supporting documents and proposes to concur thereon. Accordingly, on the basis of the certification, ERA is issuing proposed prohibition orders to Pearsall 1, 2, and 3 which, if finalized, will prohibit the use of petroleum and natural gas in the powerplants in amounts in excess of the minimum amounts necessary to maintain reliability of operation of the units, consistent with maintaining reasonable fuel efficiency of the mixture.

DATE: Written comments and requests for a public hearing are due on or before June 20, 1983.

ADDRESS: All comments and requests for a public hearing on this matter should be directed to the Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Room GA-093, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Correspondence should clearly indicate the ERA case number for this proceeding.

FOR FURTHER INFORMATION CONTACT:

Robert L. Davies, Deputy Director, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, S.W., Room GA-007-D, Washington, D.C. 20585, (202) 252-9357

Marya Rowan, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6B-222, Washington, D.C. 20585, (202) 252-2967

SUPPLEMENTARY INFORMATION: As provided in section 301(c) of FUA and 10 CFR 504.5, 504.6, and 504.8, the Medina Electric Cooperative, Inc. (Medina), on April 7, 1983, certified to ERA that its Pearsall Powerplant Units 1, 2, and 3 (Pearsall 1, 2, and 3) are technically capable of using a mixture of petroleum or natural gas and coal as their primary energy source, and that it is financially feasible to do so. Having received Medina's certification, ERA is authorized by FUA to prohibit the excessive use of petroleum and natural gas in the fuel mixture used by Pearsall 1, 2, and 3 as their primary energy source, if, after examining the basis for the certification and complying with the applicable procedural requirements described below, it is able to concur upon the certification. The amounts of petroleum and natural gas which would be prohibited by any final FUA order would be such amounts of those fuels used in the mixture which would exceed the minimum amounts necessary to maintain the reliability of the unit's operation, consistent with maintaining reasonable fuel efficiency of the mixture. Medina has certified that the minimum amounts of either petroleum or natural gas that would be required for use in the mixture proposed for Pearsall 1, 2, and 3 will constitute 30% of each unit's primary energy source.

As a result of its examination of Medina's certification and the documentation submitted in support thereof, ERA has accepted the certification as filed and proposes to concur thereon. Final concurrence on the certification would permit ERA to issue final prohibition orders to Pearsall 1, 2, and 3. Accordingly, ERA is commencing a proceeding that may result in the issuance of final prohibition orders by issuing the proposed prohibition orders set out below, to Pearsall 1, 2, and 3. The regulations governing the proceeding which the publication of this Notice of Acceptance of Certification and Issuance of Proposed Prohibition Orders commences are 10 CFR Parts 500, 5001 and 504. In accordance with the provisions of 10 CFR 501.52, the following procedures will be followed prior to the issuance of any final prohibition orders:

(1) Section 701(b) of FUA and 10 CFR 501.52(b)(2) require that ERA issue proposed prohibition orders which contain a statement of the reasons that form the basis for ERA's proposed actions. ERA's proposed orders to Pearsall 1, 2, and 3, containing a discussion of the basis for ERA's proposed technical capability and financial feasibility findings, are published below, in compliance with this requirement.

(2) 10 CFR 501.31(b) and 501.52(b)(3) provide that the publication of a Notice of Acceptance shall commence a public comment period of 45 days during which interested persons may submit written comments or request a public hearing. During this period, the recipient of the proposed orders and any other interested persons may submit evidence that they have available relating to the proposed orders, the certification, or the concurrence that ERA must make before final orders can be issued. A request for an extension of the 45 day period may be granted at ERA's discretion. This Notice of Acceptance, accordingly, commences the required public comment period (see "DATES" and "ADDRESS" sections, above for detailed information submissions).

(3) If a hearing is requested during the period provided for such requests, ERA shall provide interested persons with an opportunity to present oral data, views, and arguments at a public hearing held in accordance with Subpart C of 10 CFR Part 501. The hearing may consider, among other matters, the sufficiency of the Medina certification, upon which ERA must concur prior to the issuance of any final prohibition orders to Pearsall 1, 2, and 3.

(4) 10 CFR 501.52(b)(3) provides that no final prohibition orders may be issued until any necessary environmental review conducted pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA) has been completed. ERA will complete this review and will address its results at the time of the issuance of any final orders to Pearsall 1, 2, and 3.

Upon completion of the NEPA review, and unless ERA determines on the basis of information contained in the record of the proceeding, as a whole, that the certification fails to meet the requirements of 10 CFR 504.5, 504.6 and 504.8, ERA proposes to issue final prohibition orders to Pearsall 1, 2, and 3.

PROPOSED PROHIBITION ORDERS

ERA case No.	Generating station	Power-plant No.	Megawatt capacity	Location
51825-3630-01-82	Pearsall	1	22	Pearsall, TX.
51825-3630-02-82	Pearsall	2	22	Pearsall, TX.
51825-3630-03-82	Pearsall	3	22	Pearsall, TX.

In accordance with section 301 of FUA and 10 CFR 504.5, 504.6, and 504.8, ERA hereby proposes to concur in Medina's certification of technical capability and financial feasibility and to prohibit the powerplant units identified above, from burning either petroleum or natural gas in a mixture with coal, in amounts in excess of the minimum amounts necessary to maintain reliability of operation of the units, consistent with maintaining reasonable fuel efficiency of such mixture.

These proposed prohibition orders are based on the following ERA proposed findings:

Proposed Finding of Technical Capability

ERA proposes to find that Pearsall 1, 2, and 3 have the technical capability to use a mixture of petroleum or natural gas and coal as their primary energy source while maintaining the ability, from the point of fuel intake, to physically sustain combustion of a given fuel and to maintain heat transfer. ERA bases this proposed finding on the certification and supporting materials submitted by Medina which indicate that Pearsall 1, 2, and 3 were originally designed and constructed in anticipation of the future use of coal as their primary energy source. Accordingly, it will be technically feasible to convert these units to the use of a mixture of petroleum or natural gas and coal as their primary energy source without substantial physical modifications. No reduction in rated capacity of the units is expected as the conversions were anticipated in the powerplants' original design. (Letter/Certification of Medina Cooperative, Inc. to the Office of Fuels Programs, April 7, 1983; Study by Alexander Utility Engineering, Inc.)

Proposed Finding of Financial Feasibility

ERA proposes to find that it is financially feasible to use a mixture of petroleum or natural gas and coal as the primary energy source for Pearsall 1, 2, and 3. This proposed finding is based upon information contained in Medina's certification and supporting materials which satisfactorily demonstrate that Medina will have the ability to obtain sufficient capital to finance the proposed conversions and to operate the units on the proposed mixture. As an electric cooperative formed under the Rural Electrification Act of 1936, Medina indicated in its certification that approval to proceed with the proposed conversions is the responsibility of the Rural Electric Administration (REA), the lienholder on Pearsall 1, 2, and 3, and that the REA will thereafter make the necessary financial arrangements for the conversions. Medina certified that it expects to receive REA's approval by June 1, 1983. Medina further certified that, based upon the Alexander Utility Engineering, Inc. report (March 1982) entitled "Pearsall Plant Coal Conversion Feasibility Study" and Supplement I thereto (October 1982), it estimates that the proposed conversions will cost $47.9 million in 1983 dollars and will result in a net reduction in power costs of $57.9–$163.9 million during the first ten years of post-conversion operations. (Letter/Certification from Medina Electric Cooperative, Inc. to the Office of Fuels Conversion, April 7, 1983).

As required by 10 CFR 504.5(d), Medina has submitted, as part of its certification, a proposed compliance schedule setting forth a progressive schedule of events and dates applicable to the accomplishment of the proposed conversions. As provided by 10 CFR 501.2(c), the prohibition orders, if issued, will be final as stated therein for purposes of judicial review under section 702 of FUA, but the prohibitions contained therein will not become effective for purposes of amendment under section 301(d) of FUA and 10 CFR 501.52(d) until all conditions subsequent (if any) listed in the prohibition order compliance schedule are met.

The public file containing the record of this proceeding is available for inspection at the Freedom of Information Reading Room, DOE, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.–4:00 p.m., (202)252-6020.

Issued in Washington, D.C. April 29, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-12079 Filed 5-4-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-Cert-027]

Ferro Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On April 21, 1983, Ferro Corporation (FERRO), One Erieview Plaza, Cleveland, Ohio 44114, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 400 Mcf per day of natural gas which is expected to displace the use of approximately 2,900 gallons per day of No. 2 fuel oil (0.35 percent sulfur) at its Electro Plant located in Buffalo, New York.

The eligible sellers of the natural gas are Douglas Drilling, Ltd., and Trison Petroleum Corporation, both c/o Western Petroleum Corporation, 717 17th Street, Denver, Colorado 80202. The gas will be transported by interstate pipeline by National Fuel Gas Supply Corporation, 10 Lafayette Square, Buffalo, New York 14203. The local distribution company is National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203.

Because the natural gas involved in this application may only be available on a monthly basis for 90 delivery days commencing May 1, 1983, FERRO has requested that the certification be issued expeditiously in order that it may be in a position to purchase all of the natural gas possible to displace the maximum volume of fuel oil.

The ERA has carefully reviewed FERRO's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that FERRO's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal

Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

The requested certification is being issued prior to the 10-day public comment period because the natural gas to be purchased may only be available for a limited period of time commencing on May 1, 1983. Given this limited availability of the gas and the authority of the Administrator to terminate a certification for good cause (10 CFR 595.08), it is not in the public interest to permanently lose this opportunity to displace fuel oil while public comments are being solicited.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to FERRO and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C. on April 29, 1983.

Robert Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-12080 Filed 5-4-83; 8:45 am]

BILLING CODE 6450-01-M

Rice Oil Company and Rice-Lindquist, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Rice Oil Company and Rice-Lindquist, Inc. at 3010 South Broadway, Minot, North Dakota 58701. This Proposed Remedial Order alleges pricing violations in the amount of $209,033 plus interest in connection with the sale of refined petroleum products at prices in excess of those permitted by 10 CFR Part 212 during the time period November 1, 1973 through April 30, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Manager, Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7407. Within fifteen (15) days of publication of this Notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 21th day of April 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-11969 Filed 5-4-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since Thursday, April 21, 1983. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATE: Last Notice published Thursday, April 21, 1983.

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., NW., Washington, D.C. 20585, (202) 252-2308

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395-7340

Vartkes Broussalian, Federal Energy Regulatory Commission, Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395-3087

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviwer of your intent as early as possible.

Issued in Washington, D.C., May 2, 1983.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No. (1)	Form title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Respondent description (6)	Estimated number of respondents (7)	Annual respondent burden (8)	Abstract (9)
CE-434	Weatherization Assistance Progress Report.	Revision	Monthly	Mandatory	States, District of Columbia, and Indian Tribes.	75	4,500	The CE-434 form is a monthly repc which collects state level data on tl progress of the weatherization assis ance program. The form collects infc mation on expenditures and other fina cial data, labor, number of units service and number of people assisted. The i formation will be used by DOE for mor toring purposes and to improve manag ment of the program.
DP-1	Personal Security Questionnaire.	Revision	On occasion	Required to obtain benefit.	Individuals seeking DOE building access or DOE employees seeking Secret clearance.	27,500	27,500	The information supplied on the DOE For DP-1 assists the DOE in evaluating tl individual's trustworthiness, which ben fits the DOE security program, the U.: government, and the public at large, t assuring that only trustworthy individua have access to classified information special nuclear material.
MA-843	DOE Management and Procurement Assistance Reporting and Recordkeeping Requirements.	New	Other: As Specified.	Mandatory	DOE Contractors and Grantees.	10,000	200,000	Data are used by DOE to fulfill manag ment accountability requirements and oversee utilization of Federal resourc for all management procurement and a sistance reporting and recordkeeping r quirements not previously cleared as pa of the Uniform Reporting System f Contractors or the Uniform Reportir System for Federal Assistance-Gran and Cooperative Agreements.

[FR Doc. 83-12078 Filed 5-4-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5908-001]

City of Ocean Shores, Washington; Notice of Surrender of Preliminary Permit

April 29, 1983.

Take notice that City of Ocean Shores, Washington, Permittee for the proposed West Fork Humptulips River Project No. 5908, has requested that its preliminary permit be terminated. The permit was issued on August 25, 1982, and would have expired on February 28, 1984. The project would have been located on the West Fork Humptulips River, in Grays Harbor County, Washington.

The Permittee filed its request on March 1, 1983, and the surrender of the preliminary permit for Project No. 5908 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11993 Filed 5-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5711-001]

Colville Confederated Tribes; Notice of Surrender of Preliminary Permit

April 29, 1983.

Take notice that Colville Confederated Tribes, Permittee for the proposed Nespelem River Project No. 5711, has requested that its preliminary permit be terminated. The permit was issued on June 7, 1982, and would have expired on December 31, 1983. The project would have been located on the Nespelem River, in Okanogan County, Washington.

The Permittee filed its request on February 24, 1983, and the surrender of the preliminary permit for Project No. 5711 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11992 Filed 5-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5851-001]

Emerald Peoples Utility District; Notice of Surrender of Preliminary Permit

April 29, 1983.

Take notice that Emerald Peoples Utility District, Permittee for the Black Creek Water Power Project, FERC No. 5851, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 5851 was issued on June 4, 1982, and would have expired on June 30, 1984. The project would hav been located on Waldo Lake using the waters of North Fork of Middle Fork of Willamette River, Black, and Salmon Creeks in Lane County, near Oakridge, Oregon.

Emerald Peoples Utility District filed the request on March 15, 1983, and the surrender of the preliminary permit for Project No. 5851 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11990 Filed 5-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5406-001]

Maintenance Consultants, Inc.; Notice of Surrender of Preliminary Permit

April 29, 1983

Take notice that Maintenance Consultants, Inc., Permittee for the proposed Falls Dam Hydro Project No. 5406, has requested that its preliminary permit be terminated. The permit was issued on March 31, 1982, and would have expired on August 31, 1983. The project would have been located on the Willow River in St. Croix County, Wisconsin.

The Permittee filed its request on September 22, 1982, and the surrender o the preliminary permit for Project No.

5406 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11994 Filed 5-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5070-001]

Sunnyside Valley Irrigation District; Surrender of Preliminary Permit

April 29, 1983.

Take notice that Sunnyside Valley Irrigation District Permittee for the proposed Little Naches Hydroelectric Project No. 5070, has requested that its preliminary permit be terminated. The permit was issued on January 11, 1982, and would have expired December 31, 1984. The project would have been located on the Little Naches River in Yakima and Kittitas Counties, Washington.

The Permittee filed its request on March 25, 1983, and the surrender of the preliminary permit for Project No. 5070 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11991 Filed 5-4-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59121B; TSH-FRL 2359-6]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of TM-83-36, and TM-83-37 and TM-83-38, three applications for test marketing exemptions (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-204, 401 M St. SW., Washington, DC. 20460; (202-382-3725).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemeical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restricitions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83-36.

Date of Receipt: March 21, 1983.

Notice of Receipt: April 1, 1983 (48 FR 14036).

Applicant: Confidential.

Chemical: Ester of gluco-heptonic acid (Generic).

Use: Confidential.

Production Volume: Confidential.

Test Marketing Period: 6 months.

Risk Assessment: The Agency identified no significant health or environmental concerns for the test market substance. The gluco-heptonic acid is expected to be poorly absorbed by all routes and rapid biodegradation is expected. During manufacturing, processing and use, human exposure and environmental release is expected to be low and the percentage of new substance in the final product is very low.

Public Comments: None.

TME 83-37.

Date of Receipt: March 22, 1983.

Notice of Receipt: April 1, 1983 (48 FR 14036).

Applicant: Confidential.

Chemical: Substituted amine-boron compound (Generic).

Use: Confidential.

Production Volume: Confidential.

Test Marketing Period: 1 Year.

Commencing on: April 28, 1983.

Risk Assessment: The Agency identified no significant health or evironmental concerns for the test market substance. Furthermore, the manufacturing process is designed to prevent worker contact with the new material.

Public Comments: None.

TME 83-38.

Date of Receipt: March 22, 1983.

Notice of Receipt: April 1, 1983 (48 FR 14036).

Applicant: Allied Chemical Corporation.

Chemical: Substituted borazole polymer (Generic).

Use: Industrial boron dopant for semiconductor fabrication.

Production Volume: Confidential.

Test Marketing Period: 1 Year.

Commencing on: April 28, 1983.

Risk Assessment: No significant health or environmental effects were identified. The test market substance is not expected to be absorbed to any extent, nor to be bioavailable if released to the environment.

Public Comments: None.

The Agency reserves the right to rescind approval of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

Dated: April 28, 1983.

Marcia E. Williams,

Acting Director, Office of Toxic Substances.

[FR. Doc. 83-12043 Filed 5-4-83 8:45 am]

BILLING CODE 6560-50-M

[ORD-FRL 2358-8]

Draft Health Assessment Documents for Nickel, Manganese and Chromium; Notice of Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: A number of metals and associated compounds which are emitted to the ambient air are currently being studied by the Environmental Protection Agency to determine whether they should be regulated as hazardous air pollutants under the Clean Air Act. One of the factors in the Agency's study of these compounds is the evaluation of available information pertaining to human health effects. The evaluations for the compounds listed below are contained in draft health assessment documents prepared by the Office of Health and Environmental Assessment

of the Office of Research and Development. In order to have a thorough review of the scientific aspects of these documents, external review drafts of each one will be transmitted to the Agency's Science Advisory Board (SAB) for review, and simultaneously, will be made available for public review and comment.

The titles and publication numbers of the draft health assessment documents are:

Title	EPA No.
Health Assessment Document for Nickel.	EPA-600/8-83-012
Health Assessment Document for Manganese.	EPA-600/8-83-013
Health Assessment Document for Chromium.	EPA-600/8-83-014

The draft document on Nickel will be available for public review on or about May 16 and the Agency will accept public comments until July 15. The draft documents on Chromium and Manganese will tentatively be available in mid June, to be followed by a 60-day public comment period. There will be further announcements in the **Federal Register** specifying the exact dates for release of the Chromium and Manganese documents.

After receipt of all public comments on the three documents, the SAB will hold public meetings to review the documents. Advance notices announcing the time and place for the SAB public meetings and document agenda will be made in the **Federal Register**.

Those persons interested in commenting on the scientific merit of the draft documents will be able to obtain copies as follows:

(1) The draft documents will be available in single copy quantity from EPA at the following address: ORD Publications—CERI-FR, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268, Tel. (513) 684-7565

Requesters should be sure to cite the EPA number(s) assigned to the document(s). To receive these documents, requesters should send their names and addresses to CERI at this time. The Nickel document will be available on or about May 16; the Chromium and Manganese documents are expected to be available in mid June.

(2) The draft documents will also be available for public inspection and copying at the EPA library at Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

Commenters are requested to submit separate comments for each document rather than making a combined submission. Comments must be in writing and should be addressed in the manner below:

For nickel: Send comments to Project Officer, Environmental Criteria and Assessment Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711.

Information on where to send comments on Chromium and Manganese will be provided in the **Federal Register** notice(s) announcing the availability of these documents.

For nickel, comments must be received by close of business, July 15, in order to be considered. Closing dates for receipt of comments on Chromium and Manganese will be indicated in the specific **Federal Register** Notices for these documents.

FOR FURTHER INFORMATION CONTACT: For nickel—Diane Chappell, Tel (919) 541-3637.

Dated: April 29,1983.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 83-12077 Filed 5-4-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-24]

Bob Akin Motor Racing, Inc. v. Cosmos Shipping Company, Inc.; Notice of Filing of Complaint and Assignment

Notice is given that a complaint filed by Bob Akin Motor Racing, Inc. against Cosmos Shipping Company was served April 27, 1983. Complainant alleges that respondent has breached its duties and responsibilities as a freight forwarder in violation of section 44 of the Shipping Act, 1916 in connection with the shipment of a truck, racing car and related parts.

This proceeding has been assigned to Administrative Law Judge William Beasley Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-12116 Filed 5-4-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

May 2, 1983.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

For further information contact:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880)

Request for approval of revisions to existing reports.

1. Report title: Advance Report of Deposits from Large Banks; Advance Report of Deposits from Small Banks

Agency form number: FR 2000, FR 2001
Frequency: Daily, Weekly
Reporters: Commercial banks
SIC Code: 602, 603, 605, 612, 614
Small businesses are affected.
General description of report:
Respondent's obligation to reply is mandatory [12 U.S.C. 248, 461, 3105]; a pledge of confidentiality is promised [5 U.S.C. 52 (b)(4) and (b)(8)].

Package of reports collects information on deposit data for depository institutions that have transaction accounts, or nonpersonal time deposits (FR 2900), Eurocurrency deposits from depository institutions that obtain funds from foreign (non-U.S.) sources or that maintain foreign branches (FR 2950, 2951); and selected items on the FR 2900 in advance from large commercial banks and a sample of small commercial banks (FR 2000, 2001) to ensure compliance and for construction of the monetary aggregates.

Board of Governors of the Federal Reserve System, May 2, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-12108 Filed 5-4-83; 8:45 am]

BILLING CODE 6210-01-M

Agency Forms Under Review

May 2, 1983.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register.** This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

For further information contact:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880)

Request for extension with minor revision.

1. Report title: Reports of Selected Borrowings

Agency form number: FR 2415, FR 2415a
Frequency: Weekly, daily depending on which report is filed
Reporters: Large member banks
SIC Code: 602
Small businesses are not affected
General description of report:
Respondent's obligation to reply is voluntary [12 U.S.C. 248(a) and 353 *et seq.*]; a pledge of confidentiality is promised [5 U.S.C. 552(b)(4)].

Report collects information on the outstanding balances of selected borrowings in immediately available funds of large member banks (i.e., those with total assets of $1 billion or more as of December 31, 1977. This report, which provides information mainly on federal funds and repurchase agreements, is used in the analysis and formulation of monetary policy. Limited advance information is collected daily by telephone (FR 2415a) from the fifteen largest respondents.

2. Report title: Government Securities Dealers Reports

Agency form number: FR 2004a,b,c,d
Frequency: Daily, weekly, bimonthly depending on which schedule is filed
Reporters: Primary dealers in U.S. government securities
SIC Code: 602, 621
Small businesses are not affected
General description of report:
Respondent's obligation to reply is voluntary [12 U.S.C. 248(a)(2) and 353-359a]; a pledge of confidentiality is promised [5 U.S.C. 552(b)(4)].

These groups of reports submitted by government securities dealers are used to collect daily positions, daily transactions, weekly financings, and semimonthly futures, forwards, and options data from the primary dealers in U.S. Treasury securities.

Board of Governors of the Federal Reserve System, May 2, 1983.

James McAfee,

Associate Secretary of the Board.

FR Doc. 83-12109 Filed 5-4-83; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0464]

Federal Reserve Bank Check Collection Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comments.

SUMMARY: The Board of Governors is requesting public comment on proposed criteria for selecting depository institutions located outside Federal Reserve office cities for inclusion in a program to accelerate the collection of checks that was approved in December 1982.

DATE: Comments must be received by June 17, 1983.

ADDRESS: Comments, which should refer to Docket No. R-0464, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m.,

except as provided in § 261.6(a) of the Board's Rules Regarding the Availability of Information, 12 CFR 261.6(a).

FOR FURTHER INFORMATION CONTACT: Eliott C. McEntee, Assistant Director (202/452-2231) or Florence M. Young, Program Manager (202/452-3955), Division of Federal Reserve Bank Operations; Daniel L. Rhoads, Attorney (202/452-3711), Robert G. Ballen, Attorney (202/452-3265), or Elaine M. Boutilier, Attorney (202/452-2418), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On December 17, 1982, the Board approved a program to accelerate the collection of checks by Reserve Banks and thereby improve the efficiency of the nation's payments mechanism. 48 FR 79 (January 3, 1983). The major elements of the program included extending deadlines for depositing checks at Federal Reserve offices and moving to a later, uniform time for the presentment [1] or dispatch of checks to paying institutions.

The first phase of this program was implemented on February 24. New later deposit deadlines were implemented for checks drawn on city and RCPC institutions along with a uniform presentment or dispatch time of 11:00 a.m. for checks drawn on city institutions. Under this first phase of the program, checks with a value of approximately $2 billion are now being collected one day earlier than they were being collected previously. The second phase of the program calls for the presentment or dispatch of checks drawn on city institutions to be moved to 12:00 noon on May 2.

In addition, the program provides that new later deposit deadlines for checks drawn on certain non-city institutions,[2] as well as later presentment or dispatch times for the selected institutions, would be implemented on July 1. Criteria for selecting non-city institutions to be included in this aspect of the program, called the high-dollar group sort (HDGS),[3] were to be developed. There are two primary reasons for including non-city institutions in the accelerated check collection program. First, an analysis of check clearing patterns indicated that there was a substantial increase in the dollar value of checks presented by the Federal Reserve to non-city institutions over the period May 1981 through November 1982. By expanding the program to include certain non-city institutions, it is anticipated that checks with a value of $1 billion could be collected one day earlier than at present. Second, in commenting on the proposal to accelerate the collection of checks, commenters indicated that moving presentment or dispatch times to 12:00 noon for city institutions only would put such institutions at a disadvantage vis-a-vis non-city institutions in competing for corporate cash management business.

Several factors are to be considered in developing criteria for the selection of non-city institutions to be included in the HDGS. The selection criteria should consider the value of improved funds availability in relation to the costs incurred in collecting the funds faster, that is, the value of funds cleared one day earlier versus the additional processing and transportation costs that would be required to achieve this improvement. Finally, the selection criteria should be sufficiently flexible to address changing economic trends and disbursement patterns.

Three principal approaches have been considered for selecting non-city institutions for the HDGS: (1) The value of check presentments by the Reserve Banks; (2) the location of non-city institutions; and (3) market demand. Each of these approaches offers varying degrees of improved availability and responsiveness to changing disbursement patterns. Additionally, the costs associated with servicing and administering each approach would differ.

Value of Check Presentments—Under this approach, the selection process could be developed in two ways. First, non-city institutions could be included in the program on the basis of the daily average dollar value of checks presented to them by the Federal Reserve. All non-city institutions at or above some specific dollar level would be included in the program. Second, non-city institutions could be included on the basis of some measure of average check size and/or the number of large dollar items presented to them by the Federal Reserve. A determination of the appropriate average check size or number of high-dollar checks would be developed through an analysis of Reserve Bank check clearings over a specified time period.

An analysis of daily average presentments to non-city institutions indicated that nearly 30 percent of the total $22 billion daily average presentments by the Federal Reserve to non-city institutions were made to institutions whose daily presentments averaged $20 million or more. The proportion rises to only 37 percent when institutions with daily presentments averaging $10 million or more are included and to 44 percent when institutions with daily presentments averaging $5 million or more are included. However, the number of institutions that would be included in the HDGS would increase 150 percent, from 97 to 249 institutions, between the $20 million and $10 million cutoff points and increase 350 percent, from 97 to 463 institutions, between the $20 million and $5 million cutoff points. These data suggest that, at least initially, a $20 million cutoff point may be preferable in light of the relationship between potential dollars collected and the cost of providing the service.

A selection criterion based on total dollars presented would be uniform and objective as well as simple to implement and administer. This criterion would not, however, allow for accelerating the collection of checks on smaller institutions where it may be cost-effective to do so. There may be opportunities to improve funds availability at a small marginal cost by including institutions whose dollar value of presentments is below the established cutoff. Conversely, this criterion would call for including certain institutions where it may not be cost-effective to do so because transportation costs may be prohibitive.

Using selection criteria based on average check size and/or the number of large dollar checks presented by the Federal Reserve could include institutions on which large dollar checks are frequently drawn but that might not be included in the HDGS under a total dollar value presentment approach. Additionally, this approach would ensure that the checks presented to selected institutions would have a sufficiently high dollar value to make their inclusion in the HDGS cost-effective for collecting institutions. Finally, this approach may offer greater adaptability to changes in market conditions than the pure dollar-based approach. On the other hand, determining the optimal average check size or appropriate number of large dollar checks would require complex analysis.

Geographic Location—A geographic approach has been recommended by

[1] Presentment indicates the time that Reserve offices will present checks at clearinghouse or make them available for pickup for pickup at the Reserve offices.

[2] Non-city institutions are depository institutions that are located outside cities where there are Federal reserve Chick processing offices.

[3] A group sort is a service that Reserve Banks provide to collecting institutions. Under this service, institutions that sort checks drawn on a defined group of institutions may deposit those checks at later deadlines than unsorted deposits.

some members of the banking community. It has been suggested that all institutions located in specific geographic areas, such as, Ranally Metropolitan Areas, would be included in the HDGS without regard to the value of checks presented to them.

Such an approach would be predictable and objective, since it clearly specifies the groups of depository institutions that would be included in the HDGS. Also, it would treat depository institutions located in Federal Reserve cities and those located in large non-Federal Reserve cities comparably. Nonetheless, this approach appears to have some disadvantages. There may be little benefit from including very small institutions in the HDGS, since the costs of doing so would likely be higher than the potential marginal benefits that may be realized. The inclusion of many small institutions could add significantly to transportation and processing costs while contributing very little to incremental dollars collected. Further, it might be cost effective to serve many institutions that receive large dollar presentments that may not be in the geographic areas specified. Therefore, a pure geographic approach might not maximize improvements in funds availability.

Market Demand—Under this approach, depository institutions could request that certain non-city institutions be included in the HDGS in order to obtain improved funds availability. In administering the market demand approach, the benefits to be obtained through improved funds availability versus the cost of including such non-city institutions in the HDGS would be evaluated. Only when clear net benefits could be achieved would a particular institution be included.

This approach has the advantage of ensuring that the HDGS is responsive to the changing needs of depository institutions. It also provides that institutions would be included in the HDGS only if depository institutions were willing to pay a price that would cover the Federal Reserve's costs of collecting checks on the selected non-city institutions. However, several potential drawbacks are associated with this approach. Improvements in funds availability and in the payments mechanism generally may not be fully realized since the success of the program would be wholly dependent upon the requests of depository institutions. Additionally, this approach may not result in the most efficient allocation of resources since greater or comparable improvements in funds availability may be achieved at costs lower than those associated with limiting selection to depository institutions' requests. Finally, it could be more costly to administer this approach then either the pure total dollar value or geographic approaches because of the continuing necessity to evaluate depository institutions' requests.

Price Determination and Deposit Deadlines—It is proposed that a two-part fee structure be used for the HDGS: a cash letter fee and a per item fee. The cash letter fee would consist of each office's existing intra- or interterritory cash letter fees plus a charge to recover the fixed costs of outgoing transportation. The per item fee will be set to recover processing costs plus the expected value of any holdover or intraterritory transportation float.

Proposed fees for the HDGS have been developed by each Federal Reserve office based upon the costs associated with a high-dollar group sort consisting of non-city institutions with daily average presentments of $20 million or more. A schedule of these proposed fees is attached to this notice. The deposit deadlines for the HDGS would be comparable to the current deadlines for checks drawn on city institutions. It is proposed that the HDGS deposit deadlines would range from 8:00 a.m. to 9:30 a.m. The proposed deposit deadlines also appear in the attachment. Some Federal Reserve offices are considering an optional service that permits institutions to deposit one cash letter for checks drawn on institutions included in the HDGS. Deposit deadlines would be earlier and fees may be slightly higher for this local option.

Presentment—Institutions included in the HDGS will continue to receive a large proportion of the checks presented or dispatched to them in the same manner as at present. It is anticipated that only a small proportion of the checks drawn on these institutions will be presented or dispatched to the banks by 12:00 noon.

Payor Bank Service—The accelerated check collection program, approved by the Board in December, specifically addressed the impact of later presentment on depository institutions' ability to offer cash management services to their customers. As announced by the Board in December, each Reserve Bank will be required to offer a minimum level of service that provides presentment totals by selected account or facilitates the paying institutions' ability to extract such totals. Information concerning the details of each Reserve Bank's service is available from the Reserve Bank.

Implementation—The Board will establish an implementation date when final action on this matter is taken after comments are analyzed.

Combining Selection Criteria—It appears that no one criterion will be fully satisfactory. However, the Board believes that the daily average presentment value approach provides an objective basis for initiating the HDGS. By initially including all institutions with average daily presentments amounting to $20 million or more, the number of selected institutions would be manageable. Meaningful improvements in funds availability could be realized while information is gained regarding depository institutions' use of the HDGS and the cost-effectiveness of including all institutions defined by this criterion.

Further improvements in funds availability could be achieved at a reasonable cost by including additional non-city institutions in the HDGS. Lowering the dollar cutoff, however, may not be the most cost effective approach because improvements in funds availability may not exceed the increased costs that would be incurred to include additional institutions in the HDGS. Therefore, other criteria may be needed for selecting institutions whose average daily presentments are below the $20 million cutoff. All depository institutions that fall within the selection criteria chosen will be included within the HDGS.

Accordingly, the Board requests public comment on the following selection criteria:

1. Initially include all non-city institutions in the HDGS whose daily average presentments by the Federal Reserve amount to $20 million or more.

2. Select additional non-city institutions with total daily average presentments by the Federal Reserve under $20 million for inclusion in the HDGS:

a. Using standards based on the average check size and/or the number of large-dollar checks presented to an institution; or

b. Based on analysis of requests received from depository institutions.

In addition to providing comments on the selection criteria proposed above, the Board asks that commenters also address the following questions:

1. Should a minimum ratio of costs to value of improved funds availability be set for inclusion in the program? If so, what ratio is appropriate?

2. Should the $20 million cutoff be set at a higher or lower level? If so, what should the appropriate level be?

3. Should institutions with average presentments of less than $20 million be

added to the program based on criteria using average check size and/or the number of large dollar checks presented?

(a) If so, how should the appropriate average check size be determined?

(b) How should the number and size of the large dollar check criterion be determined?

(c) Which would be a better criterion—the average check size or the number of large dollar checks presented? Should both factors be used?

(d) What timeframe should be used to analyze average check size and/or the number of large dollar checks?

4. If a market demand criterion were used:

(a) How would this best be administered?

ATTACHMENT.—PROPOSED HDGS PRICES AND DEPOSIT DEADLINES [1]

Office and group number	Per item (cents)		Intraterritory C/L fee (dollars)	Interterritory C/L fee (dollars)	Proposed deadline
	Group	Fine			
Boston	5.0		$.00	$10.00	0830
Lewiston [2]	NA		NA	NA	NA
Windsor Locks	5.0		9.00	10.00	0800
New York [2]	NA		NA	NA	NA
Buffalo	8.0		3.25	5.25	0830
Jericho	8.0		8.00	10.00	0830
Cranford	8.0		9.00	11.00	0830
Utica	8.0		16.00	18.00	0830
Philadelphia	9.0		8.00	9.00	0800
Cleveland	10.0		5.00	7.00	0930
Cincinnati	10.0		9.50	11.50	0930
Pittsburgh		5.0.	7.00	7.00	0930
Columbus		5.0	7.00	7.00	0800
Richmond	11.0		21.50	22.50	0900
Baltimore	8.0		15.50	16.50	0830
Charlotte	12.0		20.00	21.00	0800
Columbia	14.0		13.50	14.50	0900
Charleston [2]	NA		NA	NA	NA
Atlanta	8.0		3.00	4.50	0800
Birmingham [2]	NA		NA	NA	NA
Jacksonville	15.0		50.00	51.50	0800
Nashville [2]	NA		NA	NA	NA
New Orleans		15.0	29.00	29.00	0800
Miami		5.0	14.50	14.50	0830
Chicago		15.0	13.75	13.75	0830
Detroit 1	10.0		10.00	10.00	.900
Detroit 2	10.0		17.00	17.00	0900
Des Moines [2]	NA		NA	NA	NA
Indianapolis [2]	NA		NA	NA	NA
Milwaukee		15.0	12.50	12.50	0830
St. Louis		12.0	9.00	9.00	0900
Little Rock [2]	NA		NA	NA	NA
Louisville		7.0	14.00	14.00	0930
Memphis		9.0	51.50	51.50	0930
Minneapolis	6.0		7.00	8.00	0800
Helena		9.8	19.50	19.50	0900
Kansas City [2]	NA		NA	NA	NA
Denver [2]	AA	15.0	51.75	51.75	0900
Oklahoma City	10.0		30.00	31.00	0900
Omaha [2]	NA		NA	NA	NA
Dallas	7.0		6.00	8.00	0900
Houston [2]	NA		NA	NA	NA
San Antonio		3.0	30.50	30.50	0930
El Paso		3.0	14.50	14.50	0915
San Francisco		5.0	29.00	29.00	0800
Los Angeles 1	7.8		10.00	12.00	0800
Los Angeles 2		5.0	38.00	38.00	0800
Los Angeles 3	11.0		29.00	31.00	0800
Portland [2]	NA		NA	NA	NA
Salt Lake City [2]	NA		NA	NA	NA
Seattle [2]	NA		NA	NA	NA

[1] Fees are based on: (1) Including only institutions with daily average presentments of $20 million and above, and (2) Reserve Bank estimates of the number of checks and the number of deposits that will be received for this HDGS.

[2] There are no institutions with daily average presentments of $20 million and above in the territory served by this office.

A—Act applicable.

(b) When an institution requests that a payor institution be added, how long should the requesting institution be obligated to utilize the service?

5. Would a geographic approach be preferable in determining which additional institutions should be included?

(a) If so, how should the geographic area be selected?

(b) Should all institutions within the geographic area be included in the program? If not, on what basis should institutions be included? Average dollar presentments? Average check size? Number of large dollar checks? Any other criteria?

(c) What criteria should be used for including institutions outside the specified geographic area?

6. How often should the institutions in the HDGS be reviewed by the Federal Reserve System for continued cost efficiency?

7. Are there any other objective criteria that should be considered as a basis for selecting institutions for inclusion in the HDGS program?

By order of the Board of Governors of the Federal Reserve System, May 2, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-12107 Filed 5-4-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-83-1238]

Certification of a State Land Sales Program

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commisssioner, Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of Certification of the Land Sales Program of the State of Georgia, Secretary of State, Securities Division.

SUMMARY: The Secretary gives public notice that a determination has been made to accept the application and certify the land sales program of the State of Georgia, Secretary of State, Securities Division. A formal agreement was entered into on February 24, 1983, commencing the effect of the certification. The State of Georgia applied for certification of its land sales program under 24 CFR 1710.502, and notice of its application was published in the **Federal Register** on December 13, 1982. The purpose of this public notice of Georgia's certification is to advise the public, and particularly Georgia land developers and other state agencies with land sales regulatory responsibilities, of the terms of the agreement and the agreement's effect upon land sales businesses.

EFFECTIVE DATE: February 24, 1983.

ADDRESSES:

HUD, Office of Interstate Land Sales Registration, Room 4130, 451 7th Street, SW. Washington, D.C. 20410

Secretary of State, Securities Division, 216 State Capitol, Atlanta, Georgia 30334

FOR FURTHER INFORMATION CONTACT: Roger G. Henderson, U.S. Department of Housing and Urban Development, (202) 755-6314. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The agreement between the Commissioner of Securities for the State of Georgia (Commissioner) and the HUD Office of Interstate Land Sales Registration (OILSR) affects those land subdivisions located in Georgia for which both a Georgia Property Report and Federal Statement of Record (a Federal registration) are required.

The Federal requirements will be satisfied and a registration for the particular subdivision automatically effective upon receipt of a certified copy of the Georgia Property Report in proper form and a Federal registration fee in the amount set out in existing regulations governing administration and enforcement of the Interstate Land Sales Full Disclosure Act. No other documentation will be required.

Federal rescission language will be incorporated into the body of the Georgia Property Report, as appropriate, and in sales contracts. No separate Federal disclaimer page or Federal effective date will appear in the Georgia Property Report.

Background:

Congress, in order to eliminate duplicative reporting requirements, amended the Interstate Land Sales Full Disclosure Act in 1979 to give HUD expanded authority in the certification of states with equivalent land sales protection. Rules were adopted in June 1980 setting out the procedures and criteria for certifying a state land sales program. States can be certified by the Federal government if their land sales program gives purchasers protection either through disclosure requirements or substantive regulation or a combination of the two that is substantially equivalent to that provided by administration of the Federal law. Once a state is certified, HUD may accept a state's disclosure materials, and any documentation required, and declare these effective as a Federal registration.

California was certified on January 6, 1981, Minnesota on October 2, 1981, Florida on January 18, 1982 and Arizona on February 3, 1982. An affirmative decision has been made regarding the Georgia application, and a formal agreement was signed on February 24, 1983, following the close of a 30-day public comment period announced in the **Federal Register** on December 13, 1982. Only two comments were from the California Department of Real Estate and the Arizona Department of Real Estate. The differences stated in those comments have been resolved to the satisfaction of California and Arizona.

The formal agreement is as follows: (insert attachment)

Dated: April 28, 1983.

W. Calvert Brand,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

Be It Known That the Commissioner of Securities for the State of Georgia (Commissioner) and the United States Department of Housing and Urban Development (HUD), Office of Interstate Land Sales Registration (OILSR)

Agree as follows:

1. That the State of Georgia has adopted and is effectively administering a land sales program pursuant to the Georgia Land Sales Act of 1982, Code Section 44-3-1, *et seq.*, of the Official Code of Georgia, as amended, and Chapter 590-4 of the Rules and Regulations of the State of Georgia. This statute and the rules and regulations promulgated thereunder, administered in accordance with this Agreement, provide lot purchasers and lessees protection that is substantially equivalent to that given them by the Interstate Land Sales Full Disclosure Act (ILSFDA).

2. That the State of Georgia's land sales program is certified by the U.S. Department of Housing and Urban Development pursuant to 24 CFR 1710.501(b). A developer or subdivider who has properly registered with the Commissioner a subdivision located in Georgia may satisfy the registration requirements of the ILSFDA by filing or having filed with the Secretary of HUD, the final Property Report (which was previously filed with Commissioner) with fee, in lieu of the Federal Statement of Record provided that the Commissioner has determined that the Property Report is in compliance with all the substantive and disclosure requirements set forth in the aforementioned Georgia statutory and regulatory provisions and this Agreement. All Property Reports certified by the Commissioner will be prepared pursuant to the format and general instructions set forth in 24 CFR 1710.100 through 1710.118, except that §§ 1710.105 and 1710.118 are modified to substitute the Commissioner for references made to the Federal Government and/or OILSR and to include the requirements of OCGA § 44-3-3)(4)(A). Accordingly, a subdivision located in Georgia will be considered registered with HUD upon HUD's receipt of a certified current Property Report and a fee in the amount specified in OILSR Regulations.

3. That the Commissioner will adopt a rule which, in conjunction with OCGA § 44-3-3(4)(B) and (13) (B), requires developers to file an amendment to the Property Report within 15 days of the date on which the developer knows, or should have known, that there has been a change in any representation of material fact required to be stated in the Property Report.

4. That each agency agrees to notify the other within 30 days of any modification or amendment to its law, regulations or administrative procedures, or of any substantial changes in its administrative capabilities, and to send copies of the pertinent documents, if any, affecting the modifications or amendments, including legal opinions relative to the aforementioned statutory and regulatory provisions and this Agreement.

5. That each agency agrees to notify the other of any action taken to suspend sales in a subdivision covered by this Agreement and to send to the other copies of any administrative orders including Cease and Desist Orders, Suspension Orders and copies of injuctions obtained.

6. That the Commissioner will certify as true and currently in effect all Property Reports in compliance with Georgia's statutory and regulatory provisions and this Agreement, including amended and renewed

statements, as required by subdividers to comply with the ILSFDA.

7. That while additional documents will not be required to be certified and sent as a matter of course, the Commissioner will cooperate with OILSR by sending copies of any additional documents that are specifically requested.

8. That the Commissioner will cooperate with any other states obtaining HUD certification of its land sales programs by providing copies of documents that are specifically requested.

9. That the Commissioner will accept a disclosure document covering land located in another state but offered for sale in Georgia if the disclosure document has been approved by the other state, provided the other state's land sales program has been certified by OILSR, and that such disclosure document will be the only disclosure document required by the Commissioner with respect to the offer, sale or lease of the subdivided lands. However, the Commissioner is not required to accept disclosure documents covering offerings located in another certified state if that offering is not subject to the registration requirements of the ILSFDA.

10. That this Agreement is limited to disclosure documents required by both agencies and is not intended as a substitute for substantive requirements of the State of Georgia or of the enforcement authority of either agency. Thus, the Commissioner is not required to accept a disclosure document from another certified state when the subdivision in question and its operation do not meet the substantive requirements of Georgia law. In addition, neither OILSR nor the Commissioner are precluded from initiating administrative, civil or criminal proceedings.

11. That OILSR will not certify another state unless that state's Land Sales program offers to purchasers and lessees protection which is substantially equivalent (either in terms of required disclosure or substantive protection or some combination of the two) to that offered through administration of the ILSFDA.

12. That the Commissioner will exert its best efforts to maintain the level of administration upon which certification is based.

13. That for all subdivisions certified to HUD, the Commissioner will assure that pursuant to 15 U.S.C. 1703, as interpreted at 24 CFR 1710.209(f)(3), purchasers are advised in both Property Reports and in all forms of contracts or agreements and promissory notes used in selling or leasing lots of rescission rights accruing to them under Federal law and that no representations will be made by subdividers that they will install or complete roads, sewers, water, gas, or electric service, or recreational amenities unless the subdividers stipulate in their contract of sale or lease that they will provide or complete such services or amenities.

14. That complaints received by OILSR from Georgia residents concerning subdivisions in Georgia will be sent to the Commissioner for investigation; however, they may also be investigated by OILSR. The Commissioner will advise OILSR of any action taken or resolution of each complaint and send OILSR a copy of the Commissioner's reply to the complainant. Where such complaints clearly address only Federal requirements, OILSR will handle the complaint directly. Complaints received by the Commissioner from Georgia residents concerning subdivisions located outside of Georgia will be sent to OILSR for investigation; however, they may also be investigated by the Commissioner. The Commissioner and OILSR will cooperate where both have a direct interest in the subdivision.

15. That the agencies agree to cooperate with each other to the maximum extent possible and legally feasible in enforcement matters. OILSR and the Commissioner will, upon request, exchange copies of inspections of subdivisions located in Georgia performed by its field representatives. The Commissioner will exert its best efforts to make inspections of subdivisions prior to issuing a Certificate of Registration.

16. That each agency agrees to notify the other of any investigation it conducts which affects subdivisions located in Georgia or developers, subdividers, or their agents involved with these subdivisions.

17. That this Agreement does not affect the authority of either agency to assess or collect fees, particularly for filing and registration purposes.

18. That the Secretary of HUD is required periodically to review the laws and regulations and administration thereof of any state whose land sales program is certified; that the Secretary may withdraw certification upon a determination that the state's program no longer offers purchasers protection equivalent to that offered by the ILSFDA; and that prior to withdrawal of certification, the Secretary must issue to the state a notice of intent to withdraw certification, which notice shall afford the state an opportunity for hearing prior to withdrawal.

19. That the Commissioner may withdraw from certification by notice to the Secretary.

20. That this Agreement may be amended or supplemented at a later date by written agreement of both parties.

This agreement is entered into on the 24th day of February, 1983.

Max Cleland,

Secretary of State, Commissioner of Securities, State of Georgia.

H. Wayne Howell,

Director, Securities Division, Assistant Securities Commissioner.

Philip Abrams,

Assistant Secretary for Housing-Federal Housing Commissioner for the U.S. Department of Housing and Urban Development.

[FR Doc. 83-12075 Filed 5-4-83; 8:45 am]

BILLING CODE 4210-27-M

Office of the Secretary

[Docket No. N-83-1237]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Record of Employee Interview
Office: Labor Relations
Form No.: HUD-11
Frequency of submission: On Occasion
Affected public: Individuals or Households
Estimated burden hours: 5,000
Status: Extension
Contact: Richard S. Allen, HUD, (202) 755-5370; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 25, 1983.

Albert J. Kliman,

Director, Budget, Office of Administration.

[FR Doc. 83-12071 Filed 5-4-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1236]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Low Rent Public Housing Construction Report
Office: Housing
Form No. HUD-5378
Frequency of submission: On Occasion
Affected public: State and Local Governments
Estimated Burden hours: 30,000
Status: Extension
Contact: Dominic Eng, HUD, (202) 755-6460; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 18, 1983.

Judith L. Tardy,

Assistant Secretary for Administration

[FR Doc. 83-12072 Filed 5-4-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1234]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Previous Participation Certificate
Office: Housing
Form No.: HUD-2530
Frequency of submission: On Occasion
Affected public: Individuals or Households and Businesses or Other Institutions (except farms)
Estimated burden hours: 5,400
Status: Extension
Contact: Jon Will Pitts, HUD, (202) 755-6778; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 11, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-12073 Filed 5-4-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1235]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice:

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Personal Financial and Credit Statement
Office: Housing
Form No.: HUD-92417
Frequency of submission: On Occasion
Affected public: Businesses or Other Institution (except farms)
Estimated burden hours: 64,000
Status: Extension
Contact: William C. Howell, HUD, (202) 426-0730; Robert Neal, OMB (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 22, 1983.

Albert J. Kliman,

Director, Budget, Office of the Assistant Secretary for Administration.

[FR Doc. 83-12074 Filed 5-4-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. AZAZ02500001]

The Bureau of Land Management proposes to offer for sale the following described lands at public auction on August 11, 1983, at 11:00 a.m., at Yavapai County Courthouse, 255 East Gurley, Prescott, Arizona 86301.

Gila and Salt River Meridian, Arizona

	Acres	Value
Parcel G: Legal Description: T. 11N., R. 2 E., sec. 9, NE¼SE¼	40	$50,000

Through the development of land use plans, it has been determined that the sale of the tract is consistent with the Federal Land Policy and Management Act. Surface disposal will be according to Section 203(a) (90 Stat. 2750, 43 U.S.C. 1713) and minerals may be conveyed per Section 209(b) (90 Stat. 2757, 43 U.S.C. 1719). The successful bidder may apply for the reserved mineral estate, except oil and gas, and pay an administrative fee of $50.00 for conveyance.

Unless modified through mutual agreement by the range user and the purchaser, the grazing lessee may continue existing grazing use until February 28, 1992 by honoring the terms and conditions of the current grazing use authorization.

Terms and conditions of the grazing use which must be honored by the purchaser are stated in the "subject to" provisions of the patent.

This notice of realty action will serve as the two year notification of cancellation to the grazing lessee required by 43 CFR 4110.42(b).

If not sold on August 11, 1983 the parcel will be re-offered in the Phoenix District Office at 10:00 a.m., on October 5, 1983. The land will be offered for sale at no less than the appraised fair-market value.

Upon publication of this Notice in the **Federal Register**, the land described above will be segregated from all forms of non-discretionary appropriation under the public land laws, including the mining laws but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two year period.

The land will be subject to the following reservations when patented:

Excepting and reserving to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All oil and gas, with the right to explore, prospect for, and remove under applicable law, and such regulations as the Secretary of the Interior may prescribe.

And subject to:

1. A right-of-way thereon described under Serial Number PHX 085903 for a road granted under Section 17 of the Act of November 9, 1921 (42 Stat. 216).

2. The right of the grazing lessee to continue the current grazing use until February 28, 1992, per the terms and conditions of the existing grazing authorization. Charges for the use will be no more than the BLM grazing fee scheduled for a given year. This grazing use authorization may be modified only by mutual agreement between the range user and the purchaser.

3. The Federal Emergency Management Agency (FEMA) 100-year floodplain maps developed for this area, and the Yavapai County planning and zoning regarding any flood hazard potential of the land.

Additional information concerning this land, terms and conditions of the sale and bidding instructions may be obtained by calling Arthur Tower, Area

Manager, at 602 241-2854 or by writing to the District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

For a period of 45 days from the date of this notice, interested parties may submit comments regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: April 29, 1983.

William K. Barker,

District Manager.

[FR Doc. 83-12028 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. AZAZ025000003]

Arizona: Realty Action Competitive Sale of Public Land in Pinal County

The Bureau of Land Management proposes to offer for sale the following described lands at public auction on July 27, 1983, at 11:00 a.m., in Administration Building No. 1, at Pinal County Courthouse, 1301 Pinal, Florence, Arizona, 85232. Through the development of land use plans, it has been determined that sale of the parcels is consistent with the Federal Land Policy and Management Act of 1976:

Gila and Salt River Meridian, Arizona

	Acres	Value
Parcel No. 1:		
Legal Description: T. 10 S., R. 11 E., G&SRM, sec. 21: N½	320	$288,000
Parcel No. 2:		
Legal Description: T. 10 S., R. 11 E., G&SRM, sec. 26: W½, SE¼	480	480,000
The above aggregates 800 acres in Pinal County		

Surface Disposal will be per Section 203(a) (90 Stat. 2750, 43 U.S.C. 1713). Mineral Conveyance (except reserving oil and gas to the Federal government) may be made to the successful bidder, per Section 209(b) (90 Stat. 2757, 43 U.S.C. 1719), if he/she applies and pays an administrative fee of $50.00 for conveyance. Unless modified through mutual agreement by the range user and the purchaser, the grazing lessee may continue existing grazing use until February 28, 1990, by honoring the terms and conditions of the current grazing use authorization. Terms and conditions of the grazing use which must be honored by the purchaser are stated in the "subject to" provisions of the patents.

This notice of realty action will serve as the two year notification of cancellation to the grazing lessee required by 43 CFR 4110.4-2(b).

Lands not sold on July 27, 1983 will be re-offered in the Phoenix District Office at 10:00 a.m., on October 5, 1983. The lands will be offered for sale at no less than the appraised fair-market value.

Upon publication of the Notice in the **Federal Register**, the land described above will be segregated from all forms of nondiscretionary appropriation under the public land laws, including the mining laws but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two year period.

The lands will be subject to the following reservations when patented:

Parcel No. 1

Excepting and reserving to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All oil and gas, with the right to explore, prospect for, and remove under applicable law, and such regulations as the Secretary of the Interior may prescribe.

And subject to:

1. Those rights granted by Oil and Gas Lease A-10915, made under Section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570. This patent will be subject to the right of the permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations without compensation, resulting from proper oil and gas operations, for the duration of the Lease A-10915, and any authorized extension of the lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

2. The Federal Emergency Management Agency (FEMA) 100-year floodplain maps developed for this area, and the Pinal County planning and zoning regarding any flood hazard potential of the land.

3. The right of the grazing lessee to continue the current grazing use until February 28, 1990, per the terms and conditions of the existing grazing authorization. Charges for the use will be no more than the BLM grazing fee scheduled for a given year. This grazing use authorization may be modified only by mutual agreement between the range user and the purchaser.

Parcel No. 2

Excepting and reserving to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All oil and gas, with the right to explore, prospect for, and remove under applicable law, and such regulations as the Secretary of the Interior may prescribe.

3. A right of way thereon described under Serial No. AR-08324, for gas pipeline purposes under the Act of February 25, 1920 (41 Stat. 449).

And subject to:

1. Those rights granted by Oil and Gas Lease A-11119 made under Section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570. This patent will be subject to the right of the permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations without compensation, resulting from proper oil and gas operations, for the duration of the Lease A-11119, and any authorized extension of the lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

2. The Federal Emergency Management Agency (FEMA) 100-year floodplain maps developed for this area, and the Pinal County planning and zoning regarding any flood hazard potential of the land.

3. The right of the grazing lessee to continue the current grazing use until February 28, 1990, per the terms and conditions of the existing grazing authorization. Charges for the use will be no more than the BLM grazing fee scheduled for a given year. This grazing use authorization may be modified only by mutual agreement between the range user and the purchaser.

Additional information concerning the land, terms and conditions of the sale, and bidding instructions may be obtained by writing to William K. Barker, District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017, or by calling Arthur E. Tower, Area Manager, 602 241-2854.

For a period of 45 days from the date of this notice, interested parties may submit comments regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any

action by the District Manager this realty action will become the final determination of the Department of the Interior.

Dated: April 29, 1983.

William K. Barker,

District Manager.

[FR Doc. 83-12029 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Newcastle Resource Area, Casper District, Wyoming; Final Grazing Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Availability of the Final Newcastle Grazing Environmental Impact Statement.

SUMMARY: The final Grazing Environmental Impact Statement for the Newcastle Resource Area in Wyoming will be available on May 1, 1983. The Final EIS has been completely reprinted in response to comments on the draft document.

FOR FURTHER INFORMATION CONTACT: Darrell Short, Area Manager, Newcastle Resource Area, Bureau of Land Management, P.O. Box 757, Newcastle, Wyoming 82701; (307) 746-4453.

Leslie A. Olver,

Acting District Manager.

[FR Doc. 83-11965 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Availability of the Proposed Grazing Management Program for the Divide Environmental Impact Statement Area

AGENCY: Rawlins District Office, Rawlins, Wyoming, Bureau of Land Management, Interior.

ACTION: Notice of availability of draft environmental impact statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared the Proposed Grazing Management Program for the Divide Environmental Impact Statement Area (Divide EIS) in the Divide and Medicine Bow Resource areas of Wyoming. Copies of the document are available for public review and comment.

In addition, notice is also given that a public hearing will be held in Rawlins, Wyoming, on June 8, 1983, at 7 p.m., at the Rawlins District Office, BLM. Written and oral comments on the Divide EIS will be received at that time.

DATE: Written comments on the proposed action and alternatives contained in the draft EIS will be accepted through June 30, 1983.

ADDRESSES: Written comments on the draft EIS should be sent to: District Manager, Bureau of Land Management, Rawlins District Office, Box 670, Rawlins, Wyoming 82301. The draft EIS is available for inspection at the Rawlins District Office, 1300 N. Third Street, Rawlins, Wyoming 83201.

SUPPLEMENTARY INFORMATION: Environmental impacts that will result from the implementation of the grazing management proposal and the three alternatives to the proposal have been analyzed in the draft EIS. These alternatives are: Enhance watershed, wildlife and soil resources, enhanced livestock grazing, and no action.

All comments will be considered. Those that raise questions or issues concerning the effects of the proposed action, present new data, or question facts or analyses will be responded to in the final EIS.

FOR FURTHER INFORMATION CONTACT: Bob Tigner, Rawlins District Office, Box 670, Rawlins, Wyoming 82301, Telephone (307) 324-7171.

David J. Walter,

District Manager.

[FR Doc. 83-12030 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Newcastle Resource Area, Casper District, Wyoming; Intent To Prepare Planning Analyses for BLM-Administered Public Lands in Nebraska

AGENCY: Bureau of Land Management, Interior.

ACTION: Initiation of planning analyses for land disposal in Nebraska on a county by county basis.

SUMMARY: The Newcastle Resource Area is preparing planning analyses in Nebraska according to the procedures outlined in 43 CFR 1601.6-3(b). This consists of an environmental assessment, public participation, interagency coordination and consistency determination. The analyses will address the possible disposal of or retention of BLM-administered public lands in Nebraska on a county by county basis. The location of the lands and the sequence of the analyses is presented in the Supplementary Information section of this notice.

Public Participation: The public is invited to comment on the advisability of disposing or retaining tracts of BLM-administered public lands in Nebraska. During the planning analyses, BLM will contact appropriate State and county officials, adjacent landowners and lessees. Public meetings will be held if the need is identified through public input.

FOR FURTHER INFORMATION CONTACT: Darrell Short, Area Manager, Newcastle Resource Area, Bureau of Land Management, P.O. Box 757, Newcastle, Wyoming 82701, (307) 746-4453.

SUPPLEMENTARY INFORMATION: Tracts of land will be analyzed site-specifically within each county to determine manageability. Manageability would be based on resources present to justify retention in federal ownership. If no resources are present that justifies retention, disposal would be proposed. The following is a sequential list of public lands by county which the planning analyses will be prepared for.

To be completed in fiscal year 1984*:

Cedar County	
T. 32 N., R. 2 E.: Section 2, NE¼SE¼	40.0
Total	40.0
Knox County	
T. 32 N., R. 6 W.: Section 31, lot 2	2.1
T. 31 N., R. 7 W.: Section 4, lot 1	43.0
T. 32 N., R. 8 W.: Section 17, lot 3	10.1
Total	55.2
Keya Paha County	
T. 32 N., R. 18 W.: Section 17, lot 5	6.7
T. 35 N., R. 23 W.:	
Section 15, lot 1	3.2
Section 15, lot 2	3.1
Section 15, lot 3	3.0
Section 15, lot 4	2.9
Total	19.0
Holt County	
T. 28 N., R. 14 W.: Section 24, SE¼SE¼	40.0
T. 32 N., R. 14 W.:	
Section 1, lot 3	49.0
Section 1, lot 4	48.8
Section 1, S½NW¼	80.0
T. 33 N., R. 14 W.:	
Section 15, NW¼SW¼	40.0
Section 15, SE¼SW¼	40.0
Section 22, NE¼NE¼	40.0
T. 28 N., R. 16 W.: Section 19, lot 3	22.9
T. 33 N., R. 16 W.: Section 15, lot 5	0.4
Total	360.8
Boyd County	
T. 32 N., R. 10 W.: Section 1, lot 4	14.0
T. 33 N., R. 10 W.: Section 13, lot 1	1.8
T. 34 N., R. 15 W.:	
Section 22, lot 7	17.7
Section 23, lot 1	5.8
Section 24, lot 1	0.8
Total	39.2
Brown County	
T. 27 N., R. 20 W.: Section 19, E½NE¼	80.0
T. 25 N., R. 21 W.:	
Section 1, S½SE¼	80.0
Section 3, S½SW¼	80.0
Section 9, W½NW¼	80.0
T. 27 N., R. 21 W.:	
Section 22, NW¼SE¼	40.0
Section 27, SE¼NW¼	40.0
T. 28 N., R. 21 W.: Section 9, W½SE¼	80.0
T. 25 N., R. 22 W.:	
Section 1, SW¼SW¼	40.0
Section 30, NE¼SW¼	40.0
T. 26 N., R. 22 W.:	
Section 5, NW¼SE¼	40.0
Section 8, NE¼NE¼	40.0
Section 33, SW¼SE¼	40.0

T. 25 N., R. 23 W.:	
Section 21, E½SE¼	80.00
Section 22, S½SW¼	80.00
T. 32 N., R. 23 W.:	
Section 23, N½S½	160.00
Section 27, SE¼NE¼	40.00
Section 27, NW¼SW¼	40.00
T. 31 N., R. 24 W.:	
Section 4, NW¼SW¼	40.00
Section 14, SW¼SW¼	40.00
Total	1,160.00

Rock County

T. 25 N., R. 20 W.: Section 9, W½NW¼	80.00
T. 27 N., R. 20 W.: Section 21, NW¼	160.00
Total	240.00

Loup County

T. 22 N., R. 20 W.:	
Section 2, SE¼NE¼	40.00
Section 2, NE¼SE¼	40.00
Total	80.00

Blaine County

T. 22 N., R. 21 W.: Section 2, lot 3	40.10
T. 23 N., R. 21 W.:	
Section 1, lot 1	39.92
Section 1, SE¼NE¼	40.00
Section 1, E½SE¼	80.00
T. 24 N., R. 21 W.: Section 35, NE¼SE¼	40.00
T. 21 N., R. 22 W.: Section 13, NE¼SE¼	40.00
T. 23 N., R. 22 W.:	
Section 19, S½SE¼	80.00
Section 30, lot 2	36.40
Section 30, SE¼NW¼	40.00
Section 34, SE¼NW¼	40.00
T. 24 N., R. 22 W.:	
Section 26, SE¼SE¼	40.00
Section 29, NW¼SW¼	40.00
T. 21 N., R. 23 W.:	
Section 6, lot 5	38.57
Section 6, SE¼NW¼	40.00
T. 23 N., R. 23 W.: Section 23, S½SW¼	80.00
T. 24 N., R. 23 W.: Section 27, SE¼NE¼	40.00
T. 23 N., R. 25 W.: Section 5, S½NW¼	80.00
T. 24 N., R. 25 W.: Section 32, NW¼SW¼	40.00
Total	874.99

To be completed in Fiscal Year 1985*:

Custer County

T. 19 N., R. 18 W.: Section 8, lot 3	24,00
T. 19 N., R. 19 W.: Section 6, lot 6	25.96
Total	49.96

Wheeler County

T. 24 N., R. 12 W.:	
Section 30, lot 1	35.98
Section 30, lot 2	35.93
Total	71.91

Howard County

T. 15 N., R. 9 W.: Section 18, lot 1	0.63
T. 13 N., R. 12 W.: Section 26, lot 11	1.84
Total	2.47

Hall County

T. 11 N., R. 9 W.: Section 31, lot 1	1.00
Total	1.00

Buffalo County

T. 9 N., R. 13 W.: Section 32, lot 1	0.70
Total	0.70

Franklin County

T. 1 N., R. 16 W.: Section 17, lot 1	0.40
Total	0.40

Red Willow County

T. 3 N., R. 28 W.: Section 21, lot 1	7.60
T. 3 N., R. 29 W.: Section 25, lot	1.21
T. 4 N., R. 30 W.:	
Section 4, lot 3	38.20
Section 4, lot 4	38 31
Section 5, lot 1	38.13
Section 5, lot 5	38.09
Total	161.54

Dundy County

T. 1 N., R. 39 W.: Section 30, lot 1	1.57
T. 1 N., R. 40 W.: Section 26, lot 1	0.18
Total	1.75

Hitchcock County

T. 4 N., R. 34 W.: Section 19, lot 2	38.99
Total	38.99

Hayes County

T. 6. N., R. 35 W.: Section 17, NE¼NE¼	40.00
Total	40.00

Lincoln County

T. 12 N., R. 28 W.: Section 9, Tract 39	4.32
T. 13 N., R. 34 W.: Section 8, lot 1	0.03
Total	4.35

McPherson County

T. 17 N., R. 30 W.: Section 24, SW¼SW¼	40.00
T. 19 N., R. 33 W.:	
Section 15, SW¼SE¼	40.00
Section 26, SW¼NW¼	40.00
Total	120.00

Thomas County

T. 22 N., R. 29 W.:	
Section 4, lot 1	40.81
Section 4, lot 2	40.80
Section 31, NW¼SE¼	40.00
T. 21 N., R. 30 W.:	
Section 6, E½SW¼	80.00
Section 28, SW¼NW¼	40.00
T. 23 N., R. 29 W.: Section 34, SE¼SW¼	40.00
Total	281.61

Hooker County

T. 21, N., R. 31 W.:	
Section 1, lot 5	4.37
Section 1, lot 6	3.44
T. 22 N., R 31 w.: Section 36, lot 1 and 2	14.76
T. 23 N., R. 31 W.:	
Section 2, lot 7	1.33
Section 1, lot 8	3.99
Section 12, lot 5	7.02
Section 12, lot 6	9.81
Section 13, lot 5	12.53
Section 13, lot 6	15.65
Section 24, lot 5	18.11
Section 24, lot 6	21.50
Section 25, lot 5	24.52
Section 25, lot 6	27.58
T. 24 N., R 31 W.: Section 23, lot 1	13.73
T. 24 N., R. 32 W.: Section 6, lot 11	9.38
T. 24 N., R. 32 W.:	
Section 7, lot 1	15.40
Section 13, lot 7	6.24
Section 32, lot 7	0.23
Section 33, lot 5	1.07
T. 22 N., R: 33 W.:	
Section 2, lot 3	36.91
Section 2, lot 4	36.73
T. 23 N., R. 33 W.: Section 34, SW¼NE¼	40.00
T. 21 N., R. 34.: Section 18, lot 1	38.06
Total	362.38

Cherry County

T. 33 N., R. 27 W.: Section 8, lot 8	57.50
T. 26 N., R. 28 W.: Section 6, lot 7	39.24
T. 35 N., R. 28 W.:	
Section 14, lot 1	4.46
Section 14, lot 2	4.15
Section 14, lot 3	3.85
Section 14, lot 4	3.55
Section 15, lot 1	3.06
Section 15, lot 2	2.35
Section 15, lot 3	1.65
Section 15, lot 4	0.95
T. 33 N., R. 29 W.:	
Section 3, NE¼SW¼	40.00
Section 28, NE¼NE¼	40.00
Section 31, lot 2	39.71
Section 31, lot 3	39.83
T. 25 N., R. 30 W.:	
Section 11, N½NE¼	80.00
Section 12, W½ NW¼	80.00
T. 31 N., R. 30 W.: Section 33, NE¼SW¼	40.00
T. 32 N., R. 30 W.: Section 29, N½SW¼	80.00
T. 33 N., R. 30 W.:	
Section 31, SW¼SE¼	40.00
Section 33, SE¼SE¼	40.00
1T. 27 N., R. 32 W.: Section 25, NE¼NE¼	40.00
T. 33 N., R. 32 W.:	
Section 31, lot 1	39.26
Section 31, lot 3	39.68
Section 31, lot 4	39.89
T. 29 N., R. 34 W.:	
Section 22, SE¼NW¼	40.00
Section 22, NE¼SW¼	40.00
T. 28 N., R. 37 W.: Section 21, SE¼SW¼	40.00
T. 31 N., R. 37 W.: Section 30, lot 2	41.20
T. 33 N., R. 37 W.: Section 13, SE¼NW¼	40.00
T. 39 N., R. 38 W.: Section 26, E½SW¼	80.00
Total	1,080.33

Garden County

T. 21 N., R. 45 W.: Section 21, N½NW¼	80.00
Total	80.00

Garfield County

T. 21 N., R. 16 W.: Section 19, lot 11	2.28
Total	2.28

Grant County

T. 24 N., R. 36 W.: Section 8, W½NW¼	80.00
T. 22 N., R. 37 W.: Section 29, lot 6	5.40
T. 23 N., R. 39 W.:	
Section 25, lot 8	10.41
Section 25, lot 9	9.10
T. 24 N., R. 39 W.: Section 3, lot 8	7.70
Total	112.61

Sheridan County

T. 35 N., R. 44 W.: Section 24, SW¼SE¼	40.00
T. 33 N., R. 45 W.: Section 20, SE¼SW¼	40.00
T. 35 N., R. 45 W.: Section 32, lot 1	
T. 25 N., R. 46 W.:	
Section 25, NW¼SE¼	40.00
Section 25, W½NE¼SW¼	20.00
Section 25, NW¼SE¼SW¼	10.00
T. 34 N., R. 46 W.:	
Section 7, SE¼NW¼	40.00
Section 7, E½SW¼	80.00
Total	297.75

To be completed in Fiscal Year 1986*:

Morrill County

T. 22 N., R. 46 W.: Section 8, lot 1	3.86
T. 22 N., R. 47 W.:	
Section 1, lot 10	42.10
Section 1, lot 11	17.19
Section 1, lot 12	12.46
Section 1, lot 13	22.93
Section 1, lot 16	36.92
Section 12, lot 1	14.27
T. 19 N., R. 49 W.: Section 21, NW¼SW¼	40.00
T. 21 N., R. 49 W.:	
Section 20, W½NW¼	80.00
Section 29, SE¼SW¼	40.00
T. 20 N., R. 50 W.:	
Section 2, S½NW¼	80.00
Section 5, N½SE¼NW¼	20.00
Section 5, SW¼SE¼NW¼	10.00
Section 5, SW¼NW¼SW¼	10.00
Section 5, NW¼SW¼SW¼	10.00
Section 5, SW¼SE¼SW¼	10.00
Section 7, SE¼NW¼	40.00
T. 20 N., R. 51 W.: Section 17, lot 5	0.50
T. 21 N., R. 51 W.: Section 22, E½SE¼	80.00
T. 20 N., R. 52 W.:	
Section 20, SW¼SE¼	40.00
Section 27, E½NW¼	80.00
T. 22 N., R. 52 W.:	
Section 35, E½NE¼	80.00
Section 35, SW¼NE¼	40.00
Section 35, NE¼SE¼	40.00
Total	850.23

Scotts Bluff County	
T. 23 N., R. 54 W.: Section 14, N½NW¼SW¼	20.00
T. 23 N., R. 56 W.:	
Section 27 (Island), lot 5	19.40
Section 34 (Island), lot 7	1.57
Total	40.97
Dawes County	
T. 32 N., R. 47 W.: Section 30, SE¼SE¼	40.00
T. 35 N., R. 50 W.: Section 31, SW¼NE¼	40.00
Total	80.00
Sioux County	
T. 33 N., R. 54 W.:	
Section 2, NE¼SW¼	40.00
Section 11, SW¼SE¼	40.00
Section 11, E½SE¼	80.00
Section 12, NE¼SE¼	40.00
Section 13, NE¼NW¼	40.00
Section 34, NE¼NW¼	40.00
T. 34 N., R. 54 W.: Section 35, SW¼SW¼	40.00
T. 24 N., R. 55 W.:	
Section 19, lot 7	10.35
Section 30, lot 7	19.72
T. 33 N., R. 55 W.: Section 33, NW¼NE¼	40.00
T. 24 N., R. 56 W.: Section 13, NE¼NE¼	40.00
T. 32 N., R. 56 W.:	
Section 2, NW¼SE¼	40.00
Section 12, SE¼NW¼	40.00
Section 12, NE¼SW¼	40.00
Section 24, NW¼NE¼	40.00
T. 32 N., R. 56 W.: Section 24, NE¼NW¼	40.00
T. 33 N., R. 56 W.:	
Section 35, SW¼NW¼	40.00
Section 35, NW¼SW¼	40.00
T. 32 N., R. 57 W.:	
Section 1, lot 3	40.27
Section 1, lot 6	6.37
Section 1, SW¼NW¼	40.00
Section 2, lot 4	41.88
Section 2, SW¼NE¼	40.00
Section 2; SE¼NW¼	40.00
Section 29, SE¼NW¼	40.00
T. 33 N., R. 57 W.:	
Section 15, SW¼NE¼	40.00
Section 15, NE¼SW¼	40.00
Section 15, NW¼SE¼	40.00
Section 22, E½NE¼	80.00
Section 22, NE¼SE¼	40.00
Section 23, W½SW¼	80.00
T. 34 N., R. 57 W.: Section 22, SW¼	160.00
Total	1,438.59

*If finding is available this schedule will be accelerated.

Paul Arrasmith,

District Manager.

[FR Doc. 83-12031 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

[AA-6690-A through AA-6690-L]

Alaska Native Claims Selection; Modification of Decision To Issue Conveyance

Correction

In FR Doc. 83-9110 beginning on page 15192 in the issue of Thursday, April 7, 1983, make the following corrections:

1. On page 15192, second column, 17th line, "Sec. T. 5 S., R." should read "Sec. 4, T. 5 S., R.".

2. On the same page, third column, sixth complete paragraph, seventh line, "710 C Street" should read "701 C Street".

BILLING CODE 1505-01-M

[M 16435 (ND)]

Montana; Termination of Classification of Public Lands for Multiple Use Management

April 27, 1983.

1. On September 24, 1970 (FR Vol. 35 No. 186 p. 14857) the public lands described as:

Fifth Principal, Meridian

T. 157 N., R. 91 W.,
Sec. 13: SE¼NW¼.

Aggregating 40 acres in Mountrail County.

Were classified for multiple use management under the Act of September 19, 1964 (43 U.S.C. 1411-18). This classification segregated the land from appropriation under the agricultural land laws (43 U.S.C., parts 7 and 9; 25 U.S.C., Sec. 334) and from sales (under Section 2455 of the Revised Statutes 43 U.S.C. 1171). The lands remained open to all other applicable forms of appropriations, including the mining and mineral leasing laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under paragraph one is hereby terminated. At 8 a.m. on May 27, 1983, the lands described above shall be open to operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on May 27, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands should be addressed to the Chief, Branch of Land Resources, Bureau of Land Management P.O. Box 30157, Billings, Montana 59107.

Kannon Richards,

Acting State Director.

[FR Doc. 83-12039 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Buffalo Resource Area, Casper District, Wyoming; Availability of Draft Resource Management Plan and Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Notice that the Draft Resource Management Plan and Environmental Impact Statement for the Buffalo Resource Area, Casper District, Wyoming is available for public review and comment.

SUMMARY: The draft Resource Management Plan (RMP) and Environmental Impact Statement (EIS) presents a range of resource management alternatives and the consequences of implementing each alternative for the public lands in the Buffalo Resource Area. The preferred alternative in the draft proposes a balanced use of resources.

Location of documents: The draft RMP and EIS plus associated background and source material is available for public review at the Buffalo Resource Area Office; 300 Spruce; Buffalo, Wyoming.

Additional information on the RMP or requests to be placed on the mailing list should be addressed to Glenn Bessinger, Area Manager, Buffalo Resource Area; 300 Spruce; P.O. Box 670; Buffalo, Wyoming 82834; telephone (307) 684-5586.

Public participation: Public comments on the draft RMP and EIS should be submitted to the person and address noted above. A ninety (90) day comment period is allowed on the draft plan. The comment period extends from May 13, 1983 to August 15, 1983. A public hearing will be held on June 21, 1983, to accept oral or written comment on the RMP. The hearing will begin at 7:00 p.m. in the Meadowlark School, 550 South Barrett; Buffalo, Wyoming.

Public comments on this draft RMP and EIS will be evaluated and a final RMP and EIS will be published about September 30, 1983. A resource management plan will be selected in a record of decision that will be published after this final EIS.

SUPPLEMENTARY INFORMATION: The Casper District is proposing a Resource Management Plan (RMP) to guide future management actions on the public lands within the Buffalo Resource Area which includes Johnson, Campbell, and Sheridan counties. Within these three counties, BLM manages 11.3 percent of the surface, approximately .8 million acres, and about 65.6 percent of the mineral estate, approximately 4.8 million acres.

The RMP will be a 10-year comprehensive land use plan. The planning process included identifying significant issues, establishing plan criteria for those issues, assessing resource capability to respond to the issues and formulating reasonable alternatives that address the issues. Alternatives range from favoring resource production to resource protection. The consequences of implementing each alternative is presented in the environmental statement. Resource management plans are authorized under the Federal Land Management Policy Act of 1976. Standards, guidelines, and procedures

for RMP preparation are contained in 43 CFR Part 1600.

An interdisciplinary team was used to develop the RMP. Disciplines included were geology, range, realty, forestry, archeology, economics, hydrology, wildlife, recreation, soils, and air quality.

Major issues identified during the scoping process and addressed in the RMP are rangeland management and wilderness. Other issues addressed in the RMP are: forest products on noncommercial forestland, land disposal, off-road vehicle designations, fire management and fencing reservoirs.

The RMP contains a proposed recommendation on the wilderness suitability of three Wilderness Study Areas (WSA). These WSAs are Fortification Creek, containing 12,419 acres in Johnson and Campbell counties, Gardner Mountain, containing 6,423 acres, and North Fork, 10,089 acres, in Johnson County. After the 90 day comment period on the Draft RMP and EIS, a Wilderness Study Report and final wilderness EIS will be submitted to the Secretary of the Interior.

Dated: May 13, 1983

Paul W. Arrasmith,

District Manager.

[FR Doc. 83-12038 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Management Framework Plan; New Mexico, San Augustine Coal Area—Notice of Availability; Issues and Planning Criteria

AGENCY: Bureau of Land Management, Interior.

ACTION: Availability of issues and planning criteria.

SUMMARY: The purpose of this notice is to announce the availability for public review of issues and planning criteria to be used in the development of the Management Framework Plan Amendment within the San Augustine Coal Area.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management Las Cruces District, Socorro Resource Area has prepared planning criteria to direct the coal planning process to determine the potential of offering certain lands in Catron and Cibola Counties, New Mexico for competitive Federal coal leasing during the second-round San Juan River Coal Region lease sale scheduled for August 1986. The process will consist of, in part, amending the Divide Planning Area Management Framework Plan within the San Augustine Coal Area, applying the unsuitability criteria described in 43 CFR Part 3460, as amended, and preparing a subsequent Environmental Impact Statement.

As additional issues are identified and new information becomes available during the planning process, and/or from public participation, additional criteria may be developed for future guidance of this planning effort. These planning criteria are available for public review at the Socorro Resource Area Office.

FOR FURTHER INFORMATION CONTACT: Glen B. Sekavec, Team Leader, at 198 Neel Avenue, Socorro, New Mexico, or phone (505) 835-0412.

Dated: April 27, 1983.

Dan C. B. Rathbun

District Manager.

[FR Doc. 83-12040 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

[I-20193 and I-20200]

Idaho; Realty Action; Competitive Sale of Public Lands in Blaine County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I-20193 and I-20200, Competitive Sale of public lands in Blaine County, Idaho.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of these tracts is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale at public auction for no less than the appraised fair market value. Both sealed and oral bids will be accepted.

File	Parcel No.	Acreage	Appraised value
West Magic: T. 2 S., R. 17 East, Boise Meridian, Blaine County, Idaho Section 1:			
I-20193	Lot 48	.078	$3,000
	Lot 49	.078	3,000
	Lot 50	.095	3,300
	Lot 51	.078	2,800
	Lot 62	.046	3,000
	Lots 74 and 75	.344	4,000
	Lot 77	.313	3,300
	Lot 78	.393	3,800
	Lot 79	.534	5,000
East Magic: T. 1 S., R. 18 East, Boise Meridian, Blaine County, Idaho Section 31:			
I-20200	Lot 15	.400	$6,000

The above aggregates 2.359 acres.

Upon publication of this Notice in the **Federal Register**, the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two year period.

A patent for the land, when issued, shall be subject to the following reservations:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals including Gas & Oil shall be reserved to the United States, as required by Section 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.

3. All valid existing rights and reservations of record.

The sale will be held at the Shoshone District Office, Bureau of Land Management, 400 West F Street, Shoshone, Idaho at 10:00 A.M., Friday, July 1, 1983. Additional information concerning this land, terms and conditions of sale, and bidding instructions may be obtained from the Shoshone District Manager at the above address, or by calling 886-2206.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Charles J. Haszier, District Manager.

Dated: April 26, 1983

Charles J. Haszier,

District Manager.

[FR Doc. 83-12037 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

[M57660]

Montana; Realty Action; Competitive Sale of Public Land in Madison County

AGENCY: Bureau of Land Management, Butte District Office, Interior.

ACTION: Notice of Realty Action M57660, Competitive sale of public land in Madison County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federl Land Policy and Management Act

(FLPMA) of 1976, 43 U.S.C. 1713 (1976), at no less than the fair market value:

Principal Meridian Montana

T. 5 S., R. 3 W., Sec. 30, S½NE¼

The area described contains 80 acres. The land will be offered for sale by a combination of sealed and oral bids utilizing competitive bidding procedures on July 7, 1983.

The subject land is located in the southwestern part of Montana, approximately 6½ miles northwest of Virginia City, the county seat of Madison County. The land has limited resource values and no unique values. Management opportunities are limited by residential development occurring on the private lands surrounding the tract. There are no rare, endangered, or threatened plants and animals. It is not within a potential wilderness area or an area of critical environmental concern.

Public access to the land is via the Ruby-Beebe Park Road (#140) maintained by Madison County.

The proposed sale meets the criteria for Section 203 of FLPMA. Disposal would allow residential development to occur on a tract of land, in an area that is currently being subdivided. The proposed sale is consistent with the Bureau's planning system and Madison County government officials have been notified of the sale. The transfer of the tract into private ownership will benefit the public interest and provide for better land management.

Terms and Conditions

The terms and conditions applicable to this sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, or remove same under applicable law and regulations;
2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945;
3. The sale of these lands will be subject to all valid existing rights and reservations of record.

The purchaser upon BLM acceptance of the offered bid shall have the opportunity to obtain all of the mineral interests except the oil and gas interests. Disposal of the mineral interests will be made in accordance with Section 209 of FLPMA.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, at the address shown below. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

The sale will be held at the Madison County Courthouse, Virginia City, Montana on Wednesday, July 7, 1983, at 2:00 p.m.

SUPPLEMENTARY INFORMATION: *Bidder Qualifications:* The bidder must be U.S. citizen or, in the case of a corporation, subject to the laws of any state or the U.S. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of Montana. Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised value of $34,000, and bids must include all of the land identified in this notice.

Method of Bidding: The land will be sold by a combination of sealed and oral bids. Sealed bids delivered or sent by mail will only be considered if received by the Bureau of Land Management, Butte District Office, 106 N. Parkmont, Butte, Montana 59702, prior to 4:00 p.m., Mountain Standard Time, Tuesday, July 5, 1983. Each sealed bid must be accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount bid.

Sealed bids must be in a separate sealed envelope, within the transmittal envelope. The sealed bid envelope must be marked in the lower left-hand corner as follows:

Sealed Bid
Public Land Sale M57660
July 6, 1983

All sealed bids will be opened at 2:00 p.m. on the day of sale. If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying sealed bid shall then be publicly declared.

Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid announced. The highest sealed bid will be the base for the oral bids. If the highest bid is an oral bid, the successful bidder will be required to pay immediately one-fifth of the high bid price by cash, personal check, money order, bank draft, or any combination of these. Each oral bid must be in increments not less than fifty dollars.

Final Details: Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within 30 days of notification of bid acceptance by the authorized officer. Failure to submit the required amount within the allotted time will result in rejection of the highest bid and the deposit will be forfeited. The land shall then be offered to the second highest bidder, subject to the same terms and conditions. All bids will be either returned, accepted or rejected within 60 days of the sale date.

If no bids, either sealed or oral, are received on the sale date, the land may be offered for sale at a later date.

FOR FURTHER INFORMATION CONTACT: Information related to the sale, including planning documents, environmental assessment, and the record of public discussions is available for review at the Butte District Office, P.O. Box 3388, Butte, Montana 59702.

Dated: April 27, 1983.

Jack McIntosh,

District Manager.

[FR Doc. 83-12041 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Recreation Management; Establishment of Camping Stay Limits; Eugene District, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of camping stay limit for campgrounds and undeveloped public lands in the Eugene District, Oregon.

SUMMARY: Persons may camp within designated campgrounds or on public lands not closed to camping within the Eugene District for a total period of not more than fourteen days during any calendar year. The fourteen day limit may be reached either through a number of separate visits or through a period of continuous occupation of the public lands. Under special circumstances and upon request, the authorized officer may give written permission for extensions to the fourteen day limit.

Additionally no person may leave personal property unattended in designated campgrounds or recreation developments for a period of more than 24 hours, or elsewhere on public lands within the Eugene District for a period of more than 5 days without written permission from the authorized officer.

DATE: This camping stay limit will be effective May 10, 1983.

FOR FURTHER INFORMATION CONTACT: C. Bradley Krueger, Assistant District Manager, Operations, Bureau of Land Management, Eugene District Office, 1255 Pearl Street, Eugene, Oregon 97401, Telephone: (503) 687-6657.

SUPPLEMENTARY INFORMATION: This camping stay limit is being established in order to assist the Bureau in reducing the incidence of long-term occupancy trespass being conducted under the guise of camping, both within campgrounds and on undeveloped public lands in the Eugene District.

Authority for this stay limit is contained in CFR Title 43, Chapter II. Part 8363, Subparts 8363.1-3(b) and 8363.3.

Dwight L. Patton,

District Manager.

[FR Doc. 83-12042 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Boise District, Idaho, Advisory Council Meeting

ACTION: Boise District, Idaho, Advisory Council Meeting.

SUMMARY: In accordance with Pub. L. 92-463, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management Act, notice is hereby given that the Boise District Advisory Council will meet on May 23, 1983, from 9:00 a.m. to 4:00 p.m.

SUPPLEMENTARY INFORMATION: The meeting will begin at 9:00 a.m. in the lower conference room at the Bureau of Land Management, Boise District Office, at 3948 Development Avenue in Boise, Idaho. The topic of discussion for this meeting will be the Jack's Creek and Owyhee Canyonlands Wilderness Study Areas (WSAs). A public comment period is scheduled from 1:00 p.m. to 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: Further information is available from the Boise District, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705, phone (208) 334-1582. Minutes of the meeting will be available for public inspection at the District Office.

Martin J. Zimmer,

District Manager.

April 22, 1983.

[FR Doc. 83-12051 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Competitive Sale of Public Lands in Bannock County, Idaho; Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I-20086, Competitive Sale of Public Lands in Bannock County, Idaho, commonly known as the Buckskin Tract.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of the tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale at public auction for no less that the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

	Acres	Value
T. 6 S., R. 35 E., Boise Meridian		
Sec. 29: SW¼NW¼, NW¼SW¼	140	$98,000.00
Sec. 30: S½SW¼NE¼, SE¼NE¼		

Upon publication of the Notice in the **Federal Register**, the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The land will be subject to the following reservations when patented:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.
2. All valid existing rights and reservations of record.
3. All minerals will be reserved to the United States as required by Sec. 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.
4. A 50 foot wide road right-of-way reserved to the United States.

The public auction will be held on July 20, 1983 at 1:00 P.M.

ADDRESSES: The public auction will be held at the Federal Building, 250 S. 4th, Pocatello, Idaho, Room B43. Additional information concerning the land, terms, and conditions of the sale, and bidding instructions may be obtained from Nick James Cozakos, District Manager at the Burley District Office, Route 3, Box 1, Burley, ID 83318 or by calling (208) 678-5514.

SUPPLEMENTARY INFORMATION: For a period 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: April 27, 1983.

Nick James Cozakos,

District Manager.

[FR Doc. 83-12069 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District; Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the Idaho Falls District Grazing Advisory Board will meet June 14, 1983.

Grazing Advisory Board members will meet at 8:00 a.m. at the Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, ID 83401, for a field tour. The tour is open to the public. Public comment will be accepted at any time during the tour. Anyone wishing to go on the tour is asked to notify the Idaho Falls BLM District Manager at the above address by June 7, 1983. Visitors must provide their own transportation.

The purpose of the field tour is to observe and discuss range improvement projects constructed with Advisory Board funds, future prescribed burn areas, mining claim patent application areas, wildfire recovery areas, noxious weed infestations and general rangeland management. The tour will take place in Clark County in the Crooked Creek/Deep Creek Bench, Medicine Lodge Canyon and Edie Bench areas. The Grazing Advisory Board also will make arrangements for their next meeting.

Summary minutes of the meeting will be kept in the District Office and be available for public inspection and reproduction during regular business hours 7:45 a.m.-4:30 p.m. within 30 days of the meeting.

Dated: April 27, 1983.

O'dell A. Fandsen,

District Manager.

[FR Doc. 83-12032 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Montana and North Dakota; Fort Union Regional Coal Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Fort Union Regional Coal Team Meeting

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR 3400.4(B), the Montana State Office of BLM is issuing this notice to announce a Fort Union Regional Coal Team Meeting at 8:30 A.M. on June 1, 1983, in the Sixty Floor conference Room of Granite Tower, 222 North 32nd Street, Billings, Montana.

Some of the topics on the agenda are as follows:

Preliminary approval of a Project Management Plan and schedules for the 1985 sale.

RCT guidance on tract delineation for the 1985 sale.

RCT guidance on the Site Specific Analyses for the 1985 sale.

FOR FURTHER INFORMATION CONTACT: Mr. Lloyd Emmons, Project Manager, Fort Union Project, Bureau of Land Management, Montana State Office, P.O. Box 30157, Billings, Montana 59107. Telephone: (406) 657-6291.

Dated: April 28, 1983.

Bill D. Noble,

Acting State Director.

[FR Doc. 83-12063 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

[N-37906]

Nevada; Realty Action Sale of Public Lands in White Pine County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.. 1713), at no less than fair market value:

Parcel No.	Legal description	Acreage
T. 16N., R. 63 E., MDM, Section 23,		
N-37906	N½NW¼SW¼	20
N-37907	S½NW¼SW¼	20
N-37908	N½SW¼SW¼	20
N-37909	S½SW¼SW¼	20
Section 27		
N-37910	N½NE¼NE¼	20
N-37911	S½NE¼NE¼	20
N-37912	W½SE¼NE¼	20
N-37913	SW¼NE¼	40
N-37914	Lots 1, 2, 3, and 4	152.98
N-37915	Lots 5 and 8	76.92
N-37916	W½SE¼	80
Total		489.90

The sale will be made on approximately the 29th day of September, 1983. The exact date, time, and place of the sale will be announced in general news releases and legal notices. Particulars for this public auction sale, including minimum bids, reservations, and other specific items, will be made available to the public at least 30 days before the scheduled sale date.

The land is being offered for sale in order to facilitate land use planning in the area and to accommodate growth occurring in and around the area of White Pine County adjacent to the City of Ely.

There will be no adjustment in the grazing permittee's active grazing preference because the AUMs affected are considered insignificant in relation to the total active preference in the allotment.

The land meets the first and third disposal criteria of Section 203(a) of the aforementioned sale authority. It has potential for suburban residential development. The sale is consistent with the Bureau's planning for the land and has been discussed with the White Pine County Regional Planning Commission. The public interest would be served by offering the land for sale.

The terms and conditions applicable to the sale:

1. Reservations for road rights-of-way will be incorporated into each patent in conjunction with the State of Nevada Department of Transportation and the White Pine County road network.

2. The sale of these lands will be subject to all valid existing rights, including those rights granted by oil and gas lease N-13514.

3. No preference right will be given to adjoining landowners. No bids will be considered for less than the minimum bid and bids for a parcel must include all the lands in the parcel. Federal law requires that bidders be U.S. citizens or, in the case of corporation, subject to the laws of any State of the United States. Proof of citizenship shall accompany the bid.

4. Upon disqualification of the apparent high bidder, the next high bid will be honored if it represents fair market value.

5. A right-of-way is reserved for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

6. Leasable minerals will also be reserved to the United States. The sale will be conducted by oral bidding. Bids must be made by the principal or his agent at the time of the sale. The highest oral bid will establish the apparent high bidder. The apparent high bidder will be required to submit a nonrefundable deposit of one-fifth of the full bid price immediately at the sale.

Within three days the apparent high bidder will be confirmed, or rejected if the bid does not represent fair market value. The remainder of the full bid price shall be paid within 30 days of the sale if the apparent high bidder is confirmed. Failure to pay the full price within 30 days shall disqualify the confirmed high bidder and the deposit shall be forfeited and disposed of as other receipts of sale.

All bids will be either returned, accepted, or rejected within 30 days of the sale date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the State Director, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83-12068 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Record of Decision on the National Petroleum Reserve in Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the Record of Decision (ROD) of the Alaska State Director, BLM, affecting the National Petroleum Reserve in Alaska.

SUMMARY: The Bureau of Land Management has issued a ROD based on the Final Environmental Impact Statement (FEIS) for Oil and Gas Leasing in the National Petroleum Reserve in Alaska. The Alaska State Director, BLM, has adopted an alternative from the ROD which lies within the range of alternatives identified in the FEIS. This decision consists of:

Land Allocation

—Deletion from leasing of approximately 1,416,000 acres in the Utukok caribou calving area and the Teshekpuk Lake highest density black brant molting area.

—Special management leasing of approximately 4,350,000 acres in four zones.

—Special and standard stipulations for leasing in the remaining approximately 17,787,000 acres of the Reserve.

Leasing Schedule

A 5-Year leasing program for these areas not deleted or deferred that will offer approximately 2,000,000 acres annually.

Stipulations

The stipulations identified in the FEIS are generally adequate for all future leases and will be assigned to individual tracts as deemed necessary. The ROD specifically identifies stipulations that will be assigned to tracts and those which would be permit stipulations.

Studies and Monitoring

The BLM will cooperate closely with the State and Borough, monitoring activity on the Reserve, gathering priority resource data and identifying specific study and research needs.

Subsistence

The lease schedule, lease stipulations, sale rate, development likelihood and future site-specific coordination with the North Slope Borough adequately mitigate subsistence impacts.

ADDRESSES: Copies of the final ROD can be obtained from the Alaska State Office, Public Room, 701 C Street, Box 13, Anchorage, AK 99513; Fairbanks District Office, Public Room, North Post, Fort Wainwright, Box 1150, Fairbanks, AK 99707; and the Office of Public Affairs, Bureau of Land Management (130), 1800 C Street, N.W., Washington, D.C. 20240.

Copies will also be available for review at the following locations: Alaska Federation of Natives, 1577 O Street, Suite 304, Anchorage, AK 99501; Department of the Interior, Resources Library, 701 C Street, Box 36, Anchorage, AK 99513; North Slope Borough, Department of Planning, P.O. Box 69, Barrow, AK 99723; North Star Borough Library, Fairbanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK 99801; Z.J. Loussac Public Library, 524 W. 6th Avenue, Anchorage, AK 99801; Juneau Memorial Library, 114 W 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK 99811; U.S. Army Corps of Engineers Library, P.O. Box 7002 Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; University of Alaska, Juneau Library, P.O. Box 1447, Juneau, AK 99447; University of Alaska, Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; and University of Alaska, Elmer E. Rasmuson Library, Fairbanks, AK 99701. Copies are also available through village coordinators at the following locations: Anaktuvuk Pass, AK 99721; Nuiqsut, AK 99723; Point Hope, AK 99766; Point Lay, AK 99790; Wainwright, AK 99782; and Atqasuk, AK 99790.

FOR FURTHER INFORMATION CONTACT: The U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, Deputy State Director for Minerals, 701 C Street, Box 13, Anchorage, AK 99513 or telephone (907) 271-3775

Curtis V. McVee,

Alaska State Director

[FR Doc. 83-12050 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Salt Lake District, Utah; Grazing Advisory Board Tour

AGENCY: Bureau of Land Management, Salt Lake District, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463, that a tour and meeting of the Salt Lake District Grazing Advisory Board will be held on May 24 and 25, 1983.

The Public Tour will begin at 9:30 a.m. on May 24th at the Salt Lake District office, 2370 South 2300 West, Salt Lake City, Utah 84119. A tour of the Tintic Pastures Research Area will be held for the remainder of the day. On May 25th, the Board will tour selected allotments in the Tooele ES Area with the respective permittees and BLM personnel.

The meeting is open to the public. Interested persons may make oral statements between 7:30 to 8:30 a.m. June 25th or file written statements for the Board's consideration. Anyone wishing to make oral statements must notify the District Manager, 2370 South 2300 West, Salt Lake City, UT 84119, by May 15, 1983. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager.

Summary minutes of the Board will be maintained at the District Office and will be available for public inspection and reproduction (during business hours) within 30 days following the meeting.

Frank W. Snell,

District Manager.

[FR Doc. 83-12056 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Availability of the Draft Environmental Impact Statement on the Cache River Basin: A Waterfowl Habitat Preservation Proposal

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that a draft environmental impact statement (DEIS) on the Cache River Basin: A Waterfowl Habitat Preservation Proposal will be available for public review by May 9.

The draft environmental impact statement (DEIS) considers environmental and socio-economic effects of protecting and preserving internationally significant waterfowl habitat within the ten-year floodplain of the lower and middle Cache River Basin. The DEIS evaluates impacts of alternative actions and determines the degree to which each would accomplish habitat preservation goals.

The eight alternatives being considered by the Fish and Wildlife Service (FWS) are:

Alternative No. 1, (Preferred Alternative)—Through Combined Fee Title, Easement Acquistion and Other Means, the FWS, AGF, Other Agencies, Groups, and Individuals Propose to Preserve All Privately Owned Valuable Waterfowl Habitat within the 133,000-Acre Ten-Year Floodplain;

Alternative No. 2—Combined Fee Title and Easement Acquisition by the FWS of Up to 72,000 Acres of Natural Waterfowl Habitat within the Ten-Year Floodplain;

Alternative No. 3—Combined Fee Title and Easement Acquisition by the FWS of Up to 92,000 Acres of Natural Waterfowl Habitat within the Ten-Year Floodplain;

Alternative No. 4— Easement Acquisition by the FWS of Up to 72,000 Acres of Natural Waterfowl Habitat within the Ten-Year Floodplain;

Alternative No. 5—Fee Title Acquisition by the FWS of Up to 92,000 Acres of Natural Waterfowl Habitat within the Ten-Year Floodplain;

Alternative No. 6—Fee Title Acquisition by the Arkansas Game and Fish Commission of Up to 92,000 Acres of Valuable Waterfowl Habitat within the Ten-Year Floodplain;

Alternative No. 7—Combined Fee Title and Easement Acquisition of Up to 70,000 Acres by the U.S. Army Corps of Engineers as Mitigation for the Construction of the Authorized Cache River Flood Control (Channelization) Project; and,

Alternative No. 8—No Action.

A public meeting will be held at 7:00 p.m. on June 9, 1983 in the Clarendon High School Auditorium, Clarendon, Arkansas, to provide information, answer questions, and receive formal written statements.

Written comments on the DEIS from persons who do not attend the Clarendon meeting must be received no later than July 15, 1983 to be considered in the final environmental impact statement. Comments should be sent to: Regional Director, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303. Attention: Chief Ascertainment Biologist.

FOR FURTHER INFORMATION CONTACT: Ken Quackenbush, U.S. Fish and Wildlife Service, 409 Merchants National Bank Building, Vicksburg, Mississipi 39180. Telephone: Commercial—(AC 601) 638-1891; FTS—542-5995.

Dated: April 27, 1983.

James W. Pulliam, Jr.,

Regional Director, Fish and Wildlife Service.

[FR Doc. 83-12049 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-55-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3383, Block 459, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685, September 14, 1979). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 27, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-11988 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Placid Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1523, Block 207, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

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Dated: April 27, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-11987 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Boundary Map; William Howard Taft National Historic Site, Ohio

AGENCY: National Park Service, Interior.

ACTION: Notice of revised boundary map, William Howard Taft National Historic Site.

The boundary map of William Howard Taft National Historic Site has been revised to show more clearly the existing boundary of the park.

Copies of the revised map (map no. 448-40, 021B, August, 1981) are on file and available for inspection at the following addresses:

Director, National Park Service, Department of the Interior, Washington, D.C. 20240

Regional Director, Midwest Region, National Park Service, 1709 Jackson, Omaha, Nebraska 68102

Superintendent, William Howard Taft National Historic Site, 2038 Auburn Avenue, Cincinnati, Ohio 45219.

Dated: March 4, 1983.

J. Dunning,

Regional Director, Midwest Region.

[FR Doc. 83-12065 Filed 5-4-83; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware Citizens Advisory Council; Meeting

AGENCY: Upper Delaware Citizens Advisory Council, National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: May 27, 1983, 7 p.m.

ADDRESS: Town of Tusten Hall, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159 (717) 729-7135.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625,

16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and program authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include discussion of Draft Management Plan.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: April 29, 1983.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 83–12064 Filed 5–4–83; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Motor Carrier; Applications; Decision-Notice

[OP 5MCF–199]

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 1134. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirement of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: April 18, 1983.

By the Commission, Review Board No. 2, members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary.

MC–F–15220, filed March 30, 1983. Applicant MICHIGAN TRAILWAYS, INC. (MICHIGAN TRAILWAYS) (12154 N. Saginaw Rd., P.O. Box 98, Clio, MI 48420)—CONTROL—WHITE PINE TRANSIT CO., INC., (WHITE PINE) (400 E. Leonard St., P.O. Box 681, Ironwood, MI 49938). Representative: Robert J. Brooks, 1828 L St., N.W., Suite 1111, Washington, DC 20036. Michigan Trailways seeks authority to acquire control of White Pine, a motor common carrier of passengers. Stanley L. Cupp, president and majority stockholder of Michigan, also seeks authority to acquire control of White Pine. By certificate issued March 13, 1969, in MC–129948 (Sub-2), White Pine was granted authority to operate as a motor common carrier transporting passengers and their baggage, in the same vehicle with passengers, over regular routes, between (a) Iron Belt, WI, and White Pine, MI; (b) Mercer, WI, and Wakefield, MI, and (c) Ashland, WI, and Ironwood, MI, serving all intermediate points, with restrictions. Michigan Trailways acquired all of the issued and outstanding stock of White Pine through an agreement dated April 21, 1982, at which time applicant was unaware that White Pine was a motor common carrier and that Commission approval was necessary pursuant to 49 U.S.C. 11343(a). Michigan Trailways is a motor common carrier of passengers pursuant to Certificate No. MC 109173 and sub-numbers thereunder.

Notes.—(A) A directly related extension application has been filed in No. MC 109173 (Sub-No. 7), which was published in the **Federal Register** on January 14, 1983, for authority to transport passengers, (1) over regular routes, between Flint and Detroit, MI: from Flint over U.S. Hwy 23 to junction Interstate Hwy 69, then over Interstate Hwy 69 to junction Interstate Hwy 475, then over Interstate Hwy 475 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Detroit, and return over the same route, serving all intermediate points and the off-route point of Pontiac, MI; (2) over irregular-routes, in charter and special operations, between points in the United States. (B) As a condition to a grant of that authority, Michigan Trailways was required to file this continuance in control application or submit an affidavit indicating why such approval is unnecessary. (C) It was through the above-mentioned **Federal Register** publication and subsequent investigation by Michigan Trailways that White Pine's motor carrier status was ascertained.

[FR Doc. 83–12016 Filed 5–4–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, (202) 275-7289.

Volume No. OP5-FC-198

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-81414. By decision of April 26, 1983 issued under U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board number 3 approved the transfer to LES ENTREPRISES ROLAND BERGERON, INC., OF STE-THERESE, P.Q., CANADA, of Certificate No. MC-143928 issued December 1, 1978, to TRANSPORT BLAINVILLE, INC., OF ST. EUSTACHE, P.Q., CANADA, authorizing the transportation over irregular routes of passengers and their baggage in round-trip charter operations beginning and ending at ports of entry on the International Boundary line between the United States and Canada, at points in New York, Vermont, New Hampshire, and Maine, and extending to points in the United States (except AK and HI). Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-FC-258

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81410. By decision of April 28, 1983 issued under 49 U.S.C. 10924 and 10926 and the transfer rules at 49 CFR Parts 1045B and 1181, Review Board Number 2 approved the transfer to REVIS TRUCK BROKERAGE, INC., Cumming, GA, of Certificate No. MC-159636 (A) and License No. MC-159636 (B), both issued June 14, 1982, to JERRY YORK, doing business as YORK TRUCK BROKERAGE, Cumming, GA, authorizing the transportation of (1) general commodities (except classes A and B explosives, household goods and commodities in bulk), between Cumming Alpharetta, Roswell, Marietta, Dawsonville, and Gainesville, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) as a broker, arranging for the transportation of general commodities (except household goods), between points in the U.S. (except AK and HI). Representative: Barbara R. Turner, 100 Tower Rd., Cumming, GA 30130, 404-889-0110, for applicants.

[FR Doc. 83-12013 Filed 5-4-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Notice of Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: April 26, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume No. OP-5-F-200

MC-F-15238 CENTRE, LTD.—control exemption—CARTWRIGHT VAN LINES, INC., and CARTWRIGHT MOVING & STORAGE CO., INC. Centre, Ltd., a non-carrier holding company, seeks an exemption from the requirements under section 11343 of prior regulatory approval to acquire control of 100 percent of the issued and outstanding stock of Cartwright Van Lines, Inc. (MC-88368) and its wholly owned subsidiary Cartwright International Van Lines, Inc. (FF-360), and 80 percent of the issued and outstanding stock of Cartwright Moving & Storage Co., Inc. (MC-152324). Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; (2) Petitioner's representative, Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902. Comments should refer to No. MC-F-15238.

MC-F-15243 LAMBE'S TRUCKING LTD.—purchase exemption—NICOLL TRUCKING (MEDICINE HAT) LTD. Lambe's Trucking Ltd. seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of the authority of Nicoll Trucking (Medicine Hat) Ltd. contained in Certificates No. MC-140688 (Sub-Nos. 2, 3, and 4) authorizing transportation of Mercer commodities, lumber and wood products, building materials, and chemicals and related products between ports of entry in Washington, Idaho, Montana, and North Dakota, on the one hand, and, on the other, described points in the United States. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative, John T. Wirth, Nelson & Harding, 2600 Petro-Lewis Tower, 717 Seventeenth Street, Denver, CO 80202,

(303) 892-6700. Comments should refer to No. MC-F-15243.

[FR Doc. 83-12017 Filed 5-4-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisified before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate of foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team Five at 202-275-7289.

Volume No. OP5-203

Decided: April 25, 1983.

MC 67308 (Sub-9), filed April 8, 1983. Applicant: COLONIAL TRAILWAYS, P.O. Box 2712, Mobile, AL 36601. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751-2441. Transporting (1) *shipments* weighing 100 pounds or less when transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI), and (2) *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to perform privately funded charter and special transportation.

MC 108099 (Sub-5), filed April 6, 1983. Applicant: NORTHWESTERN STAGE LINES, INC., 1105 LaPointe St., Boise, ID 83706. Representative: Dan L. Poole, P.O. Box 1559, Boise, ID 83701, (208) 343-5454. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI, and transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 158439 (Sub-1), filed April 11, 1983. Applicant: POINTS WEST, INC., R.R. 2, Box 360, Sioux Falls, SD 57101. Representative: Norwin Bittner (same address as applicant), 605-332-1671. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166859 (Sub-1), filed April 13, 1983. Applicant: S & S TRUCK LINES, INC., 1410 Intercity Trafficway, Kansas City, MO 64101. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 167299, filed April 8, 1983. Applicant: CONNIE M. FRY, d.b.a. CMF FREIGHT SERVICES, Six Moonshadow, Irvine, CA 92715. Representative: Connie M. Fry (same address as applicant), 714-553-0593. As a *Broker of general commodities* (except household goods), between points in the U.S.

MC 167358, filed April 11, 1983. Applicant: ROBINSON CHARTER LINES, INC., 2266 Colmena St., La Canada, CA 91011. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714-667-8107. Transporting *passengers* in charter and special operations, beginning and ending at points in CA and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 167379 (B), filed April 12, 1983. Applicant: ROBERT W. DIEFENDERFER R.D. 5 Coatsville, PA 19320. Representative: Steven T. Blombert Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, 301-840-8565. (1) Transporting for and on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in MC-167379 (A) published in the same issue.

MC 167388, filed April 12, 1983. Applicant: UNICORN CHARTER SERVICE, INCORPORATED, 2616 112th Avenue, Tampa, FL 33612. Representative: Charles White (same address as applicant), (813) 971-0352. Transporting *passengers*, in charter and special operations, between points in the United States (except AK and HI).

Note.—Applicant seek to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-257

Decided: April 28, 1983.

MC 167496, filed April 18, 1983. Applicant: MILLER & ASSOCIATES, 2726 Brown, Kansas City, KS 66104. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375, (212) 263-2078. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167497, filed April 18, 1983. Applicant: JUNIOR EARL MOORE, 112 Dona Dr., Carthage, MS 39051. Representative: Junior Earl Moore (same address as applicant), (601) 267-8492. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167506, filed April 18, 1983. Applicant: AIRMAIN LIMITED, INC., d.b.a. UNITED FREIGHT LINES, 1364 35th NW., Salem, OR 97304. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3755. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 167516, filed April 19, 1983. Applicant: DAVID D. YANTIS, 14 Iola Ct., Box 231, Bethany, IL 61914. Representative: David D. Yantis (same address as applicant), (217) 665-3677. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167526, filed April 20, 1983. Applicant: THE J. J. R. CORPORATION, 2622 Jefferds, Fort Wayne, IN 46803. Representative: Ivonne Zimmer (same address as applicant), (219) 423-2486. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-12018 Filed 5-4-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to the public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the

compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-259

Decided: April 28, 1983.

MC 167486, filed April 18, 1983. Applicant: ARKOMA HOTSHOT SERVICE, INC., Route 2, Box 14BR, Greenwood, AR 72936. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902, (501) 782-1001. Transporting *Mercer commodities,* between points in AR and OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP4-256

Decided: April 28, 1983.

MC 48386 (Sub-23), filed April 18, 1983. Applicant: GRAVER TRUCKING, INC., R.D. #7, Box 7655, Stroudsburg, PA 18360. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *coal and coal products,* between points in Northumberland, Schuylkill, Lackawanna and Luzerne Counties, PA, on the one hand, and, on the other, points in NY, NJ, RI, CT, and MA.

MC 51146 (Sub-868), filed April 18, 1983. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant), (414) 498-7623. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of food and related products, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers and distributors of food and related products.

MC 105636 (Sub-49), filed April 19, 1983. Applicant: ARMELLINI EXPRESS LINES, INC., P.O. Box 2394, Stuart, FL 33494. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth St. NW., Washington, DC 20005, (202) 296-5188. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Merchants Shipping Association, of Jersey City, NJ.

MC 118806 (Sub-83), filed April 21, 1983. Applicant: ARNOLD BROS. TRANSPORT, LTD., Suite 200, 851 Lagimodiere Blvd., Winnipeg, Manitoba Canada R2J 3K4. Representative: Daniel C. Sullivan, Suite 1700 180 N. Michigan Ave., Chicago, IL 60601, (312) 263-1600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between the ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. (except HI).

MC 123297 (Sub-4), filed April 19, 1983. Applicant: RELIABLE TRANSFER CORPORATION, 489 S. Franklin St., Juneau, AK 99801. Representative: Dan Leaf (same address as applicant), (907) 586-1490. Transporting *general commodities* (except classes A and B explosives), between points in AK.

MC 126987 (Sub-2), filed April 18, 1983. Applicant: VINCENT FISTER, INC., P.O. Box 5063, Lexington, KY 40555. Representative: George M. Catlett, Suite 700-702, McClure Bldg., Frankfort, KY 40601, (502) 227-7384. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Fayette County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 133367 (Sub-2), filed April 21, 1983. Applicant: WATSONTOWN TRUCKING COMPANY, P.O. Box 187, Watsontown, PA 17777. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth St. NW., Washington, DC 20005, (202) 296-5188. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 142875 (Sub-12), filed April 20, 1983. Applicant: MCC TRANSPORTATION CO., INC., Route 2, Box 107-B, Hope, AR 71801. Representative: Mark J. Andrews, suite 1100, 1660 L St., NW., Washington, DC 20036 (202) 452-7438. Transporting *bakery products,* between points in the U.S., under continuing contract(s) with Dixie Darling Bakers, Inc., of Jacksonville, FL.

MC 143267 (Sub-121), filed April 4, 1983. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St., NW., Washington, DC 20005, (202) 223-6680. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with ITOFCA, Inc., and ITOFCA Consolidators, Inc., both of Grove, IL.

MC 143267 (Sub-122), filed April 8, 1983. Applicant: CARLTON ENTERPRISES, INC. P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St., Washington, DC 20005, (202) 223-6680. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146676 (Sub-10), filed April 21, 1983. Applicant: BURKS TRUCKING, INC., P.O. Box 235, Green Springs, OH 44836. Representative: E. H. van Deusen, 2455 North Star Rd., Columbus, OH 43221, (614) 486-0448. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 157187 (Sub-1), filed April 21, 1983. Applicant: SUNRISE EXPRESS, INC., 454 Herman, Crete, IL 60417. Representative: Donald B. Levine, 180 N. LaSalle St., Chicago, IL 60601, (312) 368-0100. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Sonnett Transportation Consultants, Inc., of Lansing, IL.

MC 166447, filed April 21, 1983. Applicant: KENNETH K. KIEFER, 234 9th St., Box 254, Kanawha, IA 50447. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *livestock trailers,* between points in Hancock County, IA, on the one hand, and, on the other, points in IL, IN, KS, MO, MT, NE, ND, OK, SD, WI, and WY.

MC 167487, filed April 19, 1983. Applicant: FALCON RIDGE TRANSPORTATION, 95 Hayes Rd., Rocky Hill, CT 06067. Representative: James F. Ripper, 2264 Silas Deane Hwy, Rocky Hill, CT 06067, (203) 563-8265.

Transporting *horses*, other than ordinary, between points in AZ, CA, CO, CT, KY, MA, NY, OH, TX.

MC 167507, filed April 18, 1983. Applicant: GIL AYERS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Yankee Express, Inc., of Perry, IA.

MC 167517, filed April 19, 1983. Applicant: JOACHIN GIRARD, 64 Rue Lajoie, Repentiqny, Quebec, Canada J6A 4K4. Representative: Jacques Bujold, 2680 Chambly #6, Montreal, Quebec, Canada H1W 3J7, (514) 524-7934. Transporting *glass, lumber* and *wood products*, between ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in FL, GA, KY, MA, ME, MI, NC, NH, NJ, NY, OH, PA, SC, TN, VA, VT, and WV.

MC 167527, filed April 19, 1983. Applicant: MARVIN LUMBER AND CEDAR COMPANY, Hwy 11, Warroad, MN 56763. Representative: Terrance M. Cullen, W. 1080 1st National Bank, Saint Paul, MN 55101, (612) 222-6321. Transporting *building materials and supplies*, between points in MN, MI, NJ, CT, OK, TN, OH, IL, KY, WV, TX, IA, and WI, on the one hand, and, on the other, points in MN, IA, ND and WI.

For the following, please direct status calls to Team 5 (202) 275-7289.

Volume No. OP5-202

Decided: April 25, 1983.

MC 26739 (Sub-116), filed April 7, 1983. Applicant: ALFARM TRUCKLINES, P.O. Box 386, Elwood, KS 66024. Representative: Gene Penn (same address as applicant), 913-365-0488. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in Buchanan County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 105269 (Sub-113), filed April 12, 1983. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Guardian Industries Corporation, of Albion, MI.

MC 143479 (Sub-19), filed March 30, 1983. Applicant: ASSOCIATED FURNITURE FREIGHTWAYS COMPANY, 99 Stoddard Ave., North Haven, CT 06473. Representative: William J. Meuser, 86 Cherry St., P.O. Box 507, Milford, CT 06460, 203-878-1747. Transporting *furniture and fixtures*, and *metal products*, between points in ME, VT, NH, MA, RI, CT, NY, NJ, and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148538 (Sub-4), filed April 11, 1983. Applicant: JOMAR TRUCK LINE, INC., 7547 W. Ponderosa Court, Orland Park, IL 60462. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236-5944. Transporting *metal products, lumber and building materials*, between points in the U.S. (except AK and HI).

MC 151878 (Sub-13), filed April 8, 1983. Applicant: THREE WAY CORPORATION, 1120 Karlstad Drive, Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1019 19th St. NW., Suite 800, Washington, DC 20036, (202) 785-3420. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Tandem Computers, Inc., of Cupertino, CA.

MC 158389 (Sub-2), filed April 7, 1983. Applicant: JAMES C. CHILSON, d.b.a. INLAND DISTRIBUTORS, N. 4215 Willow Rd., Spokane, WA 99206. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98004, (206) 453-0312. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 164389, filed April 11, 1983. Applicant: DALE R. SEVERNS, JR., 10062 Chase St., Broomfield, CO 80020. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202-3357, 303-892-6700. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. under continuing contract(s) with Fagersta, Inc. of Northglenn, CO; General Cable Company of Westminister, CO; O. G. Valentine, Inc., Click Lumber Company, John Clark, Inc., American Mine Services, Inc., and Geddes Lumber Company all of Denver, CO.

MC 167288, filed April 8, 1983. Applicant: LONG LINE TRUCKING CO., INC., 505 Norwich Ave., Taftville, CT 06380. Representative: James M. Kirker, 120 Broadway, Norwich, CT 06360, 203-889-2361. Transporting *malt beverages*, between points in the U.S. (except AK and HI), under continuing contract(s) with Levine Distributing Company, Inc., of Taftville, CT.

MC 167308, filed April 11, 1983. Applicant: DAVEY WILKETT and MARY WILKETT, d.b.a. MM&K TRUCK LINES, Route 2, Box 507, Stigler, OK 74462. Representative: June E. Edmondson, 1101 Connecticut Ave. NW., Suite 500, Washington, DC 20036, (202) 659-8201. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cabinets, between points in the U.S., under continuing contract(s) with Dunkin & Dunkin Enterprises, Inc., of Stigler, OK. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e), seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submit an affidavit indicating why such approval is unneccessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 5, Room 2414.

MC 167359, filed April 11, 1983. Applicant: BAZAAR CORPORATION OF BROWNSVILLE, 805 North Cage, Pharr, TX 78577. Representative: Harry F. Horak, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, 817-457-0804. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167379(A), filed April 12, 1983. Applicant: ROBERT W. DIEFENDERFER, R.D. 5, Coatsville, PA 19320. Representative: Steven T. Blomberg, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, 301-840-8565. Transporting *metal and metal products, machinery*, and *such commodities* as are dealt in or used by manufacturers of precious metals, between points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in MC 167379(B) published in the same issue.

MC 167398, filed April 12, 1983. Applicant: NORTHWEST HAULER'S, INC., P.O. Box 74648, Fairbanks, AK 99707. Representative: Thomas E. Holcomb (same address as applicant), 907-456-8765. Transporting *general commodities* (except classes A and B

explosives, household goods), between points in AK.

MC 167408, filed April 14, 1983. Applicant: UNITED DELIVERY SERVICE, LTD., 5320 Otto Ave., Rosemont, IL 60018. Representative: Themis N. Anastos, 120 West Madison St., Chicago, IL 60602, 312-782-8668. Transporting *printed matter, instruments and photographic goods,* between points in IL and WI.

[FR Doc. 83-12019 Filed 5-4-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket Nos. 30156 and 30165]

Rail Carriers; Better Materials Corp. and J.C. McHugh—Control Exemption—the Shore Fast Line, Inc. and the Shore Fast Line Inc.—Operation and Commodities Clause Exemption; James C. McHuges, Edward L. McHugh, Gerald J. McHugh and A.M. McHugh—Interlocking Directors Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemptions.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under: (1) 49 U.S.C. 11343 the acquisition of control by Better Materials Corporation, Rudolph and Eleanor Kraus and J.C. McHugh of the Shore Fast Line Inc.; (2) 49 U.S.C. 10901 the operation by the Shore Fast Line, Inc. of the Atlantic City Branch line; (3) 49 U.S.C. 10746 the transportation by the Shore Fast Line, Inc. of commodities shipped by Better Materials Corporation; and (4) 49 U.S.C. 11322 the holding of interlocking directorships by E.L. McHugh, G.J. McHugh, and A.M. McHugh.

DATES: This exemption will be effective on May 2, 1983. Petitions to reopen must be filed by May 22, 1983.

ADDRESSES: Send pleadings referring to Finance Docket Nos. 30156 and 30165 to: (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: William P. Quinn, Rubin, Quinn & Moss, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106.

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, DC, 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: April 29, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-12015 Filed 5-4-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29518 (Sub-Nos. 1 and 5)]

Rail Carriers Midwestern Rail Properties, Inc., and Soo Line Railroad Co.; Inconsistent Application Accepted for Consideration

AGENCY: Interstate Commerce Commission.

ACTION: Inconsistent application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the inconsistent application of Soo Line Railroad Company to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), located in MN, IA, and MO. The Commission will adhere to the existing schedule for the proceeding, and will issue a final decision by June 20, 1983. Related requests have also been filed and will be considered with the purchase application.

DATE: Sworn statements in response must be filed by May 6, 1983.

ADDRESS: An original and 10 copies of all statements referring to Finance Docket No. 29518 (Sub-No. 5) should be sent to: Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423, Attention: Soo Line Railroad Company.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision in Finance Docket No. 29518 (Sub-No. 1), served April 1, 1983. To purchase a copy of the full decision, write T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289-4357 (D.C. Metropolitan area) toll free (800) 424-5403.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-12014 Filed 5-4-83; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-52]

Rail Carriers; Western Pacific Railroad Co.; Passenger Train Operation

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 near Dunsmuir, California (M.P. 327.6) are temporarily out of service because of a derailment. An alternative route is available via the Western Pacific Railroad Company between Sacramento and Bieber, 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, 1981, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), the Western Pacific Railroad Company (WP), is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Southern Pacific Transportation Company (SP) at Sacramento, California and Bieber, 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 1:50 a.m. (EST), April 23, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 25, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Western Pacific Railroad Company, and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1983.

Interstate Commerce Commission.

John H. O'Brien,

Agent.

[FR Doc. 83-12021 Filed 5-4-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Activation of the Former Air Force Station at Mt. Laguna, Cleveland National Forest, San Diego County, California

AGENCY: Bureau of Prisons, Justice.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY: 1. *Proposed Action:* The Bureau of Prisons proposes to activate the former Air Force Station at Mt. Laguna, California for use as a Federal Prison Camp for minimum custody inmates. The 140-acre property consists of 66 structures containing approximately 172,000 square feet.

The Bureau of Prisons has been, and continues to be, actively investigating surplus military facilities which can be converted to camp facilities housing inmates with minimum custody classifications. Also, the Bureau of Prisons is committed to using existing facilities whenever possible to avoid costly new construction.

The proposed Federal Prison Camp would be used to house 250 inmates, and approximately 50 full-time staff would provide 24-hour supervision.

The Bureau of Prisons would be required to obtain a Special Use Permit from the Forest Service in order to operate the Federal Prison Camp.

2. *Alternatives:* Alternative courses of action considered will include but not be limited to (1) activation of the facility by other State and Federal agencies, (2) the use of other surplus facilities for a Federal Prison Camp, (3) contracting for correctional services at State or County facilities, and (4) no action taken.

3. *Scoping Process:* The Bureau of Prisons prepared an Environmental Assessment for circulation and comments in October, 1982. On November 15, 1982, the San Diego Association of Governments reviewed the proposal and generated several questions which required further study.

On December 12, 1982, the Bureau of Prisons and the Forest Service jointly held a public meeting at Mt. Laguna, at which time the public was afforded the opportunity to learn more about the proposed Federal Prison Camp. Subsequently, the Bureau of Prisons decided that a complete EIS was needed.

4. *Availability:* The Draft EIS is currently scheduled to be available in June, 1983. This schedule is subject to change without notice.

5. *Responsible Official:* Loy S. Hayes, Chief, Facilities Development and Operations, Bureau of Prisons, 320 First St., NW., Washington, D.C. 20534.

Dated: May 2, 1983.

Loy Hayes,

Chief Facilities Development and Operations.

[FR Doc. 83-12114 Filed 5-4-83; 8:45 am]

BILLING CODE 4410-05-M

NATIONAL CAPITAL PLANNING COMMISSION

Revised Procedures for Public Participation

AGENCY: National Capital Planning Commission (NCPC).

ACTION: Notice of proposed amendment.

SUMMARY: The proposed amendment to the Commission's Revised Procedures for Public Participation (48 FR 9095, March 3, 1983) sets forth guidelines for oral presentations at Commission meetings by members of the public.

DATE: Comments must be received on or before June 6, 1983.

ADDRESS: Interested persons should submit comments to Daniel H. Shear, Secretary to the Commission, National Capital Planning Commission, 1325 G Street NW., Washington, D.C. 20576.

FOR FURTHER INFORMATION CONTACT: Samuel K. Frazier, Public Affairs Officer, National Capital Planning Commission, 1325 G Street NW., Washington, D.C. 20576, (202) 724-0174.

SUPPLEMENTARY INFORMATION: Add at end of the section entitled *"How do you express your views to the Commission?":*

The following guidelines are applicable to oral presentations:

(a) *Length of presentation:* Presentations of individuals who are representing themselves are ordinarily limited to 5 minutes. Presentations of representatives of organizations are ordinarily limited to 10 minutes. Organizations may use one or more participants in making their presentation. However, the Chairman may set different time limits for both individuals and organizations, depending on the nature of the item, the number of speakers who have registered, and the total time available.

(b) *Copies of written statements:* Written statements are not required of those who make oral presentations. However, they are preferred if at all possible. If a speaker desires to submit a written statement or other materials to each member of the Commission, they must be submitted to the Secretary to the Commission by noon of the day preceding the day of the meeting, and copies will be reproduced by the Secretary and distributed to each member of the Commission prior to the beginning of the meeting. Otherwise, materials must be delivered in twenty-five copies to the Public Affairs Officer prior to the beginning of the meeting.

(c) *Representatives of organizations:* Speakers representing organizations should preface their remarks by identifying the organization, its purpose, and the number of members, indicating their position or title in the organization, and stating the date on which the organization met and took a position on the matter before the Commission.

(d) *Nature of comments:* Comments are solicited on all matters before the Commission. However, comments on non-Federal plans and projects should be limited to their effect on Federal interests in the National Capital Region. For more detailed information, please refer to the section below entitled: "What should your statement contain?"

(e) *Order of speakers:* Ordinarily the order of speakers is determined by the date and time on which they registered. However, the Chairman may adjust the order of speakers.

Daniel H. Shear,

Secretary to the Commission.

April 19, 1983.

[FR Doc. 83-12057 Filed 5-4-83; 8:45 am]

BILLING CODE 7520-01-M

NATIONAL SCIENCE FOUNDATION

Forms Submitted to OMB for Review

In accordance with the Paperwork Reduction Act and OMB Guidelines,

NSF is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming (202) 357-9421.

OMB Officer: Gwendolyn Pla, (202) 395-7313.

Title: Request for Proposals.

Affected Public: Individuals or Households; State or Local Governments; Businesses or Other For-Profit; Non-Profit Institutions; Small Businesses or Organizations.

Number of Responses: 32 responses; total number of hours, 3,870.

Abstract: Request for Proposal used to competitively solicit proposals in response to NSF need for services. Impact will be on those individuals or organizations who elect to submit proposals in response to RFP. Information gathered will be evaluated in light of NSF procurement requirements to determine who will be awarded a contract.

Dated: May 2, 1983.

Herman G. Fleming,

OMB Clearance Officer.

[FR Doc. 83-11997 Filed 5-4-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on May 12-14, 1983, in Room 1046, 1717 H Street, NW., Washington, D.C. Notice of this meeting was published in the **Federal Register** on April 27, 1983.

The agenda for the subject meeting will be as follows:

Thursday, May 12, 1983

8:30 A.M.-8:45 A.M.: Opening Remarks (Open)—The ACRS Chairman will report briefly on matters of current interest regarding ACRS activities.

8:45 A.M.-12:30 P.M.: LaCrosse Boiling Water Reactor (Open)—The members will hear and discuss the report of the ACRS project subcommittee and consultants who may be present regarding the SEP/IPSAR review of this facility.

Members of the NRC Staff and representatives of the Licensee will make presentations and respond to questions regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary information related to this project.

1:30 P.M.-2:30 P.M. Regionalization of NRC Activities (Closed)—The members of the Committee will discuss proposed NRC plans to regionalize staff activities.

This portion of the meeting will be closed to discuss matters which relate solely to the internal personnel rules and practices of the agency.

2:30 P.M.-3:30 P.M.: Licensee Event Reporting (Open)—The members of the Committee will discuss proposed changes in NRC rules on Licensee Event Reports (10 CFR 50.75) and Immediate Notification Requirements (10 CFR 50.73). Representatives of the NRC Staff will participate as appropriate.

3:30 P.M.-4:40 P.M.: Proposed Regulatory Guide on Instrument Sensing Lines (Task No. IC 126-5) (Open)—The Committee members will discuss the proposed NRC Regulatory Guide On Instrument Sensing Lines. Members of the NRC Staff will participate as appropriate.

4:30 P.M.-5:30 P.M.: Evaluation of Operating Experience (Open)—The members of the Committee will discuss proposed ACRS comments regarding the NRC sponsored report (NUREG/CR-2497), "Precursors to Potential Severe Core Damage Accidents."

Friday, May 13, 1983

8:30 A.M.-9:00 A.M.: Future ACRS Activities (Open)—The Committee members will discuss anticipated ACRS Subcommittee and full Committee activities including proposed procedures for ACRS participation in NRC rulemaking and policy making activities.

9:00 A.M.-10:00 A.M.: Preparation for ACRS Meeting with NRC Commissioners (Open)—The members of the Committee will review ACRS positions and discuss proposed comments regarding the NRC Safety Research Program on Severe Accident Research, the NRC Accident Source Term Program.

10:00 A.M.-11:30 A.M.: Meeting with NRC Commissioners (Open)—The Committee will meet with members of the Commission to discuss topics noted above.

11:30 A.M.-12:30 P.M. and 1:30 P.M.-3:30 P.M.: Haddam Neck Nuclear Plant (Open)—The Committee members will hear the report of its Subcommittee and consultants who are present regarding the SEP/IPSAR for this project.

Representatives of the NRC Staff and the Licensee will make presentations and respond to questions regarding this matter.

3:30 P.M. -6:30 P.M.: Standardized Nuclear Power Plant (GESSAR-II) (Open)—The members will hear and discuss the report of the ACRS Subcommittee and consultants who are present regarding the request for an FDA for this standardized nuclear island concept.

Representatives of the NRC Staff and the Applicant (General Electric Company) will make presentations and respond to questions regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this project.

Saturday, May 14, 1983

8:30 A.M.-12:00 Noon: Preparation of ACRS Reports to NRC (Open/Closed) The Committee members will discuss proposed reports to NRC regarding matters considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being discussed, and information that will be involved in an adjudicatory proceeding.

1:00 P.M.-3:30 P.M.: Reports of ACRS Subcommittees (Open)—The Committee will hear and discuss the reports of designated Subcommittees regarding safety-related matters including the proposed DOE Site Characterization Report on The Basalt Waste Isolation Project for the Hanford Reservation as a site for high level waste disposal, proposed changes in ECCS evaluation models and associated analysis methods for boiling water reactors, use of PRA in the safety evaluation of nuclear facilities, and developments in the consideration of extreme environmental phenomena (seismic events).

3:30 P.M.-4:00 P.M.: Miscellaneous (Open/Closed)—This session will be used to complete discussion of items considered during this meeting. A portion will be closed as necessary to discuss activities of members that would represent an undue invasion of personal privacy.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 1982 (47 FR 43474). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during

this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92-463 that is is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)) information which will be involved in an adjudicatory proceeding (5 U.S.C. 552b(c)(10)) and information that relates solely to the internal personnel rules and practices of the agency (5 U.S.C. 552b(c)(2)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: April 29. 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-11977 Filed 5-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 82 and 65 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2. The amendments were effective as of the date of issuance.

The amendments revise the Technical Specifications to correct typographical errors, establish procedures limiting overtime for personnel involved in safety related activities, increase the steam generator minimum pressurization temperature, delete a requirement on the pressurizer safety valve acoustic monitor, and change administrative requirements to provide for yearly audit and review of the safeguards contingency plan and emergency plan.

The application for the amendments 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 make 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 amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

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.

For further details with respect to this action, see (1) the application for amendments dated February 24, 1983, (2) Amendment Nos. 82 and 65 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related Safety Evaluation. 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 Calvert County Library, Prince Frederick, Maryland. 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.

Dated at Bethesda, Maryland, this 21st day of April, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-11971 Filed 5-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co. (Calvert Cliffs Nuclear Power Plant Unit Nos. 1 and 2); Exemption

I

The Baltimore Gas and Electric Company (the licensee) is the holder of Facility Operating License Nos. DPR-53 and DPR-69 which authorize operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility comprises two pressurized water reactors at the licensee's site located in Calvert County, Maryland.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised §50.48 and Appendix R became effective on February 7, 1981. Section 50.48(c) established the schedules for satisfying the provisions of Appendix R. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant.

Subsection III.G.2 requires that fire detectors and an automatic fire suppression system be installed in areas of the plant where cables or equipment of redundant trains of systems, necessary to achieve and maintain hot shutdown conditions, are located in the same fire area outside containment and are separated by 20 feet free of intervening combustibles. By application dated March 4, 1983, the licensee requested relief from the above requirement as it applies to automatic fire suppression systems for the Units 1 and 2 intake structure.

Subsection III.G.3 requires that fixed fire suppression be provided in areas where alternative shutdown capability has also been provided. Although the March 4, 1983 application requests relief from the requirement to provide fixed/automatic fire suppression in the control room complex pursuant to Subsection III.G.2, we interpret this as a request for relief pursuant to Subsection III.G.3. This is appropriate since an alternative shutdown means is provided for the control room complex.

The fire protection features of the control room complex (areas 400, 401, 402, 403, 404, 405, 406, 415, 431, 432, 434, 435, and 436) were addressed in the Calvert Cliffs Fire Protection Safety Evaluation Report (FPSER) which the NRC issued on September 14, 1979. The FPSER indicates that the control room complex fire protection features include smoke detectors installed in (1) HVAC ducts, (2) control room ceiling, (3) the log and instrument room (presently the Technical Support Center), (4) supervisor's office, and (5) computer rooms. The Computer rooms have, in addition, heat detectors located within cabinets and under the floor which actuate Halon 1301 systems protecting these cabinets and subfloor area. A

manual hose and portable extinguishers are available for manual fire suppression.

As indicated in the March 4, 1983 application, improvements have been made in the control room complex fire protection features since issuance of the FPSER. These improvements include: (1) Providing nozzles for manual hose protection compatible with the hazards and equipment in the control room; (2) removal of all wooden furniture and shelves from the control room complex and (3) metal partitions to separate adjoining panels from the computer terminal. The existing control room bullet-proof doors, which had not previously been shown to be "3-hour rated", have been tested and approved as indicated in the NRC letter dated August 16, 1982 and the accompanying Exemption. In addition to the above fire protection features, a review of Calvert Cliffs Technical Specification 6.2.2.a indicates that the control room must be continuously manned during all modes of reactor operation. Based upon the fire protection features provided and the existence of a continuous fire watch we conclude that any fire in the control room complex would be promptly detected and extinguished. Therefore, the addition of a fixed fire suppression system would not significantly enhance the fire protection features of the control room complex.

The second area addressed in the March 4, 1983 application is the intake structure. This area is important to safety since it contains the salt water pumps which provide cooling water for safety-related equipment. The intake structure is an enclosed concrete structure having a three hour fire rating. This area contains the circulating water pumps (six per unit) each of which is in a pit in the floor of the structure to contain any oil which may leak from the pump. Each pit is surrounded by a curb to prevent external flammable liquids from entering the pit. The circulating water pumps are separated from the salt water pumps by approximately 20 feet and from each other by over 30 feet.

Salt water pumps (three per unit) are located in separate concrete-lined pits below the floor level of the structure and are separated from each other by approximately 61 feet. The curbs for these pits have openings to allow access to equipment ladders. The licensee has indicated that these openings will be closed within six months to restore the integrity of the curbs. Each pump's motor is mounted approximately 14 feet above floor level directly above the pump. Power cables from each salt water pump are routed in conduit to the west wall of the intake structure and are separated by a minimum of 45 feet horizontally from those of the adjacent salt water pumps. The intake structure is provided with fire (smoke) detection and with portable fire extinguishers. The hose stations have sufficient hose to reach any fire with at least one effective water stream.

In summary, the intake structure can be characterized as having a low fire loading (approximately 16,000 BTU/ft^2) and a large separation between redundant components of safety-related equipment. Because of the low fire loading, large volume and ceiling height, reasonable assurance is provided that a fire in the intake structure would be detected and efficiently extinguished prior to damaging the redundant salt water pumps in this area. Based on the above, we conclude that the installation of an automatic fire suppression system in the intake structure would not significantly improve the level of fire protection in this area.

III

Based on the consideration of the fire protection features of the control room complex and the intake structure, we conclude that the existing fire protection features provide fire protection that is equivalent to the technical requirements of Subsections III.G.2 and III.G.3, respectively. On this basis, the staff concludes that the installation of fixed fire suppression systems in the control room complex and intake structure would not significantly improve the fire suppression capability in these areas. Accordingly, relief from the technical requirements of Section III.G. of Appendix R to 10 CFR Part 50, as these requirements relate to installation of fixed fire suppression systems for the control room complex and the intake structure, should be granted.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants the following exemption with respect to the requirements of Sections III.G.2 and III.G.3 of Appendix R to 10 CFR Part 50:

The installation of fixed/automatic fire suppression systems for the control room complex and the intake structure is not required for Calvert Cliffs Units 1 and 2.

The NRC staff has determined that the granting of this Exemption 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 this action.

Dated at Bethesda, Maryland this 21st day of April, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 83-11972 Filed 5-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-447]

Gessar II BWR/6 Nuclear Island Design; Availability of Safety Evaluation Report

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed Final Design Approval for the GESSAR II BWR/6 Nuclear Island Design. The application for a Final Design Approval was docketed on February 22, 1982.

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. 20555 for inspection and copying. The report (Document No. NUREG-0979) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention Sales Manager, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 28th day of April 1983.

For the Nuclear Regulatory Commission.

Donald S. Brinkman,

Acting Chief, Standardization & Special Projects Branch, Division of Licensing.

[FR Doc. 83-11973 Filed 5-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352-OL & 50-353-OL]

Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding to substitute Gary J. Edles for Stephen F. Eilperin. As reconsitituted, the Appeal

Board for this operating license proceeding will consist of the following members:

Christine N. Kohl, Chairman
Gary J. Edles
Dr. Reginald L. Gotchy.

Dated: April 28, 1983.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 83-11974 Filed 5-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361 and 50-362]

Southern California Edison Co., et al.; Facility Operating License Nos. NPF-10 and NPF-15

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. NPF-10, and Amendment No. 6 to Facility Operating License No. NPF-15 to Southern California Edison Company (SCE), San Diego Gas and Electric Company, The City of Riverside, California and The City of Anaheim, California (licensees) for the San Onofre Nuclear Generating Station, Units 2 and 3 (the facility) located in San Diego County, California. These amendments are effective April 27, 1983.

The amendments modify the Emergency Preparedness license conditions to require further efforts to assemble and keep current a list of housebound people within the Plume Exposure Emergency Planning Zone, and to develop and initiate a training program to assist Orange County Transit District bus drivers in the event of a radiological emergency at San Onofre. These amendments were authorized by the Atomic Safety and Licensing Appeal Board's Decision of March 4, 1983, ALAB-717.

Issuance of these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of these amendments is subsumed by the prior public notice of the overall action regarding issuance of operating licenses for these facilities, published in the **Federal Register** on April 7, 1977 (42 FR 18460).

The Commission has determined that the issuance of these 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.

For further details with respect to this action, see (1) the Atomic Safety and Licensing Appeal Board's Decision, ALAB-717, dated March 4, 1983 (2) Amendment No. 18 to Facility Operating License No. NPF-10, and (3) Amendment No. 6 to Facility Operating License No. NPF-15.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and the San Clemente Library, 242 Avenida Del Mar, San Clemente, California 92672. A copy of items (1), (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.

Dated at Bethesda, Maryland, this 27th day of April, 1983.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-11975 Filed 5-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric & Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 46 and 29 to Facility Operating License Nos. NPF-4 and NPF-7 issued to the Virginia Electric and Power Company (the licensee) which revised Technical Specifications for operation of the North Anna Power Station, Units No. 1 and No. 2 (the facility) located in Louisa County, Virginia. The amendments were effective as of the date of issuance.

The amendments revise the partial power multiplier from 0.2 to 0.3 for $F^N_{\Delta H}$. In addition, an administrative change has been made to the NA-2 TS 4.2.2.2.g. to provide consistency between the North Anna Power Station, Units No. 1 and No. 2 Technical Specifications.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these 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 these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 8, 1982, (2) Amendment No. 46 and No. 29 to Facility Operating Licenses No. NPF-4 and NPF-7 and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 22d day of April, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 83-11976 Filed 5-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-280]

Virginia Electric and Power Co.; Granting of Relief From ASME Code Requirements Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to Virginia Electric and Power Company (the licensee) for the Surry Power Station, Unit No. 1 located in Surry County, Virginia. The ASME Code requirments are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50.

The relief allows the licensee to replace three 1½-inch drain valves and one 2-inch manual isolation valve in the main steam system without performing

hydrostatic tests for the entire steam generators and a considerable portion of the main steam piping. A leakage test will be performed instead. This relief is the same as that provided in NRC letter dated October 1, 1982, for Unit 1 and the Evaluation of Relief Request attached to that letter applies to this relief request. In this instance, three steam generators are affected instead of one previously.

The request for this granting of 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 Evaluation of Relief Request dated October 1, 1982.

The Commission has determined that the granting of this relief 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 this action.

For further details with respect to this action, see (1) the request for relief dated March 16, 1983; (2) the letter to the licensee dated April 27, 1983; and (3) the letter to the licensee dated October 1, 1982, transmitting the Commission's related Evaluation of Relief Request. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. 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.

Dated at Bethesda, Maryland this 27th day of April 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-12106 Filed 5-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License and Granting of Relief From ASME Section XI Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 77 to Facility Operating License No. DPR-51, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (ANO-1) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications relating to inservice inspection requirements of safety class components.

By letter dated April 18, 1983, as supported by the related Safety Evaluation, the Commission has also granted to the licensee relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components". The relief relates to the inservice inspection program for ANO-1. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The application for the amendment and request for relief comply 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 and letter granting relief. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment and the granting of this relief 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 this amendment.

For further details with respect to this action, see: (1) The application for amendment and request for relief dated October 19, 1977, as supplemented December 15, 1978, (2) Amendment No. 77 to License No. DPR-51, (3) the Commission's related Safety Evaluation and (4) the Commission's letter to the licensee dated April 18, 1983. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of April 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-12100 Filed 5-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co. (Zion Station, Unit Nos. 1 and 2); Revised Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Commonwealth Edison Company (the licensee) is the holder of Facility Operating License Nos. DPR-39 and DPR-48 which authorizes the operation of the Zion Station, Unit Nos. 1 and 2 (the facilities) at power levels not in excess of 3250 megawatts thermal. The facilities are pressurized reactors (PWRs) located at the licensee's site in Zion, Illinios.

II

Following the accident at Three Mile Island Unit 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, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby

incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

Commonwealth Edison Company responded to Generic Letter 82-05 by letters dated April 15, 1982, November 29, 1982 and January 14, 1983; the licensee responded to Generic Letter 82-10 by letter dated July 24, 1982. On March 14, 1983, the Commission issued an Order Confirming the Licensee's commitments to implement certain post-TMI related items set forth in NUREG 0737. By letter of March 30, 1983, further clarified by letter of April 8, 1983, the Commonwealth Edison Company informed the staff of technical difficulties and delays in hardware delivery and requested revision of completion dates for three items, II.B.2, II.B.3, II.F.1(2). The staff's evaluation of the licensee's proposed delays for these items is provided herein:

II.B.2 Plant Shielding

As part of the plant shielding task, the radiation monitor which controls the control room air intake is being replaced with a new monitor that is part of the SPING computerized monitoring system. The new monitor has been installed, calibrated, and tested. However, a new operator for the control room air intake damper is needed to make the system fully operational. The manufacturer's delivery date for this item has been extended beyond licensee's original estimate.

In the interim, the damper has been placed in the accident mode, which isolates the outside air intake and routes the air flow through charcoal filters. Operation in this mode will provide the necessary protection until the new damper operator can be installed. In addition, in the interim, there is an existing monitor that is serving the air control function until the SPING problem can be fixed. This interim operation using the existing monitor is acceptable. All other immediate requirements for this task item have been completed.

II.B.3 Post Accident Sampling

The containment air sample radiation monitor is also being upgraded with the SPING monitoring system discussed above. The installation for Unit 1 is complete. For Unit 2 completion is expected in April 1983. There is an existing radiation monitor providing containment air sampling measurements and its operation during the interim period is aceptable. All other immediate requirements for this task have been completed.

II.F.1.2 Accident Monitoring Instrumentation

The existing vent stack radiation monitors are being replaced with new monitors that are part of the SPING monitoring system. The electronics-related problems previously identified have recently been resolved, and final calibration is in progress at this time on both units. In addition, the Unit 2 sample vacuum pump has failed and must be replaced. The actions are expected to be completed by the end of April 1983. In the interim, the existing monitors will continue to provide the necessary monitoring functions. The interim operation of the existing vent stack monitor is acceptable. All other immediate requirements for this task have been completed.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG-0737 requirements noted: (2) there is good cause for the several delays (unexpected design complexity, interface problems, and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

IV

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 hereby ordered that the licensee shall:

Implement and maintain items II.B.2, II.B.3, and II.F.1(2) described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may requrest a hearing on this order 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 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 requested by the licensee, 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 IV of this Order. This Order is effective upon expiration of the time within which a hearing may be requested.

For the Nuclear Regulatory commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Marland this 28th day of April 1983.

PLANT NAME: ZION UNIT 1 AND 2

ATTACHMENT 1.— LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-95

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 examination	Complete.
II.B.2	Plant shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions	June 1983.
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Unit 1 complete, unit 2 April 1983.
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.

PLANT NAME: ZION UNIT 1 AND 2—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
II.E.4.2	do	do	Part 7—isolate purge and vent valves on radiation signal	Do.
II.F.1	Accident monitoring	Jan 1, 1982	(1) Install noble gas effluent monitors	July 3, 1983.
		do	(2) Provide capability for effluent monitoring of iodine	April 1983.
		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 date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2.—LICENSEE'S 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	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982.	Complete.
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	Revised emergency procedues [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 & 31.	SBLOCA analysis [2]	1 yr. 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	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	During refueling to occur before January 1984.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83-12101 Filed 5-4-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-409]

Dairyland Power Cooperative; Availability of Draft Integrated Plant Safety Assessment Report for the LaCrosse Boiling Water Reactor

The Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR) has published its Draft Integrated Plant Safety Assessment Report related to Dairyland Power Cooperative's LaCrosse Boiling Water Reactor, located in Vernon County, Wisconsin.

The report documents the review completed under the Systematic Evaluation Program (SEP). The SEP was initiated by the NRC to review the design of older operating nuclear reactor plants to reconfirm and document their safety. The review has provided for: (1) An assessment of the significance of differences between current technical positions on selected safety issues and those that existed when LaCrosse was licensed, (2) a basis for deciding on how these differences should be resolved in an integrated plant review, and (3) a documented evaluation of plant safety. Equipment and procedural changes have been identified as a result of the review.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the LaCrosse Public Library, 800 Main Street, LaCrosse, Wisconsin 54601 for inspection and copying. Single copies of this report (Document No. NUREG-0827) may be requested from the U.S. Nuclear Regulatory Commission, Director, Division of Technical Information and Document Control, Washington, D.C. 20555, Attention: Publications Unit.

Dated at Bethesda, Maryland this 18th day of April 1983.

For the Nuclear Regulatory Commission.

Walter A. Paulson,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-12102 Filed 5-4-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-269, 50-270 and 50-287]

Duke Power Co.; Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 120, 120 and 117 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the TS withdrawal schedule for the reactor vessel surveillance capsules.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these 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 the issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated February 23, 1983, (2) Amendments Nos. 120, 120, and 117 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. 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 Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691. 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.

Dated at Bethesda, Maryland, this 15th day of April 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-12103 Filed 5-4-83; 8:45 am]

BILLING CODE 7590-01-M

[ASLBP Docket No. 82-468-01 OL (NRC Docket Nos. 50-458-OL 50-459-OL)]

Gulf States Utilities Co., et al. (River Bend Station, Units 1 and 2); Prehearing Conference Order

April 29, 1983.

Pursuant to 10 CFR 2.751a, and upon consideration of a conflict in the schedule of the Board Chairman with the prehearing conference date, the oral representation of the parties that they have no objection to a change in the date, and upon consideration of the entire record in this matter, it is this 29th day of April, 1983 ordered:

1. That the prehearing conference shall commence at 9:30 A.M. on Tuesday, June 14, 1983 in Courtroom 801 of the State District Court, 19th Judical District, Governmental Bldg., 222 St. Louis Street, Baton Rouge, LA 70801, and continue from day to day until completed; and

2. That paragraphs 2 and 3 of this Board's Order dated April 5, 1983 shall remain in full force and effect.

For The Board.

B. Paul Cotter, Jr.,

Administrative Judge.

[FR Doc. 83-12104 Filed 5-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

Virgil C. Summer Nuclear Station (Unit No. 1); Notice of Issuance of Amendment to Facility Operating License No. NPF-12

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensees) for the Virgil C. Summer Nuclear Station, Unit No. 1 (the facility) located in Fairfield County, South Carolina. The amendment changes the Technical Specifications to reflect the additional fire protection equipment that has been installed, the actual location and number of fire detectors in the plant, and the location of water spray and sprinkler systems.

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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this 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 this amendment.

For further details with respect to this action, see: (1) South Carolina Electric & Gas Company letter, dated October 8, 1982, (2) Amendment No. 15 to Facility Operating License No. NPF-12 with Appendix A Technical Specifications page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. A copy of Amendment No. 15 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of April 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-12105 Filed 5-4-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council (WHSC); Meeting

The White House Science Council, the purpose of which is to advise the Director, Office of Science and Technology Policy (OSTP), will meet on May 19 and 20, 1983, in Room 5026, New Executive Office Building, Washington, D.C. The meeting will begin at 7:00 p.m. on May 19, recess and reconvene at 8:00 a.m. on May 20. Following is the proposed agenda for the meeting:

(1) Briefing of the Council, by the Assistant Directors of OSTP, on the current activities of OSTP.

(2) Briefing of the Council by OSTP personnel and personnel of other agencies on proposed, ongoing, and completed panel studies.

(3) Discussion of composition of panels to conduct studies.

The May 19 session and a portion of the May 20 session will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defense or for foreign policy reasons. This is also true for a portion of the briefing on panel studies. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President and information which, if prematurely disclosed, would significantly frustrate the

implementation of decisions made requiring agency action. These portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b(c) (1), (2), and 9(B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Acordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552 b(c)(6).

The portion of the meeting open to the public will begin at 10:00 a.m. Because of the security in the New Executive Office Building persons wishing to attend the open portion of the meeting should contact Jerry Jennings, Executive Director of the Office of Science and Technology Policy at (202) 456-7740, prior to 3:00 p.m. on May 18. Mr. Jennings is also available to provide further information regarding this meeting.

Dated: April 26, 1983.

Jerry D. Jennings,

Executive Director, Office of Science and Technology Policy.

[FR Doc. 83-11968 Filed 5-4-83; 8:45 am]

BILLING CODE 3170-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13203; 811-1618]

American Option & Equity Fund, Inc.; Proposal To Terminate Registration

April 28, 1983.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that American Option & Equity Fund, Inc. ("Fund"), 3301 Van Buren Street, Topeka, KS 66611, registered under the Act as an open-end, diversified, management investment company, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Fund was organized by National Investment Corporation, Inc., a Topeka, Kansas-based holding company, under the laws of the State of Delaware on February 26, 1968, as American Equity Fund, Inc. The Fund registered under the Act on March 1, 1968, and on August 5, 1968, it filed a registration statement (File No. 2-29797) under the Security Act of 1933 ("1933 Act") in connection with a proposed public offering of its shares of capital stock. That registration statement was declared effective by the Commission on January 24, 1969.

On July 21, 1977, the Fund's shareholders voted to change its name from American Equity Fund, Inc., to American Option and Equity Fund, Inc. Financial statements contained in post-effective amendment number 18 to the fund's registration statement under the 1933 Act, filed with the Commission on April 3, 1978, disclosed that as of December 31, 1977, the Fund had 609,036 shares outstanding having an equivalent net asset value per share of $4.96, or total net assets of $3,022,729.

On October 25, 1978, the Fund's board of directors unanimously adopted resolutions declaring that it was advisable that the Fund be voluntarily dissolved in accordance with Delaware law and that it be deregistered as an investment company under the Act. At a meeting of the Fund's shareholders on December 18, 1978, shareholders approved the board of directors' resolutions providing for the liquidation and dissolution of the Fund. B. C. Christopher & Co., was selected as the Fund's agent to liquidate its portfolio at a cost to the Fund of 15 cents per share. A reserve in the amount of $37,000 to cover liquidation and dissolution expenses was established by the Fund's board of directors. The plan of liquidation provided that a certificate of dissolution was to be filed with the State of Delaware after the Fund's assets were distributed to shareholders. The distribution to shareholders in the amount of $4.56 per share was made on December 27, 1978, and since that date the Fund has done no business.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of that investment company shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the aplication may, not later than May 23, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-12120 Filed 5-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13205; 812-5518]

Capital Housing Partners—CLIII et al.; Filing of Application for Exemption

April 28, 1983.

Notice is hereby given that Capital Housing Partners—CLIII (the "Partnership"), a District of Columbia limited partnership, and its general partners, C.R.I., Inc. ("CRI"), William B. Dockser, Martin C. Schwartzberg and H. William Willoughby (collectively with CRI and the Partnership, "Applicants"), One Central Plaza, 11300 Rockville Pike, Rockville, Maryland 20852, filed an application on March 28, 1983, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), for an order exempting the Partnership from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Partnership was organized to invest in four other limited partnerships (the "Local Limited Partnerships") which will own and operate government-assisted apartment complexes. Applicants state that the Partnership will operate as a "two-tier" partnership, that is, the Partnership, as a limited partner, will invest in the Local Limited Partnerships. The Local Limited Partnerships consist of: (1) An Illinois limited partnership and a Minnesota limited partnership, each of which owns and is developing a government-assisted apartment project for elderly and handicapped persons of low and moderate income and (2) a California limited partnership and an Arizona limited partnership, each of which owns and is developing a government-assisted apartment project for individuals and families of low and moderate income (the "Projects"). Applicants state that the managing general partner of the Partnership is CRI and that an affiliate of CRI will be a general partner in each Local Limited Partnership.

Applicants represent that the Partnership, in reliance upon Rule 506 under Section 4(2) of the Securities Act of 1933, will offer $6,110,000 of limited partnership interests in 100 units (the "Units") of $61,100 each, subject to increase or decrease in certain circumstances. Applicants state further that subscriptions for half Units may be accepted by the general partners, and accordingly, the Partnership's securities could be held by more than 100 persons. Applicants state that Merrill Lynch, Pierce, Fenner & Smith Incorporated and CRICO Securities Corporation, an affiliate of the general partners, and other selected broker dealers will act as selling agents for the offering of Units. Applicants state further that purchasers of Units will become limited partners ("Limited Partners") of the Partnership.

Applicants state that, although the Partnership's direct control over the management of each apartment complex is limited, the Partnership's ownership of interests in Local Limited Partnerships shall, in an economic sense, be tantamount to direct ownership of the apartment complexes themselves. According to the application, the interests in Local Limited Partnerships will have no substantial value other than their pro rata share of the value of the apartment complexes, and no Local Limited Partnership will generate a substantial amount of income or expense other than as directly related to the development, ownership and operation of its apartment complex. Applicants represent that, through its investment in the Local Limited Partnerships, the Partnership intends to realize (1) a potential increase in its equity in the Projects through amortization of the Projects' mortgage indebtedness, (2) cash flow from operations, (3) a potential increase in the value of the Projects, (4) cash distributions through potential refinancing of the Projects, and (5) certain current tax benefits.

Applicants state that the Partnership is organized as a limited partnership because a limited partnership is the only form of organization which provides investors with both (1) the ability to claim on their individual tax returns the deductions, losses, credits and other tax items arising from the Partnership's interests in Local Limited Partnerships which own and operate the Projects, and (2) liability limited to their capital investment. Applicants maintain that the purpose of the Partnership is to provide a vehicle for private investment in government-assisted apartment complexes in accordance with the determination made by Congress in the legislation creating the National Housing Partnership.

Applicants state that the Partnership will be controlled by its general partners pursuant to the Limited Partnership Agreement and Second Amended Certificate of Limited Partnership of the Partnership (the "Partnership Agreement"). Applicants maintain that the Limited Partners will not be entitled to participate in the control of the Partnership's business. Applicants further maintain that, under the Partnership Agreement, each Limited Partner is entitled to review all books and records of the Partnership at any and all reasonable times.

Section 6(c) of the act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

According to the application, Investment Company Act Release No. 8456 (August 9, 1974) ("Release No. 8456") lists two conditions which must be satisfied by two-tier partnerships which invest in limited partnerships engaged in the development and building of housing for low and moderate income persons to obtain an exemption from the Act, pursuant to section 6(c) of the Act: (1) "interests in the issuer should be sold only to persons for whom investments in limited profit, essentially tax-shelter, investments would not be unsuitable," and (2) "requirements for fair dealing by the general partners of the issuer with the limited partners of the issuer should be included in the basic organizational documents of the company." The Partnership believes that the suitability standards applicable to the sale of the Units are consistent with the requirements of Release No. 8456. According to the application, each subscriber will represent, among other things, that (1) some part of the subscriber's income (without regard to the investment) through 1988 will be subject to federal income tax at the rate of 45% or more, and (2) the subscriber has either (a) a net worth, or joint net worth with his or her spouse, in excess of $1,000,000 as of the date of the subscription agreement, or (b) had individual gross income (exclusive of gross income of his or her spouse) in excess of $200,000 in 1981 and 1982, and reasonably expects to have individual gross income (exclusive of gross income of his or her spouse) in excess of $200,000 in 1983.

Applicants also state that the Partnership Agreement and Private Placement Memorandum contain numerous provisions designed to insure fair dealing by the general partners with the Limited Partners. Applicants represent that all compensation to be paid to the general partners and their affiliates is specified in the Private Placement Memorandum and no compensation will be payable to the general partners or any of their affiliates not so specified. Applicants maintain that all such compensation is fair and on terms no less favorable to the Partnership than would be the case if such arrangements had been made with independent third parties. Further, the application states that the Partnership believes that such compensation meets all applicable guidelines necessary to permit the Units to be offered and sold in the various states which prescribe such guidelines, including, without limitation, the statement of policy adopted by the North American Securities Administrators Association, Inc. With respect to real estate programs.

Applicants assert that the Partnership's exemption from the Act is both necessary and appropriate in the public interest. Applicants assert that, by investing in Local Limited Partnership interests, the Partnership is implementing the national policy enunciated by Congress in Section 901 of Title IX of the Housing and Urban Development Act of 1968: "to encourage the widest possible participation by private enterprise in the provision of housing for low or moderate income families." Applicants maintain that the requested exemption would be consistent with the protection of investors and the purposes and policies underlying the Act. Applicants assert that the general purpose of the Act is to prevent the abuses that can occur when management has discretion to invest the public's money. Applicants assert that, in this case, management's discretion to invest the public's money is limited by the Partnership agreement, and the investment policies stated therein, as well as by identification and description to investors, before they decide to invest, of the Local Limited Partnerships.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 23, 1983, at 5:30 p.m., do so by

submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commisssion, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-12122 Filed 5-4-83; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

April 29, 1983.

In the matter of application of the Cincinnati Stock Exchange for Unlisted Trading Privileges in Certain Securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Continental Airlines Corporation
Common Stock, $.01 Par Value (File No. 7-6616)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 20, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-12119 Filed 5-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13204; 812-5413]

DBL Tax-Free Cash Fund Inc.; Filing of Application for an Order Exempting Applicant

April 28, 1983.

Notice is hereby given that DBL Tax-Free Cash Fund Inc. ("Applicant"), 60 Broad Street, New York, New York 10004, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 23, 1982, and amendments thereto on April 11 and 21, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant to the extent necessary: (1) From the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to permit Applicant to calculate its net asset value per share based on the amortized cost method of valuation and to value in the manner described in the application certain rights to sell its portfolio securities to brokers, dealers, and banks; and (2) from the provisions of Section 12(d)(3) of the Act to permit Applicant to acquire from brokers and dealers the aforesaid rights to sell portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemptions apply.

Applicant seeks high current income exempt from federal income taxes to the extent consistent with liquidity and the preservation of capital. Applicant pursues this objective by investing principally in a portfolio of high quality, tax-exempt securities with short-term remaining maturities issued by state or municipal governments and by public authorities. Applicant's investment policies allow it to invest in the widest range of securities providing income exempt from federal income taxes that meet its quality standards. Such securities include floating rate industrial development bonds and securities issued by state or municipal governments and by public authorities as interim financing in anticipation of tax collections, revenue receipts, bond sales, or project notes. Applicant's policies also allow it to purchase floating and variable rate obligations, with remaining maturities in excess of one year, so long as the interest rate on such obligations is adjusted at least annually and the obligations carry demand features permitting Applicant to redeem principal and accrued interest upon notice of seven days or less.

Variable rate demand instruments that Applicant may purchase include participation interests sold by banks in tax-exempt municipal obligations. Applicant expects banks offering these interests to concentrate them in industrial development bonds ("IDBs"). Applicant represents that a participation interest gives it an undivided interest in the municipal obligation in the proportion that Applicant's participation interest bears to the total principal amount of the obligation. Each participation interest is backed by an irrevocable letter of credit or bank guarantee found by Applicant to meet prescribed quality standards. Applicant has the right to sell the instrument back to the bank and draw on the letter of credit on demand, after seven days' notice, for all or any part of the full principal amount of Applicant's participation interest in the IDB, plus accrued interest. In determining maturity and dollar-weighted average portfolio maturity, a variable rate demand note's maturity will be deemed the longer of: (1) The notice period required before Applicant is entitled to prepayment under the note, or (2) the period remaining until the note's next interest rate adjustment. Applicant agrees to comply with Rule 2a-7, as proposed or as adopted, whenever it purchases variable rate demand instruments (including participation interests sold by banks in industrial development bonds).

Applicant may also acquire participations in privately negotiated loans to municipal borrowers, provided it obtains an opinion of counsel that interest payable by such municipal borrowers is exempt from federal income tax. Applicant recognizes that to the extent such loan participations are considered to be illiquid securities, they will be subject to its internal restrictions as well as the Commission's restrictions on investing in illiquid securities. Under those restrictions Applicant could not invest more than an aggregate of ten percent of its assets in illiquid securities. Applicant represents that any loan participations it acquires will conform

with all the conditions imposed as a prerequisite to obtaining amortized cost relief, especially those involving high quality and remaining maturity. Applicant may also purchase "when-issued" securities so long as it commits no more than twenty percent of its net assets to such instruments and intends to actually acquire such instruments.

In support of the relief requested, Applicant asserts that amortized cost valuation would be in its shareholders' best interests. Applicant represents that maintenance of a constant net asset value per share affords shareholders the convenience of determining the value of their holdings simply by knowing the number of shares they own. Applicant declares that amortized cost valuation, absent unusual circumstances, represents the fair value of its portfolio securities. Applicant submits that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly agrees that the following conditions may be imposed in any order of the Commission granting the exemption requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors undertakes—as a particular responsibility within its overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption, and repurchase, at $1.00 per share.

2. Included among the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's amortized cost price per share, and the maintenance of records of such review. To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value. Such quotations or estimates may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of instruments published by reputable sources.

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes that the extent of any deviation from Applicant's amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share; provided, however, that it will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, Applicant agrees that, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instruments that are not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement indicating whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any such action was taken, Applicant will describe the nature and circumstances of such action.

Applicant also requests exemptive relief to the extent necessary to enable it to acquire "stand-by" commitments. Applicant intends to acquire stand-by commitments solely to facilitate portfolio liquidity. Applicant describes a stand-by commitment as the equivalent of a "put" option acquired by Applicant with respect to a particular municipal obligation it holds. Applicant states that stand-by commitments acquired by it will have the following features: (1) They will be in writing and will be physically held by Applicant's custodian; (2) they will be exercisable by Applicant at any time prior to the maturity of the underlying securities; (3) they will be entered into only with brokers, dealers, and banks which, in the opinion of Applicant's investment adviser, present minimal risks of default; (4) Applicant's right to exercise them will be unconditional and unqualified; (5) although they will not be transferable, municipal obligations purchased subject to such a commitment could be sold to a third party at any time, even though the commitment is outstanding; and (6) their exercise price will be (i) Applicant's acquisition cost of the municipal obligations subject to a commitment (excluding any accrued interest which Applicant paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period it owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by Applicant.

Applicant expects stand-by commitments will be generally available without the payment of any direct or indirect consideration. However, if necessary and advisable, Applicant

states that it will pay for stand-by commitments, either separately in cash or by paying a higher price for portfolio securities acquired subject to a commitment (thus reducing the yield to maturity otherwise available for the same securities). As stated by Applicant, as a matter of policy, the total amount "paid" in either manner for outstanding stand-by commitments held in its portfolio will not exceed ½ of 1 percent of the value of its total assets calculated immediately after the acquisition of any such commitment.

Applicant states that it will value each stand-by commitment at zero in determining net asset value. Should Applicant pay directly or indirectly for a stand-by commitment, its costs will be reflected as unrealized loss for the period it holds the commitment and as realized gain or loss when the commitment is exercised or expires. Applicant asserts that the acquisition of a stand-by commitment would not affect the valuation of the underlying obligation which Applicant will continue to value in accordance with the amortized cost method for which it now seeks exemption. Nor would the maturity of a municipal obligation be shortened by any stand-by commitment attached to it, and Applicant thus claims that stand-by commitments will not affect its dollar-weighted average maturity. Applicant does not intend to exercise stand-by commitments for trading purposes.

Applicant states that it may apply to the Internal Revenue Service for a ruling, or seek from its counsel an opinion, that interest on municipal obligations subject to stand-by commitments will be exempt from federal income taxation. In the absence of a favorable tax ruling or opinion of counsel, Applicant will not purchase securities subject to stand-by commitments.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, or from any rule or regulation thereunder, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the above requested relief is appropriate, in the public interest, and consistent with the protection of investors. Applicant submits that the proposed acquisition of stand-by commitments will not affect its net asset value per share for purposes of sales and redemptions and will not pose new investment risks, but rather will improve its liquidity and ability to pay redemption proceeds expeditiously. Applicant will enter into stand-by commitments only with brokers, dealers, and banks that, in its investment adviser's opinion, possess a satisfactory credit rating. In addition to the credit of these institutions, Applicant's rights under the stand-by commitments will be secured to the extent of the value of the underlying securities subject to the commitments. In the event of a default under a stand-by commitment, Applicant assumes that it would be an unsecured creditor ony to the extent, if any, that the amount due under the stand-by commitment exceeds the value of the underlying securities it owns. Applicant therefore asserts that its risk of loss is not qualitatively different from the risk of loss faced by any investment company holding securities pending settlement after having agreed to sell the securities in the ordinary course of business.

Applicant represents that its investment adviser intends to periodically evaluate the credit of institutions issuing stand-by commitments in accordance with current procedures used to evaluate the quality of the institution's short-term debt securities, including periodic review of the institution's assets, liabilities, contingent claims, and other relevant financial information. Accordingly, Applicant believes that its acquisition of stand-by commitments will not meaningfully expose its assets to substantial risk, nor require Applicant to evaluate the credit of dealers in determining its net asset value. Applicant will not acquire stand-by commitments to promote reciprocal practices, to encourage the sale of its shares, or to obtain research services.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 19, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-12121 Filed 5-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22925; 70-6864]

New England Electric Transmission Corporation; Proposed Issuance and Sale of Notes to Bank and Commercial Paper

April 29, 1983.

New England Electric Transmission Corporation ("NEET"), 25 Research Drive, Westborough, Massachusetts 01581, an electric utility subsidiary of New England Electric System ("NEES"), a registered holding Company, has filed a declaration with this Commission pursuant to Sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) thereunder.

By order dated November 10, 1981 (HCAR No. 22268), NEES was authorized to acquire the common stock of a new subsidiary, NEET, organized for the purpose of constructing, owning, and operating certain transmission facilities to constitute part of a major transmission interconnection between New England and the province of Quebec. In order to provide an interconnection between the electric systems of the New England Power Poo. and Hydro-Quebec, a 450 kV direct current transmission line is to be built from a new terminal facility at the Des Cantons substation near Sherbrooke, Quebec, to a similar terminal facility in Monroe, New Hampshire near the Comerford hydro electric station of New England Power Company ("NEP"), the generation and transmission subsidiary of NEES. The Canadian portion of the facilities will be built by Hydro-Quebec. The transmission line from the Canadian border to Comerford will extend down through Vermont, cross the Connecticut River near Littleton, New Hampshire, and extend through New Hampshire to NEP's Comerford Station. The portion of the line located in Vermont (about 53 miles) will be constructed by Vermont Electric Transmission Company. The remaining six miles of transmission line and the terminal facility at Comerford ("NEET project") will be constructed by NEET.

Pursuant to a letter of intent with The First National Bank of Boston (the "Bank"), NEET proposes to enter into a credit agreement ("Credit Agreement") with the Bank under which NEET may

obtain up to $120 million for construction of the NEET Project through the issuance of commercial paper backed by the Bank's letter of credit or directly from the Bank pursuant to a revolving credit agreement. In addition, the Credit Agreement will provide that NEET may elect to convert up to the entire $120 million of construction loans to a five-year term loan. Annual commitment amounts will be made available under the construction loan over the estimated construction period. For support of the commercial paper borrowings, NEET will pay a total of ⅝% per annum on the amount of commercial paper outstanding. NEET will pay the Bank $20,000 annually as an administrative fee. Additional fees will be payable by NEET to the dealer marketing the commercial paper and to the paying agent who will also act as depository. NEET may borrow directly from the Bank, acting for itself and as agent for participating banks, on the following terms: (1) at the Bank's Base Rate in effect from time to time; (2) at the Bank's one, two, three, or six-month CD Rate plus ½%; (3) at the Bank's nine-month CD Rate plus ¾%; or (4) at the one, two, three, or six-month LIBOR plus ⅜%. Commitment amounts will be set for each year during construction on the basis of NEET's prior estimates of construction expenditures for that year. During each commitment period, a commitment fee of ¼% per year will be payable on the unused portion of the annual commitment amount, and a fee of ⅛% per year will be payable on the difference between the commitment amount in effect and the total commitment of $120 million.

All construction loans will mature on November 1, 1987, or the earlier commercial operation of the NEET Project. At the time, NEET may elect to borrow under the Credit Agreement on a term-loan basis amounts up to the full amount of construction loans then outstanding. The Term Loan will be for a term of 5 years. Amounts borrowed under the Term Loan will bear interest at increasing rates with a maximum in the fifth year equivalent to one of the following chosen by NEET: (i) ½% plus the Bank's Base Rate in effect from time to time; or (ii) 1% plus the Bank's CD Rate for the selected CD-Rate interest period if such period is 30, 60, 90, or 180 days; or 1¼% plus CD Rate if the selected CD Rate interest period is 270 days; or (iii) ⅞% plus LIBOR for the selected LIBOR period.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 26, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-12118 Filed 5-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19717; File No. SR-MSE-83-5]

Self-Regulatory Organizations; Proposed Rule Change; Midwest Stock Exchange, Inc.; Relating to an Increase in the Members of the Board of Governors

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 25, 1983, the Medwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed constitutional amendments will increase the number of governors on the Board of Governors from 26 to 27 by adding a position for another Chicago area member governor. The change will also provide for an increase in the minimum number of floor representatives on the Board from two to three.

II. Self-Regulatory Organization's Statement of the Purpose of, and Staturory Basis for, the Proposed Rule Change

In its filing with Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-regulatory organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The responsibilities of the Floor Governors have increased dramatically in recent years with increased volumes, the advent of ITS and their involvement in the development and operation of new floor systems. The Constitution now provides for a minimum of two governors who shall be active on the Floor of the Exchange. The Exchange proposes to increase the required number of Floor representatives on the Board at this time from two to three. Nominating Committees have, in recent years, determined that four Floor Governors has been an appropriate number. The Board has determined, and will so recommend to the Nominating Committe, that five Floor representatives on the Board is now appropriate. By not changing the Constitution to require five Floor Governors, Nominating Committees of the future can retain the flexibility to change the number of Floor Governors if the need for Floor representation of the Board becomes less significant than it clearly is now. By adding a new position for a Chicago area Governor to accommodate a new Floor Governor rather than decreasing the number of Chicago area non-floor or out-or-town member Governors, the Board can retain the invaluable contributions made by such member Governor groups.

The proposed rule change is consistent with Section 6 (b) (3) of the Securities Exchange Act of 1934 in that it assures a fair representation of the Exchange's members in the selection of its directors and the administration of its affairs.

(B) Self-Regulatory Organization's Statement on Burden on Completition

The Midwest Stock Exchange, Incorporated does not believe that any

burdens will be placed on completition as a result of the proposed amendments.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 29, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-12123 Filed 5-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13202; 812-5529]

UBF North America, Inc. et al.; Application Filing

April 28, 1983.

In the Matter of: UBF North America, Inc., 100 West Tenth Street, Wilmington, Delaware; c/o Charles J. Johnson, Jr., Esq., Brown, Wood, Ivey, Mitchell & Petty, One World Trade Center, 58th Floor, New York, New York 10048; Filing of an Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicant From all Provisions of the Act.

Notice is hereby given that UBF North America, Inc. ("Applicant") filed an application on April 14, 1983, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a Delaware corporation with its principal office located at UBF International Center, Aleksanterinkatu 36, Helsinki 10, Finland, and that all of its issued and outstanding capital stock will be owned by Union Bank of Finland Ltd. ("UBF"), a bank organized and existing under the laws of Finland, which has been exempted from the provisions of the Act pursuant to Section 6(c) enabling it to sell commercial paper in the United States. Applicant was organized in 1983 for the purpose of obtaining funds in the commercial paper market to be used by UBF and its other subsidiaries.

According to the application the Commission granted UBF an order, pursuant to Section 6(c) of the Act, exempting UBF from all provisions of the Act (Investment Company Act Release No. 10858 (September 5, 1979)) (the "1979 Order"). Information with respect to UBF, including a description of its business and Finland banking regulation to which UBF is subject, is included in UBF's application requesting the 1979 Order. Applicant affirms that there have been no material changes in the information set forth in the application for the 1979 Order, which application is on file with the Commission (File No. 812-4744).

Applicant presently proposes to issue and sell unsecured negotiable promissory notes of the type generally referred to as commercial paper notes (the "Notes") to be unconditionally guaranteed by UBF with maturities not to exceed 270 days in bearer form and denominated in United States dollars, the proceeds form which (except for amounts needed to repay maturing Notes of Applicant) will be made available solely to UBF and its other subsidiaries in the form of loans or deposits for use in repaying maturing UBF commercial paper in funding current transactions of UBF and its other subsidiaries. The reason for selling commercial paper through Applicant, rather than by UBF directly, is that the Commercial paper would thereby be a legal investment for a wider range of institutional investors. The application states that to the extent the guarantee of the Notes by UBF constitutes a separate security for purposes of applying the provisions of the Act, the offer and sale of such security is covered by the exemption heretofore granted to UBF in the 1979 Order.

Applicant represents that the Notes will be issued in the minimum denomination of $100,000; that it presently intends that not in excess of $350,000,000 of the Notes will be outstanding at any one time; and that the Notes will not have any provisions for renewal at the option of Applicant or the holders thereof or for automatic rollover. The Notes will be direct liabilities of Applicant and will rank *pari passu* among themselves and prior to Applicant's capital stock and equally with any other unsecured indebtedness of Applicant, other than any subordinated indebtedness which will rank inferior to the Notes. As a result of the Notes being unconditionally guranteed by UBF, holders of the Notes will be holders of obligations of UBF. The grarantee of UBF will rank *pari passu* with all other unsecured unsubordinated indebteness of UBF, including UBF's deposit liabilities, and prior to any subordinated indebtedness of UBF and UBF's share capital.

Applicant plans to sell the Notes without registration under the Securities Act of 1933 (the "1933 Act"), in reliance upon an opinion of its special legal counsel in the United States that the Notes and the related grarantee will qualify for the exemption from the registration requirements of the 1933 Act provided by Section 3(a)(3) thereof. Applicant represents that it will not proceed with its proposed offering until it has received such an opinion. Applicant does not request the Commission's review or approval of such opinion. Applicant represents that the proposed issue of the Notes and any future issue of Applicant's securities in the United States will have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized

statistical rating organizations, and Applicant's special legal counsel in the United States shall certify the receipt of such rating; provided, however, that no such rating need be obtained with respect to any such issue if, in the opinion of Applicant's special legal counsel, such counsel having taken into account for the purpose thereof the doctrine of "integration" referred to in Rule 502 under the 1933 Act and various releases and relevant no-action letters made public by the Commission, an exemption from registration is available under section 4(2) of the 1933 Act. The Applicant is not subject to the reporting requirements of the Securities Exchange Act of 1934 and will not become subject to such requirements as a result of the issuance and sale of the Notes.

The Application states that the Notes will be sold by Applicant to a commercial paper dealer in the United States which, as principal, will reoffer them to investors in the United States. In certain cases, however, the commercial paper dealer may offer the Notes as agent. Applicant states that this dealer has advised it that the Notes will not be advertised or otherwise offered for sale to the general public, but instead will be sold to institutional investors, wealthy individuals and other purchasers of the type that normally participate in the commercial paper market. Applicant undertakes to ensure that the dealer will provide each offeree prior to any sale of the Notes with a memorandum describing the business of the Applicant and UBF and containing the most recent publicly available fiscal year-end audited balance sheet and income statements of UBF. Applicant represents that such memoranda will be at least as comprehensive as those customarily used in commercial paper offerings in the United States and will include a brief paragraph highlightling material differences between Finnish and United States generally accepted accounting principles applicable to commercial banks such as UBF. Such memoranda will be updated periodically to reflect material changes in the financial status of UBF and its subsidiaries.

Applicant represents that, although it has no present intention of doing so, it may in the future offer other securities (other than shares of its capital stock) for sale in the United States and that such future offerings will be made only pursuant to a registration statement under the 1933 Act or pursuant to an applicable exemption from registration under the 1933 Act. Any such offering will be made on the basis of a disclosure document appropriate for such registration or exemption, as the case may be, and in any event at least as comprehensive as that used in the presently proposed offering. Applicant undertakes to ensure that such a disclosure document will be provided to each offeree who has indicated an interest in such securities, prior to any sale of such securities to such offeree, except that in the case of an offering made pursuant to a registration statement under the 1933 Act such a disclosure document will be provided to such persons and in such manner as may be required by the 1933 Act and the rules and regulations thereunder. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with is undertaking regarding disclosure memoranda.

Applicant has appointed The Corporation Trust Company, 100 West Tenth Street, Wilmington, Delaware, as its agent for service of process and Applicant represents that UBF will appoint the Consul general of Finland in New York as agent in the United States to accept service of process in any action based on UBF's guarantees of the Notes and instituted in any state or Federal court by a holder of any of the Notes. Applicant further represents that UBF will expressly accept the jurisdiction of an appropriate state or Federal court in the City and State of New York in respect of any such action and that such appointment of an authorized agent and consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes have been paid.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The application states that Applicant will carry on the normal business of a financing subsidiary of a foreign commercial bank, and accordingly it does not believe that it should be treated as an "investment company" within the meaning of the Act. However, recognizing the uncertainty that has been expressed as to whether foreign commercial banks and, by logical extension, their financing subsidiaries organized in the United States are "investment companies" under the Act, the Applicant is making this application under Section 6(c) of the Act. Applicant states that approval of the application would be consistent with the requirements of Section 6(c) of the Act for the same reasons set forth in the application for the 1979 Order and that the exemption is necessary or appropriate in the public interest, is consistent with the protection of investors and is consistent with the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 23, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-12117 Filed 5-4-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposal No. 05/05-0175]

United Venture Capital, Inc.; Notice of Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)), by United Venture Capital, Inc., 15901 West Nine Mile Road, Suite 618, Southfield, Michigan 48075 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors, and stockholders are:

Name and address, Title and relationship and Percent of ownership

Irving Meklir, 15901 West Nine Mile Road, Suite 618, Southfield, Michigan 48075; President, Treasurer, Director, 100

Rose Meklir, 15901 West Nine Mile Road, Suite 618, Southfield, Michigan 48075; Vice President, Director

Gary Meklir, 15901 West Nine Mile Road, Suite 618, Southfield, Michigan 48075; Vice President, Secretary, Director

The applicant proposes to begin operations with a capitalization of $504,000 and will be a source of equity capital and long term funds for qualified small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under this management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of the publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Southfield, Michigan.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 28, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-12113 Filed 5-4-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5429]

Yang Capital Corp.; Issuance of License

On April 17, 1981, a Notice was published in the **Federal Register** (74 FR 22525), stating that Yang Capital Corporation located at 41-40 Kissena Blvd., Flushing, New York 11355, has filed an application with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1983) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested persons were given until the close of business May 4, 1981, to submit their written comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information the SBA has issued License No. 02/02-5429 to Yank Capital Corporation on April 12, 1983.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 29, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-12112 Filed 5-4-83; 8:45 am]

BILLING CODE 8025-01-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980; Form Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Form Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C Chapter 35).

Requests for information, including copies of the form proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395-7313.

Agency Clearance Officer: John O. Catron, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2523, FTS 858-2523.

Type of Request: Revision.

Title of Information Collection: TVA 6254A, TVA 6254B, TVA 6254C, TVA 6254D, TVA 6254E, TVA 6254F, TVA Revised Home Insulation Program (Energy Package).

Frequency of Use: Nonrecurring.

Type of Affected Public: Residential consumers of TVA electrical energy.

Standard Industrial Classification: N/A.

Small Business or Organizations Affected: No.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 840,000.

Estimated Total Annual Burden Hours: 42,000.

Estimated Annual Cost from Federal Government Appropriated Funds: 0.

Need For and Uses of Information: Information is needed to determine applicable energy improvements for residences in the Tennessee Valley Region. Data obtained will be composed to establish standards of various residential conservation programs and recommendations to consumers outlining the methods and actions necessary to conserve and/or manage electrical energy.

Dated: April 27, 1983.

John W. Thompson,

Assistant General Manager, Senior Agency Official.

[FR Doc. 83-12058 Filed 5-4-83; 8:45 am]

BILLING CODE 8120-01-M

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395-7313.

Agency Clearance Officer: John O. Catron, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2523, FTS 858-2523.

Type of Request: Extension (no change).

Title of Information Collection: Prevailing Wage Survey for TVA Regular Operating and Maintenance Work.

Frequency of Use: Annually.

Type of Affected Public: State and local governments and businesses or other institutions (except farms).

Standard Industrial Classification: Multiple.

Small Business or Organizations Affected: No.

Federal Budget Functional Category Code: 999.

Estimated Number of Annual Responses: 80.

Estimated Total Annual Burden Hours: 40.

Estimated Annual Cost to TVA: *$4,000.*

Need For and Uses of Information: TVA conducts survey of industrial firms whose employees perform work similar to that work performed by TVA's operating and maintenance employees. The data collected is used in negotiations to determine prevailing rates of pay and benefits in the vicinity as required by the TVA Act.

Type of Request: Extension (no change).

Title of Information Collection: Prevailing Wage Survey for TVA Construction Work (3522 and 3523).

Frequency of Use: Annually.

Type of Affected Public: Business or other institutions (except farms).

Standard Industrial Classification: Multiple.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 999.

Estimated Number of Annual Responses: 400.

Estimated Total Annual Burden Hours: 200.

Estimated Annual Cost to TVA: $5,000.

Need For and Uses of Information: TVA conducts survey of local unions, construction contractors and their associations to collect prevailing wage and benefit practices to be used in negotiations to set pay rates for TVA employees performing construction work.

Dated: April 28, 1983.

John W. Thompson,

Assistant General Manager, Senior Agency Official.

[FR Doc. 83-12047 Filed 5-4-83; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-83-10]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before May 25, 1983.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 29, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23581	Susan L. Swiatek	14 CFR 121.311(b)	To permit petitioner's son Bryan, who has a severe case of cerebral palsy, to be held in the arms of an adult who is occupying a seat, even though Bryan has already reached his second birthday. Bryan is 2½ years old and weighs 25 pounds (which is comparable to the weight of a normal 1-year old).
23590	U.S. Parachute Assn., (USPA)	14 CFR 91.47 and 105.43	To permit petitioner to use its Douglas DC-3/C-47 and Lockheed L-18 aircraft to carry parachutists for hire at the 1983 National Parachuting Championships to be held in Muskogee, Oklahoma. It would also permit foreign parachutists to use parachutes that do not meet certain equipment and packing requirements.
21960	Florida Aircraft Leasing Corp	14 CFR 91.31	Amendment to Exemption 3458 to allow petitioner to operate certain of its aircraft without complying with the zero fuel and landing weight requirements of the operating limitations prescribed for these aircraft in the FAA-approved flight manual, subject to certain conditions and limitations. The amendment would delete Douglas DC-6, S/N 44894 from, and add Douglas DC-6, S/N 52-3231 to, the exemption.
23596	Arthur J. Spence	14 CFR 103.1(b)	To permit petitioner to operate his ultralight vehicle for purposes other than sport or recreation.
23558	Air Logistics	14 CFR 135.165(b)(5)	Supplemental petition to allow petitioner to operate its aircraft under instrument flight rules or in extended overwater operations without two independent receivers for navigation.
23607	Herman Miller, Inc.	14 CFR Portions of Parts 21 and 91	To permit petitioner to operate and maintain its Learjet 35A aircraft using a FAA-approved minimum equipment list.
23600	Mid Pacific Airlines, Inc. (Mid Pacific)	14 CFR Portions of Part 121	To permit petitioner, a commuter air carrier, to continue to operate without licensed dispatchers when it begins operating as a flag air carrier.
23603	Delta Air Lines, Inc	14 CFR 91.32 and 121.333	To permit petitioner to operate its L-1011 and L-767 aircraft up to and including flight level 430 (43,000 feet) without one pilot at the controls being required to wear and use an oxygen mask.
23524	Catalina Air Freight, Inc	14 CFR 103.1(b)	To allow petitioner to operate an ultralight vehicle for purposes other than sport or recreation.
23518	Atlantic Richfield Co	14 CFR 21.181	Supplemental petition to permit petitioner to operate two leased U.S.-registered Boeing Vertol 234 helicopters using a FAA-approved minimum equipment list.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
23612	Rotor-Aire, Inc	14 CFR 135.261	To permit petitioner to perform helicopter emergency medical evacuation service without complying with flight and duty time requirements of this section.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23216	McMahan Aviation, Inc	14 CFR 91.79(b)(c) and 93.113	To permit petitioner's pipeline patrol aircraft to fly as low as 500 feet vertically from persons, 200 feet laterally from property; and also to permit transit through certain high density control zones under Special VFR. *Partial grant 4/13/83.*
21987	Texas Department of Public Safety	14 CFR 91.70(b), 91.79(c), 91.85(b), and 91.109(a).	To permit petitioner to conduct certain law enforcement flight operations in close proximity to suspect aircraft; in airport traffic areas at speeds greater than the authorized limits; without operating the aircraft's position lights; at less than 500 feet above the surface over other than congested areas; in airport traffic areas other than to land at or takeoff from an airport in that area; and/or in deviation from prescribed VFR cruising altitudes. *Partial grant §§ 91.70(b), 91.79(c), 91.85(b), and 91.109(a) 4/18/83.*
22450	Georgia State Patrol	14 CFR 91.79(c) and 91.109(a)	To permit petitioner to conduct law enforcement aircraft operations in formation with suspect aircraft; without lights at night; below 500 feet other than to land or takeoff; and/or at other than appropriate cruising altitudes. *Partial grant §§ 91.79(c) and 91.109(a) 4/18/83.*
22473	Henson Aviation, Inc. and Ransome Airlines, Inc	14 CFR 93.123, 93.125 and 93.129	To permit the petitioners to operate area navigation system-equipped DeHavilland DHC-7 aircraft in RNAV and MLS operations in test proving flights at Washington National Airport outside of the FAR reservation restrictions. *Partial grant 4/26/83.*
23617	Pacific Southwest Airlines	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified Stage-1 airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1985: 4 DC-9-30: N705PS, N706PS, N707PS, and N708PS. *Granted 4/25/83.*
23490	Air Midwest, Inc., (AMI)	14 CFR 61.31	To allow the petitioner's pilots, without possessing the required type rating, to operate its Fairchild-Swearingen Metro IIA aircraft which have been manufactured in accordance with SFAR-41 until the next scheduled instrument proficiency check. *Granted 4/19/83.*
23483	Reeder Air, Inc	14 CFR 43.3(g)	To permit petitioner's appropriately trained and certificated pilots to remove, check, and reinstall magnetic chip detector plugs in the Allison 250C series turbine engine, aircraft transmission engine, aircraft transmission, and tail rotor gearbox installed on Bell 206B helicopters operated by petitioner. *Granted 4/22/83.*
23447	Amway Corp	14 CFR 21.181	To permit petitioner to operate a Boeing 727 aircraft, N529AC, using an FAA-approved minimum equipment list. *Granted 4/21/83.*
23462	Amway Corp	14 CFR 21.181	To permit petitioner to operate two BAC 1-11 aircraft, N523AC and N524AC, using an FAA-approved minimum equipment list. *Granted 4/21/83.*
23499	Lifeline, Inc	14 CFR 61.118	To allow petitioner's volunteer pilots to be reimbursed for fuel when serving on official Lifeline missions. *Granted 4/27/83.*
23459	Aero Union Corp	14 CFR 125.11(b)	To permit petitioner to advertise Boeing 377MG (Mini Guppy) aircraft for transportation of outsized cargo in Part 125 operations. *Denied 4/25/83.*
23430	McDonnell Douglas Corp	14 CFR 61.57	To permit petitioner's employees to act as pilot in command of certain aircraft without having made three takeoffs and landings within the preceding 90 days in an aircraft of the same type. *Granted 4/27/83.*
23036	Icelandai S.A. and Overseas Nat'l Airways, Inc	14 CFR Portions of Parts 21 and 91	To allow petitioner to operate one U.S.-registered DC-8-50 aircraft, N916R, leased from ONA, and to maintain the aircraft in accordance with ONA's continuous airworthiness maintenance and inspection program and to use the FAA-approved Master Minimum Equipment List Granted 4/28/83.
23505	Cameron Balloons, Ltd	14 CFR 91.42(c) and 21.191	To permit petitioner to operate hot air balloons over populated areas for the purpose of advertising. *Denied 4/25/83.*
23461	Flying Carpet Marketing Company	14 CFR 103.1	To permit petitioner to operate ultralight aircraft for purposes other than sport or recreation, specifically banner towing. *Denied 4/27/83.*
22279	Apollo Airways, Inc	14 CFR 61.31(a)(1)	To allow petitioner's presently qualified HP-137 pilots in command to operate the HP-137 aircraft recertificated in accordance with SFAR 41 without possessing a type rating for the recertificated airplane. *Cancelled 2/22/83.*
16299	Kenmore Air Harbor, Inc	14 CFR 141.37(e), and para. 3(b)(4) of Appendix D of Part 141.	To extend Exemption 2376B which permits petitioner to use a seadrome without permanent runway lights for night training flights involving seaplanes. In addition, it permits credit toward flight instruction for cross-country night flights in seaplanes with a landing in a body of water less than 100 miles from the point of departure, provided that those flights include a landing at a point other than the point of departure and the flights are round-trip night cross-country flights to a point more than 100 miles from the point of departure. *Granted 4/27/83.*

[FR Doc. 83-12033 Filed 5-4-83; 8:45 am]
BILLING CODE 4910-13-M

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB, March 23-April 25, 1983

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, between March 23, 1983 and April 25, 1983 to the Office of Management and Budget (OMB) for its approval. This notice is published in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Windsor, John Chandler, or Annette Wilson, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1887 or

Gary Waxman or Wayne Leiss, Office of Management and Budget, New Executive Office Building, Room 3001, Washington, D.C. 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements.

On Mondays and Thursdays, as needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. The list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following information for each item submitted to OMB:

(1) A DOT control number.

(2) An OMB approval number if the submittal involves the renewal, reinstatement or revision of a previously approved item.

(3) The name of the DOT Operating Administration or Secretarial Office involved.

(4) The title of the information collection request.

(5) The form numbers used, if any.

(6) The frequency of required responses.

(7) The persons required to respond.

(8) A brief statement of the need for and uses to be made of the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above.

Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB between March 23, 1983, and April 25, 1983

DOT No: 2139
OMB No: 2120-0044
By: Federal Aviation Administration
Title: Rotocraft External-Load Operator Certificate Application-FAR 133
Forms: FAA Form 8710-4
Frequency: On Occasion
Respondents: Helicopter operators carrying external (suspended) loads
Need/Use: As a part of air safety, certification is required of all Rotorcraft operators carrying suspended loads and currently certified operators must file amendments when additional aircraft or equipment is added to their operations.

DOT No: 2140
OMB No: 2137-0022
By: Research and Special Programs Administration
Title: Recordkeeping Requirements for Cylinder Retesting and Reinspection
Forms: None
Frequency: Triennially, Quinquennially, or Decennially
Respondents: Owners of high pressure cylinders
Need/Use: To verify that cylinders have not been damaged by handling or corroded by the materials with which they have been charged and are safe to recharge and transport on the public highways, waterways and airways.

DOT No: 2141
OMB No: 2125-0037
By: Federal Highway Administration
Title: Inspection, Repair and Maintenance and Driver Vehicle Inspection Report
Forms: None
Frequency: On occasion
Respondents: Drivers and Motor Carriers
Need/Use: Used to identify defects likely to affect safety of operation and to record inspection.

DOT No: 2142
OMB No: None
By: Federal Highway Administration
Title: Annual Relocation Assistance and Payment Statistics
Forms: PR-1228
Frequency: Annually
Respondents: State highway agencies
Need/Use: Information is needed by the Federal Highway Administration in order to provide relocation statistics required by Congress, and to make management decisions in areas of: defining the role of the Federal Government in fulfilling its oversight responsibilities, determining the acceptable level of review of State operations to be consistent with the Federal role, assessing the impact of the relocation program, identifying waste and abuses, and in recommending legislative, regulatory and administrative changes in the relocation assistance program.

DOT No: 2143
OMB No: 2127-0045
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 556, Petitions for Inconsequentiality
Forms: None
Frequency: On occasion
Respondents: Manufacturers of motor vehicles/equipment
Need/Use: The regulation establishes procedures for petitioning the agency for an exemption from the notice and remedy requirements of the Act due to an Inconsequential Defect or Noncompliance.

DOT No: 2144
OMB No: 2127-0046
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 552, Petitions for Rulemaking
Forms: None
Frequency: On Occasion
Respondents: Individuals/businesses
Need/Use: This regulation establishes procedures for filing petitions with the agency to commence a rulemaking or to make a defect or noncompliance determination.

DOT No: 2145
OMB No: None
By: Office of the Secretary of Transportation
Title: Airport Questionnaire
Forms: One Questionnaire
Frequency: Once
Respondents: Fully certificated airports
Need/Use: The Department of Transportation is conducting a congressional-mandated study of airport defederalization. As part of that study, the views of the 528 certificated airports are required, and we plan to obtain those views by circulating a questionnaire.

DOT No: 2146
OMB No: 2133-0005, 2133-0009, 2133-0022
By: Maritime Administration

Title: Uniform Financial Reporting Requirements
Forms: MA-172 (2133-0005)
Frequency: Semiannually, annually, ongoing recordkeeping
Respondents: Contractors with Maritime Administration under financial assistance programs administered pursuant to Titles II, V-VIII, and XI MM Act 1936
Need/Use: The Maritime Administration requires uniform financial reporting in order to assure compliance with certain legal and regulatory requirements and to assure uniformity in analysis of the industry, subsegments, and individual company performance.

DOT No: 2147
OMB No: None
By: Maritime Administration
Title: Records Retention Schedule for Subsidized Operators
Forms: None
Frequency: 2-3 years
Respondents: Operators with construction-differential subsidy or operating-differential subsidy
Need/Use: Required to obtain benefit. CDS and ODS operators participating within the Maritime Administration financial assistance programs must keep certain business and financial records for settlement and audit.

DOT No: 2148
OMB No: 2115-0034
By: U.S. Coast Guard
Title: Survivor Debriefing Form (Marine Casualty)
Forms: Prescribed Format
Frequency: On Occasion
Respondents: Survivors of civilian marine casualties
Need/Use: Information collected by the Coast Guard via the Survivor Debriefing Form is authorized under 14 U.S.C. 88 and 14 U.S.C. 93. The Coast Guard uses this information to assist in the search for, and rescue of other victims of a marine casualty incident. Analysis of information collected from survivors may provide knowledge of casualty and help prevent similar incidents in the future.

DOT No: 2149
OMB No: 2137-0015
By: Research and Special Programs Administration
Title: Tank Car Record Requirements
Forms: None
Frequency: On Occasion
Respondents: Tank car tank owners
Need/Use: To show results of periodic tests and inspections of tank car tanks so that compliance with standards can be ascertained and integrity of the tank cars assured.

Issued in Washington, D.C., on April 27, 1983.

Karen S. Lee,

Deputy Assistant Secretary for Administration.

[FR Doc. 83-11801 Filed 5-4-83; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

International Standards on the Transport of Dangerous Goods

AGENCY: Materials Transportation Bureau (MTB) Research and Special Programs Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice set forth the venue and proposed agenda for a public meeting which will review the recent activities of the MTB relating to the development of international standards for the transport of dangerous goods.

DATE: June 1, 1983, 9:30 a.m. to 4:00 p.m.

ADDRESS: Room 4234, Nassif Building, 400 7th Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. (202) 426-0656.

SUPPLEMENTARY INFORMATION: Particular topics to be reviewed at this meeting will include:

1. Result of the December 1983 meeting of the United Nations' Committee of Experts on the Transport of Dangerous Goods.

2. Status of the development of the International Civil Aviation Organization's (ICAO) dangerous goods regulations and results of the seventh meeting of the ICAO Dangerous Goods Panel.

3. Recent decisions of the RID/ADR Joint Meeting with respect to the transport of dangerous goods by rail and road in Europe. Interested persons are invited to attend and participate in this meeting. Persons planning to attend the meeting are cautioned that this meeting is intended only to review the most recent activities and decisions of international organizations governing the transport of dangerous goods. Therefore, it is recommended attendees be familiar with these organizations, their functions and the standards issued by them.

Issued in Washington, D.C. on April 28, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-11850 Filed 5-4-83; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 83-103]

Revocation of Landing Rights Designation of Melbourne, Florida, Regional Airport

AGENCY: Customs Service, Treasury.

ACTION: Notice of revocation of landing rights designation.

SUMMARY: This notice announces that Customs is revoking the landing rights designation of Melbourne Regional Airport in Melbourne, Florida, in view of the low level of international aircraft arrivals there, the significant expense involved in processing those arrivals and the proximity of two other landing rights airports to the Melbourne area. This change will enable Customs to obtain more efficient use of its personnel, facilities, and resources.

EFFECTIVE DATE: The landing rights designation of Melbourne Regional Airport is revoked effective June 6, 1983.

FOR FURTHER INFORMATION CONTACT: C. Duane Oveson, Office of Passenger Enforcement and Facilitation, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5607).

SUPPLEMENTARY INFORMATION:

Background

Under section 1109(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509(b)), the Secretary of the Treasury is authorized to designate places in the United States as ports of entry for civil aircraft arriving from any place outside of the United states and for merchandise carried on the aircraft. These airports are referred to as "international airports," and the location and name of each are listed in 6.13, Customs Regulations (19 CFR 6.13).

In accordance with § 6.2, Customs Regulations (19 CFR 6.2), the first landing of every civil aircraft arriving in the United States must be at an "international airport" unless the aircraft has been specifically exempted from this requirement or permission to land elsewhere has been granted. Customs officers are assigned to all international airports to accept entries

of merchandise, collect duties, and enforce Customs laws and regulations.

A "landing rights airport" is an airport, not designated an as international airport, at which civil aircraft arriving in the United States from any place outside of the United States may land upon being granted permission by Customs to do so. In such a case, Customs assigns its personnel to that airport for that aircraft.

The Melbourne Regional Airport (Melbourne) at Melbourne, Florida, has been a "landing rights airport" since July 1971.

Arrivals of aircraft from outside the United States at Melbourne are handled by a small staff of Customs officers from Port Canaveral, Florida, which is 30 miles from Melbourne. There are two other landing rights airports in the general area that process international arrivals: the St. Lucie County International Airport (St. Lucie) in Fort Pierce, Florida, which is approximately 50 miles south of Melbourne, and the Orlando International Airport (Orlando) in Orlando, Florida, which is approximately 50 miles northwest of Melbourne.

Since 1971, there has been a low level of international aircraft arrivals at Melbourne. The costs to Customs to process these arrivals have been significant. The excessive time spent by Customs officers in traveling to and from Melbourne for the limited number of arrivals is a nonproductive expenditure of scarce resources. In addition, Customs has recently implemented an intensified enforcement program in South and Central Florida, to combat the influx of narcotics into the United States by air. That program has necessitated a concentration of Customs resources into eight Florida airports.

Accordingly, in a notice published in the **Federal Register** on October 19, 1982 (47 FR 46611), Customs proposed to revoke the landing rights designation of Melbourne Regional Airport, and solicited public comment on the proposal.

Discussion of Comments

Fifty seven comments were received in response to the notice. All of the comments except for one were opposed to the revocation of the landing rights designation. The commenters in opposition state that: (1) The revocation will adversely affect the economic growth and development of the Melbourne area; (2) the level of international aircraft activity at Melbourne justifies the landing rights designation; (3) the amount which the Government will save by a revocation of landing rights is relatively insignificant; (4) the revocation will inconvenience importers, passengers, and aircraft pilots; and (5) St. Lucie, one of the facilities which will pick up many of the landings which won't occur at Melbourne, has poor facilities compared to Melbourne.

One commenter is in favor of the revocation and resultant decrease in traffic for safety reasons because Melbourne is the home of a large aviation training college and the air is constantly filled with small training planes.

For fiscal years 1978–1980, there was an average of 649 international aircraft arrivals at Melbourne, compared with an average of 5,057 at St. Lucie and 1,525 at Orlando. In fiscal year 1981, 893 international aircraft arrivals were made at Melbourne, as opposed to 5,249 at St. Lucie and 2,084 at Orlando. It is not appropriate to consider fiscal year 1982 figures since landings at Melbourne have been greatly limited by an interim amendment to § 6.14, Customs Regulations (19 CFR 6.14), effective April 1, 1982.

The estimated annual savings to the Government as a result of the revocation will be $28,000. Customs considers this to be a significant savings.

With respect to the commenters' statement about the facilities at St. Lucie, Customs notes that St. Lucie has received a $3 million grant to improve its facilities. St. Lucie uses the Federal Aviation Administration tower and visual ommirange approach from Vero Beach Municipal Airport in Vero Beach, Florida, 12 miles north of St. Lucie. When the weather is such that an aircraft cannot land at St. Lucie, the pilot has a choice of landing at several other airports south of St. Lucie which have full instrument landing system capabilities.

Customs Determination

After a consideration of the proposal and the comments received thereon, Customs has made a determination to revoke the landing rights designation of Melbourne Regional Airport in Melbourne, Florida.

This determination is based upon the low level of international aircraft arrivals at Melbourne, the significant expense in processing those arrivals, and the proximity of two other landing rights airports to the Melbourne area.

Authority

This action is undertaken pursuant to the authority of R.S. 251, as amended, section 624, 46 Stat. 759, section 1109, 72 Stat. 799, as amended (19 U.S.C. 66, 1624, 49 U.S.C. 1509).

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: March 25, 1983.

Alfred R. De Angelus,

Acting Commissioner of Customs.

[FR Doc. 83-12115 Filed 5-4-83; 8:45 am]

BILLING CODE 4820-02-M

Office of the Secretary

Organization and Functional Statements; U.S. Savings Bonds Division

1. Office of the National Director

Provides the overall management of the Department of the Treasury's U.S. Savings Bonds Program; establishes policies; directs the development and execution of a national marketing program for U.S. Savings Bonds; carries out the policies to attain the overall objectives established by the Secretary of the Treasury; and provides leadership and direction to the paid staff and the volunteers indentified with the program.

2. Office of the Executive Director and Deputy Executive Director

Provides the day-to-day management of the Department of the Treasury's U.S. Savings Bonds Program and participates fully with the National Director in providing the overall management of the Division, establishing policies, directing the development and evaluation of a national marketing program for U.S. Savings Bonds, carrying out the policies to attain the overall objectives established by the Secretary of the Treasury, and providing leadership and direction to the paid staff and to the volunteers identified with the Program. Provides overall management and direction to the Division's field staff.

a. Management Analysis Staff

The Management Analysis Staff is assigned to the Office of the Executive Director with the Deputy Executive Director serving as the first line supervisor over the staff.

The Management Analysis Staff's responsibilities include performing management analysis and evaluations of the performance of field and Headquarter's operational functions and identifying areas for improvement. The Management Analysis staff may be called upon to participate in other audits

the Division conducts including PME's and financial management reviews.

b. Program Control Staff

Assures a satisfactory and efficient flow of information between branches, offices, and the executive levels; collects, analyzes, and reports on a wide variety of performance and program information gathered from the field; monitors progress of various Division management plans and provides analytical evaluations periodically to the Executive Director and Deputy Executive Director; monitors ongoing implementation of Division strategies and policies, analyzing and evaluating the relationships involved; provides staff assistance to the Division's Executive Committee in its program planning and evaluation activities.

3. Administration Branch

Plans, develops and administers administrative policies and procedures for the U.S. Savings Bonds Division. Formulates budget policies, develops, promotes, and executes the budget and fiscal operations of the Division; develops, oversees and administers the personnel management programs and operations; develops, oversees, and administers the resource management and related programs; develops and administers the Division's physical security, paperwork management, employee assistance, EEO, and other related programs.

a. Office of Financial Management

Develops and executes a complete financial management program for the Division, including budget management, design and administration of internal funding and expenditure controls, financial analysis, cost benefit A-76 studies, payroll and other financial services.

b. Office of Personnel

Provides a complete program of advice, support, development evaluation, policy direction and services for personnel management, organizations, position and manpower management and pay administration programs in the U.S. Savings Bonds Division, including comprehensive Employee Relations, Employee Development, Staffing and Placement, Position Classification and Training/ Career Development programs. Coordinates with and advises management officials, employee committees, special interest groups and provides liaison between the services organization and other Treasury organizations and the Office of Personnel on personnel management matters. Has responsibility for the Division's personnel security and Equal Employment Opportunity special emphasis programs.

c. Office of Resource Management

Plans and directs Division-wide procurement and property management, supply, space acquisition and utilization programs and furnishes special services, equipment and supplies. Administers service functions involving the purchasing of supplies, receipt and distribution of mail, printing procurement, distribution of all printed promotional material for the Division and provides other related support services for the Division.

4. Market and Product Development Branch

Reviews and develops the Division's short-term and long-term nationwide sales and marketing plans and strategies; develops and manages a nationwide volunteer network and provides support to key volunteers.

a. Office of National Marketing Programs

Provides analytical, planning and project management services in support of the National Marketing Program. Performs on-going market research and analysis; prepares detailed regional/ national market evaluations and plans; prepares and monitors a variety of operating policies for the Division relating to marketing programs; forecasts demands and sales; designs, initiates and manages a variety of special marketing programs which are nation-wide in scope (direct mail, telemarketing, etc.); issues reports on its activities.

5. Sales Operations Branch

Develop, coordinate, and execute the marketing plans throughout the Division's field offices. Ensure that Division sales policies and directives are communicated to and carried out by subordinate field offices. Has the overall resposibility for the nomination and development of the field volunteer network.

a. District Offices

Directs, plan, and administers the Savings Bonds Program on a district-wide basis, negotiating goals and the means to achieve these goals. Assures the effective execution of an annual distric-wide sales plan for promoting the sales and retention of Savings Bonds throughout the assigned sales territory. Directs the recruitment, organization, and training of volunteers for committees at state and local levels; plans and organizes special meetings and conferences. Maintains contacts with top executives and leaders in business and industry, banking, labor, education, and the press, radio, TV and other media to secure and maintain their assistance and cooperation in the program. Recommends changes in the operations and organization of the Districts and methods of improving the Division's sales program as necessary

b. Area Offices

Ensures the effective and efficient execution of the Division's annual marketing plan throughout the assigned sales territory.

6. Public Communications Branch

Plans, develops and executes national advertising, promotion and publicity programs by various means, i.e., maintains working relationships with the Advertising Council and the national advertising media; organizes, leads and services national committees for advertising, promotion and publicity programs; provides layout and design of promotional materials and technical services necessary in the presentation of graphic and dramatic material; encourages active support by the motion picture and entertainment industries, newspaper cartoonists and syndicates and other promotional groups; and administers the Division's Public Information Program.

a. Office of Public Affairs

Plans and implements the Public Affairs activities which includes working with the press and media, business, and trade and professional journals. Provides technical advice, guidance and support to the Treasurer of the United States on Public Affairs.

b. Office of Advertising

Develops national advertising programs and campaigns for print media; recruits and maintains the support of newspapers, magazines and the outdoor and transit advertising industries. Serves as liaison between the Division and the task force agencies of the Advertising Council. Develops and prepares artwork layout and designs in the planning, creation and preparation of editorial, technical and consumer materials. Develops and implements a program for securing cooperation in using and developing advertisement with various national adavertising, promotion and medial groups such as the Magazines Publishers Association and the Cartoonist Society.

U.S. Savings Bonds Division—1111 20th Street NW., Washington, D.C. 20226

Headquarters

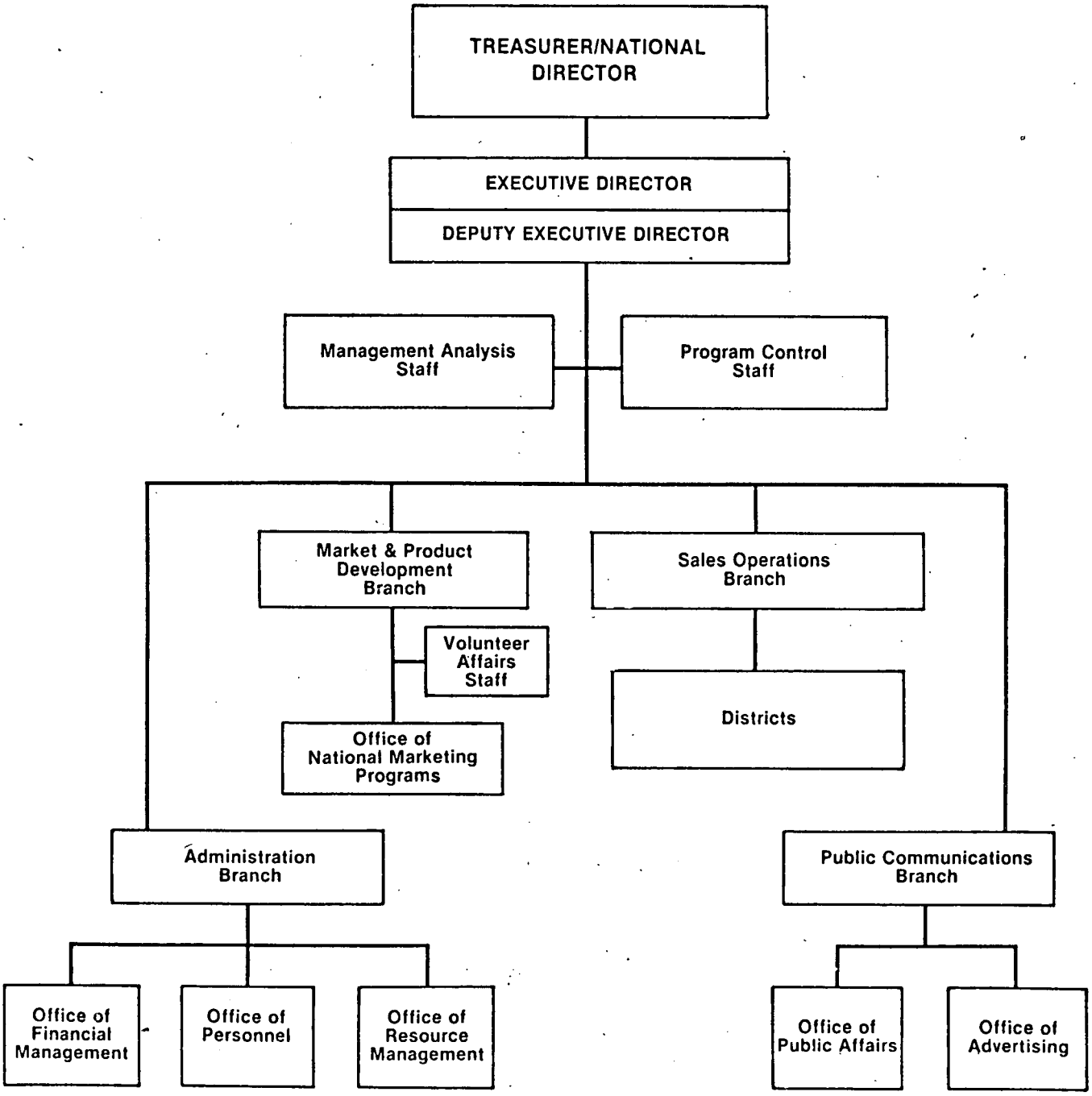
	(Area Code 202)
Office of the National Director	
National Director Angela Marie (Bay) Buchanan 4328 TREAS	566-2843
Office of the Executive Director	
Executive Director Steven R. Mead 317	634-5350
Deputy Executive Director Edward J. Guss (Acting) 317	634-5040
Management Analysis Staff	
Head Ken Knapp 345	634-5362
Program Control Staff	
Head Shirley A. Rayner 355	634-5386
Administration Branch	
Director William L. McCarney 219	634-5295
Special Assistant Gregory Koch 205	634-5646
Office of Financial Management	
Financial Manager Rebecca D. Brown 255	634-5295
Assistant Financial Manager (Vacant) 239	634-5295
Office of Personnel	
Personnel Officer Larry W. McCullen Sr. 225	634-5295
Office of Resource Management	
Support Services Supervisor Achie C. Smith 217	634-5295
Market & Product Development Branch	
Director George Wilkes 310	634-5391
Volunteer Affairs Staff	
Rep. Arthur Maxwell 343	634-5067
Rep. Mary Ann Brooking 310	634-5391
Office of National Marketing Programs	
Head William F. Falls 339	634-5347
Sales Branch	
Director James R. Wynn 308	634-5381
Program Manager Howard Patton 306	634-5053
Program Manager Berton L. Amsberry 306	634-5054
Federal Program Rep. Robert Sweeney 339	634-5385
Public Communications Branch	
Director James Gianfagna 305	634-5353
Office of Public Affairs	
Head Steven Meyerhardt 257	634-5389
Office of Advertising	
Head Gary R. Garner 309	634-5372
New York, New York Rep. Fredrick Edwards	FTS/(212) 264-1187

William L. McCarney,

Director, Administration Branch, U.S. Savings Bond Division.

BILLING CODE 4810-25-M

U.S. Savings Bonds Division Department of the Treasury Organizational Chart



Although the Savings Bonds Division operates as a Bureau at the primary organization level of the Department, the designation of Division was continued as being more acceptable to the extensive corps of volunteers who help carry out the objectives of the program. As a result, the Bureau level is omitted and the organization breakdown begins with the Division level.

[FR Doc. 83-12059 Filed 5-4-83; 8:45 am]
BILLING CODE 4810-25-C

Sunshine Act Meetings

Federal Register
Vol. 48, No. 88
Thursday, May 5, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-380, Amdt 1, Apr. 28, 1983]

Addition To the May 3, 1983 Meeting.

TIME AND DATE: 9:30 a.m., May 3, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

3a. Docket 39992, Interim compensation for provision of essential air service by Sky West Airlines at Elko and Ely, Nevada. (Memo 1064-B, BDA, OCCCA, OC)

STATUS: Open.

PERSON TO CONTACT FOR INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-636-83 Filed 5-3-83; 3:36 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M-380, Amdt 2, May 2, 1983]

Additions to the May 3, 1983 Meeting.

TIME AND DATE: 9:30 a.m., May 3, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

10a. Docket 41255, Air Kentucky's 90-day notice to suspend service at Mt. Vernon, Illinois. (Memo 1825, BDA, OCCCA)

23. Negotiations with ECAC. (BIA)

STATUS: 10a open, 23 closed.

PERSON TO CONTACT FOR INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-637-83 Filed 5-3-83; 3:37 pm]

BILLING CODE 6320-01-M

3

COMMISSION ON CIVIL RIGHTS

PLACE: Room 512, 1121 Vermont Avenue NW., Washington, D.C., Baltimore, Maryland.

DATE AND TIME: Monday, May 9, 1983, 9:30 a.m.-12:00 noon; Tuesday, May 10, 10 a.m. (Baltimore).

STATUS OF MEETING: Part closed/part open to the public.

MATTERS TO BE CONSIDERED: Monday, May 9:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Personnel Issue (closed session)
IV. Immigration Followup
V. State Advisory Committee Recharters
  A. Kentucky
  B. Missouri
  C. Tennessee
  D. Washington
VI. Action re: New Hampshire Advisory Committee Report Entitled *Shortchanging Language Minority Students: An Evaluation of the Manchester, New Hampshire School Department's Title VI Civil Rights Compliance Program*
VII. Joint State Advisory Committee (Iowa, Kansas, Missouri and Nebraska) Report entitled *Federal Affirmative Action Efforts in Mid-America*
VIII. Missouri Advisory Committee Report Entitled *Local Government Affirmative Action Efforts-Missouri*
IX. Civil Rights Developments in the Southwest Region
X. Staff Director's Report
  A. Status of Funds
  B. Personnel Report
  C. Office Directors' Reports

Tuesday, May 10:

10 a.m., press conference to release Baltimore report entitled *Greater Baltimore Commitment* (held in Baltimore).

FOR FURTHER INFORMATION PLEASE CONTACT: Barbara Brooks, Press and Communications Division (202) 254-6697.

[S-628-83 Filed 5-2-83; 4:17 pm]

BILLING CODE 6335-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:05 p.m. on Friday, April 29, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Heritage Bank, Ashland, Oregon, which was closed by the Superintendent of Banks for the State of Oregon on Friday, April 29, 1983; (2) accept the bid for the transaction submitted by Valley of the Rogue Bank, Rogue River, Oregon, an insured State nonmember bank; (3) approve the applications of Valley of the Rogue Bank, Rogue River, Oregon for consent to purchase the assets of and to assume the liability to pay deposits made in Heritage Bank, Ashland, Oregon, and for consent to establish the sole office of Heritage Bank as a branch of Valley of the Rogue Bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

At that same meeting, the Board of Directors: (1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in First National Bank of Oak Lawn, Oak Lawn, Illinois, which was closed by the Acting Comptroller of the Currency on April 29, 1983; (2) accepted the bid for the transaction submitted by Oak Lawn National Bank, Oak Lawn, Illinois, a newly-chartered national bank; and (3) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did

not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: May 2, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-630-83 Filed 5-3-83; 12:48 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, May 9, 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 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: May 2, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-631-83 Filed 5-3-83; 12:48 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, May 9, 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.

Application for consent to merge, establish three branches and redesignate the main office location:

Farmers and Mechanics Savings Bank, Middletown, Connecticut, an insured mutual savings bank, for consent to merge, under its charter and title with The City Saving Bank of Middletown, Middletown, Connecticut, to establish three of the offices of The City Savings Bank of Middletown as branches of the resultant bank, and to redesignate the main office of The City Savings Bank of Middletown as the main office of the resultant bank.

Request for an exemption pursuant to section 348.4(b)(2) of the Corporation's rules and regulations entitled "Management Official Interlocks:"

The Boston Bank of Commerce, Boston, Massachusetts.

Momorandum and Resolution re: Semiannual Agenda of Regulations.

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 or requests approved by the Director or Associate Director of the Division 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: Liquidation Audits (Wilcox County Bank and Watkins Banking Company Liquidation Site Audits) (dated November 16, 1982)

Audit Report re: Liquidation Budget Process (dated November 30, 1982)

Audit Report re: Aquia Bank and Trust Company Liquidation Site, Stafford, Virginia—Report of Internal Accounting Controls for the Period Ended October 31, 1982 (dated January 7, 1983)

Audit Report re: The American Bank and Trust Company New York, New York (dated April 8, 1983)

Discussion Agenda:

Memorandum and Resolution re: Proposed amendment to Part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," to add a new section which would, with reference to the FDIC's "Statement of Policy on the Applicability of the Glass-Steagall Act to Securities Activities of Subsidiaries of Insured Nonmember Banks" issued by the Board of Directors on August 23, 1982: (1) Define bona fide subsidiary; (2) limit a bank's permissible investment in a securities subsidiary; (3) require notice of intent to invest in such a subsidiary; (4) limit the permissible securities activities of nonmember bank subsidiaries; and (5) place certain other restrictions on loans, extensions of credit, and other transactions between nonmember banks and their subsidiaries or affiliates that engage in securities activities.

Memorandum and Resolution re: Uniform Interagency Community Reinvestment Act Assessment Rating System.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., 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: May 2, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-632-83 Filed 5-3-83; 12:48 pm]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:05 p.m. on Wednesday, April 27,

1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider applications for assistance under section 13(c) of the Federal Deposit Insurance Act (names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: April 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-629-83 Filed 5-3-83; 11:42 am]

BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meetings

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552(b)(e)(2)), notice is hereby given that at its closed meeting held at 11:30 a.m. on Monday, May 2, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendations regarding the Corporation's investments

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, the following matter:

Discussion of the granting of assistance to two banks under section 13(c) of the Federal Deposit Insurance Act: Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii).

The Board further determined, by the same majority vote, that no earlier, notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter added to the agenda in a meeting open to public observation; and that the matter added to the agenda could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: May 3, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-634-83 Filed 5-3-83; 3:03 pm]

BILLING CODE 6714-01-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 11:00 a.m. on Monday, May 2, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Issac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C.T. Conover, (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Memorandum and Resolution re: Proposed amendment to Part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," to add a new section which would, with reference to the FDIC's "Statement of Policy on the Applicability of the Glass-Steagall Act to Securities Activies of Subsidiaries of Insured Nonmember Banks" issued by the Board of Directors on August 23, 1982: (1) Define bona fide subsidiary; (2) limit a bank's permissible investment in a securities subsidiary; (3) require notice of intent to invest in such a subsidiary; (4) limit the permissible securities activities of nonmember bank subsidiaries; and (5) place certain other restrictions on loans, extensions of credit, and other transactions between nonmember banks and their subsidiaries or affiliates that engage in securities activities.

Memorandum and Resolution re: Uniform Interagency Community Reinvestment Act Assessment Rating System.

On motion of Chairman Issac, seconded by Director Sprague, concurred in by Director Conover, the Board further determined that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter.

Memorandum and Resolution re: Proposed amendments to Parts 304 and 309 of the Corporation's rules and regulations, entitled "Forms, Instructions, and Reports" and Disclosure of Information," respectively, which would discontinue confidential treatment of information filed by insured banks with the Corporation on the size and number of the bank's deposit accounts and make several related technical changes.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: May 3, 1983

Federal Deposit Insurance Corporation.

Hoyle L. Robinson

Executive Secretary.

[S-635-83 Filed 5-3-83; 3:30 pm]

BILLING CODE 6714-01-M

10

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, May 10, 1983, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, May 12, 1983, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Eligibility reports for candidates to receive presidential primary matching payments
Advisory opinions:

Draft AO 1983-10: J. Curtis Herge, Counsel to National Conservative Political Action Committee
Draft AO 1983-11: J. Curtis Herge, Counsel to Fund for a Conservative Majority
Personnel instructions (continued from May 5 meeting)
Revision to the invitation policy
Finance Committee report
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone: 202-523-4065.

Majorie W. Emmons,

Secretary of the Commission.

[S-633-83 Filed 5-3-83; 1:52 pm]

BILLING CODE 6715-01-M

11

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday May 11, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: May 3, 1983.

James McAfee,

Associate Secretary of the Board.

[S-638-83 Filed 5-3-83; 4:09 pm]

BILLING CODE 6210-01-M

federal register

Thursday
May 5, 1983

Part II

Department of the Interior

Bureau of Land Management

Planning, Programming, Budgeting; Amendments to the Planning Regulations; Elimination of Unneeded Provisions

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Circular No. 2524]

43 CFR Part 1600

Planning, Programming, Budgeting; Amendments to the Planning Regulations; Elimination of Unneeded Provisions

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking enhances and clarifies the planning process and eliminates burdensome, outdated and unneeded provisions in the existing planning regulations. The decision as to which provisions should be eliminated or clarified was arrived at after review of public comments received in response to a request by the Secretary of the Interior, review of the existing regulations by Bureau of Land Management personnel and consideration of comments submitted in response to the proposed rulemaking. The final rulemaking also renumbers the sections of the existing regulations. The effective date of the final rulemaking is 60 days from the date of publication in the **Federal Register**. This will provide the public with an opportunity to identify any comments that they feel have not been addressed by the Department of the Interior in this final rulemaking, as well as any significant concerns they might have with the final rulemaking.

EFFECTIVE DATE: July 5, 1983. Comments should be submitted by June 6, 1983. Any comments postmarked or received after the above date may not be considered.

ADDRESS: Any suggestions, inquiries or comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: David C. Williams, (202) 653-8842.

SUPPLEMENTARY INFORMATION: The proposed rulemaking was published in the **Federal Register** on November 23, 1981 (46 FR 57448). Comments were invited for 60 days ending on January 22, 1982. Comments were received from 304 different sources, 65 from conservation, civic, industry, and other associations, 23 from State governments, 22 from companies, 20 from various Federal agencies, 3 from local government associations and 171 from individuals. In general, the comments were favorable to the planning system used by the Bureau of Land Management. Many of the proposed changes were favorably received, but the majority of unfavorable comments protested proposed changes in the public participation provisions of the existing regulations. While the final rulemaking adopts many of the changes made by the proposed rulemaking in the area of public participation, the final rulemaking has been amended to assure meaningful public participation in keeping with the strong support in the Department of the Interior and the Bureau of Land Management for public participation in the planning process. The specific changes made in the public participation section and other provisions of the final rulemaking will be discussed later in the preamble as part of the discussion on those specific sections. Other specific comments will be discussed in connection with the sections they concern.

Section 1601.0-1 Purpose.

The few comments on this section interpreted the language of the proposed rulemaking as indicating that the Bureau of Land Management was going to continue to rely on existing plans for an indefinite period rather than preparing resource management plans. The Bureau of Land Management intends to use plans that were in existence prior to the passage of the Federal Land Policy and Management Act of 1976, if they comply with standards established in these regulations and provide an adequate basis for resource management decisions, but intends to use them only until time and funds permit completion of resource management plans. Therefore, the final rulemaking adopts the language of the proposed rulemaking.

Section 1601.0-2 Objectives.

Section 1601.0-2 of the proposed rulemaking was the focal point of a large number of comments that objected to the perceived emphasis of the proposed rulemaking on economic values (maximizing resource values) and for the failure to recognize public participation mandated by the Federal Land Policy and Management Act, as opposed to mere consultation. As a result of the comments, the section was studied and has been changed in the final rulemaking to ensure public participation in the planning process. The final rulemaking retains the emphasis on maximizing resource values, consistent with the concept of multiple use management, and adds the definition of the term "multiple use" to clarify previous misconceptions.

Section 1601.0-3 Authorities.

There were no comments on the proposed changes in § 1601.0-3 and the proposed changes have been adopted in the final rulemaking.

Section 1601.0-4 Responsibilities.

Many of the comments supported the change made in § 1601.0-4 by the proposed rulemaking. A few comments raised questions about the ability of an Area Office and its staff to handle the land use planning responsibility. The final rulemaking adopts the proposed change with clarification. Also, the described responsibilities of State Directors and District Managers in plan preparation and approval are refined. This makes clear the responsibility of the State Director to approve resource management plans, consistent with the authority delegated to State Directors to file environmental impact statements associated with plans. In addition, the final rulemaking contains changes that were made to eliminate duplicative provisions and redundant language.

Section 1601.0-5 Definitions.

Several comments on § 1601.0-5 of the proposed rulemaking recommended reinstating many of the definitions deleted in the proposed rulemaking. A careful restudy of the existing regulations in light of the comments led to changes in some of the definitions in the final rulemaking. In response to specific comments, changes have been made by the final rulemaking in the definition of the terms "consistent," "resource management plan" and "officially approved and adopted resource related plans," and the term "multiple use" is added to the definition section. In order to clarify the existing regulations and make them less burdensome, the final rulemaking has deleted several terms from the existing regulations.

Section 1601.0-6 Policy.

The comments on § 1601.0-6 of the proposed rulemaking expressed opposing views, with some charging that the change made by the proposed rulemaking would be contrary to the aim of making the regulations more efficient, while others expressed the view that the planning process might need two documents, a resource management plan and an environmental impact statement. After careful consideration of the comments, the final rulemaking amends the language of the proposed rulemaking and provides that the planning decision

should be issued in a single document, if possible. However, the issuing officer still retains discretion as to the form of the decision document(s).

Section 1601.0–7 Scope.

Only a few comments were directed to § 1601.0–7 of the proposed rulemaking. During the decisionmaking process on the final rulemaking, a careful review was made of this section and it was decided that it could be rewritten to express the intent of the section in substantially fewer words. As a result, the final rulemaking contains a substantially revised scope section.

Section 1601.0–8 Principles.

Some of the comments on this section objected to the change made by the proposed rulemaking, while other comments supported the shortening of the section. The objection to the change made by the proposed rulemaking was on the basis that the items dropped from the existing regulations were needed as guidance for the land use planning process. The final rulemaking adopts the language of the proposed rulemaking, with an amendment clarifying the point that public involvement, local economies and consideration of impacts on non-Federal lands are fundamental components of the planning process.

Section 1611 Guidance for planning—Section 1610.1 in Final.

Numerous comments addressed this section. Some questioned the use of guidance documents. Many expressed concern about the changes made in the sections of the existing regulations covering planning guidance, while others supported the concept that the existing regulations could be shortened by removing parts of the existing guidance language and putting them in the Bureau Manual. The final rulemaking contains a revision of the section of the proposed rulemaking, including the title, for further clarity and refinement. The revision retains the essential elements of the existing regulations, including the provision for public review of State Director guidance when the guidance is applied during the planning process.

The final rulemaking adopts as paragraph (b) of revised § 1610.1 the proposed rulemaking language for § 1611.2. A couple of comments expressed the view that State Directors should be furnished guidance for use in the decisionmaking process on whether to deviate from established resource area boundaries. This guidance will be furnished through the Bureau Manual and is not needed in the regulations.

Finally, paragraph (c) of § 1610.1 of the final rulemaking incorporates § 1611.3 of the proposed rulemaking. Language is added from the existing regulations allowing the District or Area Manager the discretion of supplementing his/her staff with outside assistance as necessary to achieve an interdisciplinary approach. The addition made to this paragraph meets the principal objection raised by those who commented on this section of the proposed rulemaking.

Section 1614. Public participation—Section 1610.2 in Final.

The proposed changes to the public participation provisions in section 1614 were the subject of the largest number of comments. The majority of the comments were critical of the proposed changes because they felt the proposed revisions weakened the regulations. Many suggested that the original language of § 1601.3 should be retained as the new § 1610.2 in the final rulemaking. The comments resulted in a total review of the public participation provisions and the modification in the final rulemaking to reflect recommendations in the comments. In addition to the changes made in the final rulemaking, the Bureau Manual will incorporate specific procedural standards to ensure that public participation is sought and used throughout the planning process.

One specific change made by the final rulemaking is retention of the 90-day review period for a draft resource management plan and draft environmental impact statement as a minimum instead of the 45 days called for in the proposed rulemaking and required by the Council on Environmental Quality regulations.

Many of the comments objected to the proposed rulemaking's removal from this section of the specific points in the preparation of the resource management plan where the public is notified of opportunity for participation in the process. These specific opportunities have been added by the final rulemaking to highlight and make clear important opportunities for public participation. The final rulemaking also adds requirements for conducting public hearings.

Several of the comments questioned the dedication of the Bureau of Land Management to the policy of public participation in its land-use planning process. The Bureau believes that meaningful public participation is essential to the planning process and that early consultation with the public and public involvement throughout the process leads to better decisionmaking. The Bureau will continue its efforts to seek and obtain public participation in its land use planning process.

Section 1615 Coordination with other Federal agencies, State and local governments and Indian tribes—Section 1610.3 in Final.

This section in the final rulemaking is a rewrite of several sections of the proposed rulemaking. The coordination sections of the proposed rulemaking received a number of comments. Some complained that the changes made by the proposed rulemaking lessened the coordination opportunities of those outside the Bureau of Land Management. Some objected to the definition of consistency that was contained in the proposed rulemaking. Other comments supported the thrust of the changes made by the proposed rulemaking. The diversity of the comments on these sections resulted in a careful review of the coordination sections, with the aim of retaining the basic elements of coordination and clarifying, while eliminating the detail that was considered unnecessary, or more appropriate to the Bureau Manual. The coordination section in final rulemaking provides the essential elements of coordination while eliminating unneeded provisions.

The final rulemaking retains the specific provisions for coordination of Bureau planning activities and guidance as a basis for achieving plan consistency with existing officially adopted and approved plans, policies or programs of other Federal agencies, State agencies, Indian tribes and local governments that may be affected by Bureau of Land Management planning. As part of this requirement, the final rulemaking provides that the State Director should seek the policy advice of the affected Governor(s) early in the planning process.

The final rulemaking retains language making it clear that where there is a conflict between State and local governmental policies, plans and programs, the higher authority will normally be followed. This aids development of consistent resource management plans by adopting an established standard to which Bureau consistency efforts may be related.

Several comments expressed the view that the consistency requirements of the final rulemaking should give State governments greater control of the Bureau of Land Management planning process, while other comments wanted the final rulemaking to give State and local governments less influence on resource management planning. After

careful study of this question, the final rulemaking amends the consistency requirements language of the proposed rulemaking to give State Governments authority to review the resource management plan and plan amendments and to identify inconsistencies and provide recommendations on those inconsistencies. The final rulemaking requires the review of those recommendations and a procedure for appeal of the failure to accept them.

Section 1616.1 Identification of issues—Section 1610.4–1 in Final.

This section of the proposed rulemaking was the subject of only minor comments. The comments suggested that a change be made to allow issues to be added to the planning process without repeating issue identification. This suggestion was adopted by the final rulemaking, along with some language that clarifies the roles of the Area and District Manager in this action.

Section 1616.2 Development of Planning criteria—Section 1610.4–2 in Final.

Many of the numerous comments on § 1616.2 of the proposed rulemaking urged that the planning criteria be published for review and comment. Use of planning criteria throughout the planning process was generally viewed as an essential ingredient to substantive public participation in the planning process and a key to compliance with section 309(e) of the Federal Land Policy and Management Act. The final rulemaking adopts some of the language of the proposed rulemaking. However, the final rulemaking provides that proposed planning criteria be made available for public comment prior to being approved by the District Manager for use in the planning process. The final rulemaking also contains a commitment that only approved planning criteria shall be used in the planning process. Finally, the final rulemaking adds language to the proposed rulemaking describing the basis of the planning criteria. The Bureau Manual will require the use of approved planning criteria in each of the subsequent actions in the resource management planning process.

Section 1616.3 Inventory data and information collection—Section 1610.4–3 in Final.

The comments on § 1616.3 of the proposed rulemaking raised questions about the extent of the inventories that are conducted in connection with the land use planning activity. The land use planning inventories are supplemental to the basic resource inventories that are conducted by the various programs in connection with their basic needs. The requirements for the basic resource inventories are established by the programs in their respective sections of the Bureau of Land Management Manual. These manual sections are available for public inspection at any time. In response to the comments, the section has been amended to clarify the issues raised and to remove aspects repetitive of requirements in the National Environmental Policy Act and associated procedures.

Section 1616.4 Analysis of the management situation—Section 1610.4–4 in Final.

The comments on this section expressed a range of views, some supporting the changes made by the proposed rulemaking and others supporting retention of the language of the existing regulations. After careful reviews of the comments, the section has been expanded in the final rulemaking to clearly express its intent. The final rulemaking retains the list of factors which may be considered at this stage of the planning process. However, the methodologies for determining capabilities require substantial development work, and continued updating of guidance on capability and use of the concept will be incorporated in Bureau of Land Management Manual instruction. The provisions for Areas of Critical Environmental Concern have been moved to § 1610.7–2 in the final rulemaking.

Section 1616.5 Formulation of alternatives—Section 1610.4–5 in Final.

Section 1616.5 was the focus of numerous comments that were critical of the changes made by the proposed rulemaking, particularly the removal of the existing requirement for a range of choices for alternatives favoring resource protection. The final rulemaking, consistent with regulations implementing the National Environmental Policy Act, requires that all reasonable alternatives be considered during the planning process. The requirement in the existing regulations for noting alternatives that were identified and eliminated from the study, with the reasons for the elimination, has been adopted in this final rulemaking.

Section 1616.6 Estimation of the effects of alternatives—Section 1610.4–6 in Final.

The comments on this section of the proposed rulemaking felt the proposed deletion of the data reliability phrase weakened the regulations. The final rulemaking adopts the language of the proposed rulemaking and also adopts language which provides for the planning process to be guided by the data reliability provisions of the regulations of the Council on Environmental Quality implementing the National Environmental Policy Act.

Section 1616.7 Selection of preferred alternatives—Section 1610.4–7 in Final.

The comments on § 1616.7 were nearly universal in their objection to the deletion of the requirement that the selection of the preferred alternative be based on the planning criteria as well as guidance. The intent was not to avoid consideration of the criteria and the final rulemaking adopts language which clarifies the intent of the proposed rulemaking.

After considering the comments on the question of referral of the draft plan and draft environmental impact statement to the Governor(s) of the affected State(s), the final rulemaking had been amended to make it clear that all draft plans and draft environmental impact statements, not just plans involving coal resources, will be referred to the Governor(s) of the affected State(s) as well as other governmental entities for comments. The section has also been amended to clarify what documents are furnished to the State Director and to provide for subsequent State Director approval of the plan.

Section 1616.8 Selection of resource management plan—Section 1610.4–8 in Final.

The comments on § 1616.8 generally opposed the changes in the proposed rulemaking. Apparently, the public had the misunderstanding that this provision constitutes final adoption of the plan. This is not the case, and since the principal provision deleted by the proposed rulemaking is covered by provisions of the Council on Environmental Quality regulations on the National Environmental Policy Act, it is not repeated in the final rulemaking. However, the section has been amended in the final rulemaking to clarify the intent of this provision. The amendment also makes clear the supervisory responsibility of the State Director.

Section 1616.9 Monitoring and evaluation—Section 1610.4–9 in Final.

There were few comments on this section. The final rulemaking has been further clarified while retaining the provision for established intervals for monitoring but removes the "not more than 5 years" since each resource management plan must explicitly

provide for monitoring at specific intervals. The final sentence in the proposed rulemaking is not needed since monitoring reports and records is part of the documentation relevant to the planning process and are available for public review.

Section 1617.1 Resource management plan approval and administrative review—Section 1610.5–1 in Final.

The final rulemaking amends § 1617.1 of the proposed rulemaking by rewriting paragraph (a) to condense it, and reflect the basic requirement for the State Director to approve and take action on the resource management documents. The procedural requirements for the approval process will be set out in the Bureau Manual section on planning. Further, the final rulemaking deletes the sentence in paragraph (b) dealing with the designation of Areas of Critical Environmental Concern. This sentence is no longer needed because the regulations contain a specific section on designation of Areas of Critical Environmental Concern.

Section 1617.2 Protest Procedures—Section 1610.5–2 in Final.

There were several objections to the change in the protest provision made by § 1617.1(d) of the proposed rulemaking. After careful analysis of the comments, it was determined that the public misunderstood the proposed change, which was designed to clarify the protest provision. In addition, changes have been made in this provision in the final rulemaking to provide for a one-stage protest process to correspond with the delegation of plan approval and environmental impact statement filing authority to the State Director level. A specific subsection is established for protest procedures and subsequent subsections in § 1611.5 are renumbered in the final rulemaking.

Section 1617.3 Conformity and implementation—Section 1610.5–3 in Final.

After a careful review of the few comments received on § 1617.3 of the proposed rulemaking, the final rulemaking makes only minor changes in the content of the section, but rewrites it for clarity and brevity, including the addition of a new paragraph that makes it clear that more detailed plans for coal, oil shale and tar sand must not only conform to the provisions of their applicable regulations, but must also conform to the requirements of this part.

Section 1617.4 Changing the resource management plan—Section 1610.5–4, 1610.5–6 in Final.

In response to concerns raised in the comments on the section of the proposed rulemaking that the provision on maintenance appeared to allow a minor change in the scope of resource use in a plan, the final rulemaking amends the maintenance provision and the amendment provision to make clear the distinct difference between the two concepts and their impacts on an existing plan. The final rulemaking makes it clear that maintenance cannot make a change in the scope of resource use in a plan, while an amendment can make a change in the scope of resource use.

Even though a large number of comments on the revision provision of the proposed rulemaking questioned the deletion of the 10-year update requirement, none of those comments made a convincing argument for restoring the 10-year requirement to replace the "as necessary" provision in the proposed regulations.

Section 1617.7 Designation of areas unsuitable for surface mining—Section 1610.7–1 in Final.

This section has been revised by the final rulemaking in order to bring the planning regulations into conformance with the Federal Coal Management regulations in Group 3400 of Title 43 of the Code of Federal Regulations and to clarify the use of plans in the management of Federal coal resources. Therefore, to be consistent with the Federal Coal Management regulations, this amendment allows the application of the unsuitability criteria to areas already under lease during mine plan review, rather than during the preparation of resource management plan.

Section 1617.8 Designation of Areas of Critical Environmental Concern—Section 1610.7–2 in Final.

A great number of comments were concerned about the changes the proposed rulemaking would make in the provisions for Areas of Critical Environmental Concern. After restudy in light of the comments, most of the provisions of the existing regulations covering Areas of Critical Environmental Concern have been restored by the final rulemaking and consolidated in this section to show how they are provided for in the planning process and in the regulations. Many comments recommended restudying the identification criteria that are in the existing regulations. After careful consideration of the comments and the regulations, the final rulemaking restores two of the four identification criteria that are presently in the existing regulations. The criteria that are being restored are those that are considered most germane to the identification process. The decision on this section of the final rulemaking was based in part on the comments received on the proposed rulemaking published in the **Federal Register** on December 16, 1980 (45 FR 82679).

Language has been added by the final rulemaking that requires the State Director to publish a notice in the **Federal Register** for public comment when a draft resource management plan involves the potential designation of an Area of Critical Environmental Concern.

The final rulemaking does not adopt the suggestion made by a few of the comments to restore existing § 1601.7–1 dealing with the maintenance of records of the planning and environmental analysis process. These requirements can be handled by the planning process guidance in the Bureau manual.

Three comments objected to the deletion of §1601.7–2 of the existing regulations concerning authority annotations. After a careful review of the comments and the regulations, it was decided that there was no need to retain that section and the final rulemaking does not restore it.

Deletion of § 1601.7–3 from the existing regulations was also objected to by several of the comments. The final rulemaking does not change the proposed rulemaking with reference to this section because of the belief that document content is more appropriate for Bureau Manuals than for regulations.

Section 1618 Transition period—Section 1610.8 in the Final.

The comments on section 1618 were concerned about the language of the proposed rulemaking that was read to mean that existing management framework plans would be retained rather than going forward with the completion of resource management plans. The final rulemaking makes clear the intention of the Bureau of Land Management to complete resource management plans for lands under its jurisdiction as rapidly as possible, on a priority basis, within fiscal and manpower constraints. The final rulemaking adopts the title of this section in the existing regulations

because it more accurately reflects the function of the section.

Several of the comments questioned the lack of an environmental impact statement for this rulemaking. An environmental assessment was prepared and has been reviewed in light of the changes in the final rulemaking. The environmental assessment indicates that the changes in the existing regulations made by the final rulemaking would have no significant impact on the human environment. A Finding of No Significant Impact was also prepared. Further, an environmental impact statement is prepared with each resource management plan. The planning process also provides for each plan amendment to be subject to the preparation of an environmental impact statement.

Editorial and grammatical changes, as needed, have been made.

The principal author of this final rulemaking is David C. Williams, Office of Planning and Environmental Coordination, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

These amendments to the existing planning regulations will not have any significant impact on the economy. The changes made by this amendment will reduce the regulatory burden imposed on the public by the existing planning regulations.

The planning regulations that are being amended by this final rulemaking have an impact on all public lands under the jurisdiction of the Bureau of Land Management. The planning process is required for all actions taken by the Bureau on the public lands and affects all entities equally.

List of Subjects in 43 CFR Part 1600

Administrative practice and procedures, Environmental impact statements, Indians, Intergovernmental relations, Public lands, Public lands—classification.

Under the authority of sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), Part 1600, Subchapter A, Chapter II of Title 43 of the Code of Federal Regulations is revised to read as set forth below.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 2, 1983.

PART 1600—PLANNING, PROGRAMMING, BUDGETING

Subpart 1601—Planning

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Authority: 43 U.S.C. 1711-1712.

PART 1600—PLANNING, PROGRAMMING, BUDGETING

Subpart 1601—Planning

§ 1601.0-1 Purpose.

The purpose of this subpart is to establish in regulations a process for the development, approval, maintenance, amendment and revision of resource management plans, and the use of existing plans for public lands administered by the Bureau of Land Management.

§ 1601.0-2 Objective.

The objective of resource management planning by the Bureau of Land Management is to maximize resource values for the public through a rational, consistently applied set of regulations and procedures which promote the concept of multiple use management and ensure participation by the public, state and local governments, Indian tribes and appropriate Federal agencies. Resource management plans are designed to guide and control future management actions and the development of subsequent, more detailed and limited scope plans for resources and uses.

§ 1601.0-3 Authority.

These regulations are issued under the authority of sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711-1712); the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901); section 3 of the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 201(a)); sections 522, 601, and 714 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

1601.0-4 Responsibilities.

(a) National level policy and procedure guidance for planning shall be provided by the Secretary and the Director.

(b) State Directors shall provide quality control and supervisory review, including plan approval, for plans and related environmental impact statements and shall provide additional guidance, as necessary, for use by District and Area managers. State Directors shall file draft and final environmental impact statements associated with resource management plans and amendments.

(c) Resource management plans, amendments, revisions and related environmental impact statements shall be prepared by District or Area

Managers, and approved by State Directors. In general, Area Managers will be responsible for directly supervising the preparation of the plan, and the District Manager for providing general direction and guidance to the planning effort.

§ 1601.0-5 Definitions.

As used in this part, the term:

(a) "Areas of Critical Environmental Concern" or "ACEC" means areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards. The identification of a potential ACEC shall not, of itself, change or prevent change of the management or use of public lands.

(b) "Conformity or conformance" means that a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or plan amendment.

(c) "Consistent" means that the Bureau of Land Management plans will adhere to the terms, conditions, and decisions of officially approved and adopted resource related plans, or in their absence, with policies and programs, subject to the qualifications in § 1615.2 of this title.

(d) "Guidance" means any type of written communication or instruction that transmits objectives, goals, constraints, or any other direction that helps the District and Area Managers and staff know how to prepare a specific resource management plan.

(e) "Local government" means any political subdivision of the State and any general purpose unit of local government with resource planning, resource management, zoning, or land use regulation authority.

(f) "Multiple use" means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the lands for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some lands for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the lands and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

(g) "Officially approved and adopted resource related plans" means plans, policies, programs and processes prepared and approved pursuant to and in accordance with authorization provided by Federal, State or local constitutions, legislation, or charters which have the force and effect of State law.

(h) "Public" means affected or interested individuals, including consumer organizations, public land resource users, corporations and other business entities, environmental organizations and other special interest groups and officials of State, local, and Indian tribal governments.

(i) "Public lands" means any lands or interest in lands owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management, except lands located on the Outer Continental Shelf and lands held for the benefit of Indians, Aleuts and Eskimos.

(j) "Resource area" means a geographic portion of a Bureau of Land Management district. It is the administrative subdivision whose manager has primary responsibility for day-to-day resource management activities and resource use allocations and is, in most instances, the area for which resource management plans are prepared and maintained.

(k) "Resource management plan" means a land use plan as described by the Federal Land Policy and Management Act. The resource management plan generally establishes in a written document:

(1) Land areas for limited, restricted or exclusive use; designation, including ACEC designation; and transfer from Bureau of Land Management Administration;

(2) Allowable resource uses (either singly or in combination) and related levels of production or use to be maintained;

(3) Resource condition goals and objectives to be attained;

(4) Program constraints and general management practices needed to achieve the above items;

(5) Need for an area to be covered by more detailed and specific plans;

(6) Support action, including such measures as resource protection, access development, realty action, cadastral survey, etc., as necessary to achieve the above;

(7) General implementation sequences, where carrying out a planned action is dependent upon prior accomplishment of another planned action; and

(8) Intervals and standards for monitoring and evaluating the plan to determine the effectiveness of the plan and the need for amendment or revision.

It is not a final implementation decision on actions which require further specific plans, process steps, or decisions under specific provisions of law and regulations.

§ 1601.0-6 Environmental impact statement policy.

Approval of a resource management plan is considered a major Federal action significantly affecting the quality of the human environment. The environmental analysis of alternatives and the proposed plan shall be accomplished as part of the resource management planning process and, wherever possible, the proposed plan and related environmental impact statement shall be published in a single document.

§1601.0-7 Scope.

(a) These regulations apply to all public lands.

(b) These regulations also govern the preparation of resource management plans when the only public land interest is the mineral estate.

§1601.0-8 Principles.

The development, approval, maintenance, amendment and revision of resource management plans will provide for public involvement and shall be consistent with the principles described in section 202 of the Federal Land Policy and Management Act of 1976. Additionally, the impact on local economies and uses of adjacent or nearby non-Federal lands and on non-public land surface over Federally-owned mineral interests shall be considered.

Subpart 1610—Resource Management Planning

§1610.1 Resource management planning guidance.

(a) Guidance for preparation and amendment of resource management plans may be provided by the Director and State Director, as needed, to help the District and Area Manager and staff prepare a specific plan. Such guidance may include the following:

(1) National level policy which has been established through legislation, regulations, executive orders or other Presidential, Secretarial or Director approved documents. This policy may include appropriately developed resource management commitments, suct as a right-of-way corridor crossing several resource areas, which are not required to be reexamined as part of the planning process.

(2) Analysis requirements, planning procedures and other written information and instructions required to be considered in the planning process.

(3) Guidance developed at the State Director level, with necessary and appropriate governmental coordination as prescribed by § 1610.3 of this title. Such guidance shall be reconsidered by the State Director at any time during the planning process that the State Director level guidance is found, through public involvement or other means, to be inappropriate when applied to a specific area being planned.

(b) A resource management plan shall be prepared and maintained on a resource area basis, unless the State Director authorizes a more appropriate area.

(c) An interdisciplinary approach shall be used in the preparation, amendment and revision of resource management plans as provided in 40 CFR 1502.6. The disciplines of the preparers shall be appropriate to the values involved and the issues identified during the issue identification and environmental impact statement scoping stage of the planning process. The District or Area Manager may use any necessary combination of Bureau of Land Management staff, consultants, contractors, other governmental personnel, and advisors to achieve an interdisciplinary approach.

§ 1610.2 Public Participation.

(a) The public shall be provided opportunities to meaningfully participate in and comment on the preparation of plans, amendments and related guidance and be given early notice of planning activities. Public involvement in the resource management planning process shall conform to the requirements of the National Environmental Policy Act and associated implementing regulations.

(b) The Director shall, early in each fiscal year, publish a planning schedule advising the public of the status of each plan in process of preparation or to be started during that fiscal year, the major action on each plan during that fiscal year and projected new planning starts for the 3 succeeding fiscal years. The notice shall call for public comments on projected new planning starts so that such comments can be considered in refining priorities for those years.

(c) Upon starting the preparation, amendment or revision of resource management plans, public participation shall be initiated by a notice published in the **Federal Register** and appropriate media, including newspapers of general circulation in the State, adjoining States where the District Manager deems it appropriate, and the District. This notice may also constitute the scoping notice required by regulation for the National Environmental Policy Act (40 CFR 1501.7). This notice shall include the following:

(1) Description of the proposed planning action;

(2) Identification of the geographic area for which the plan is to be prepared;

(3) The general types of issues anticipated;

(4) The disciplines to be represented and used to prepare the plan;

(5) The kind and extent of public participation opportunities to be provided;

(6) The times, dates and locations scheduled or anticipated for any public meetings, hearings, conferences or other gatherings, as known at the time;

(7) The name, title, address and telephone number of the Bureau of Land Management official who may be contacted for further information; and

(8) The location and availability of documents relevant to the planning process.

(d) A list of individuals and groups known to be interested in or affected by a resource management plan shall be maintained by the District Manager and those on the list shall be notified of public participation activities. Individuals or groups may ask to be placed on this list. Public participation activities conducted by the Bureau of Land Management shall be documented by a record or summary of the principal issues discussed and comments made.

The documentation together with a list of attendees shall be available to the public and open for 30 days to any participant who wishes to clarify the views he/she expressed.

(e) At least 15 days' public notice shall be given for public participation activities where the public is invited to attend. Any notice requesting written comments shall provide for at least 30 calendar days for response. Ninety days shall be provided for review of the draft plan and draft environmental impact statement. The 90-day period shall begin when the Environmental Protection Agency publishes a notice of the filing of the draft environmental impact statement in the **Federal Register.**

(f) Public notice and opportunity for participation in resource mangement plan preparation shall be appropriate to the areas and people involved and shall be provided at the following specific points in the planning process:

(1) General notice at the outset of the process inviting participation in the identification of issues (See §§ 1610.2(c) and 1610.4–1);

(2) Review of the proposed planning criteria (See § 1610.4–2);

(3) Publication of the draft resource management plan and draft environmental impact statement (See § 1610.4–7);

(4) Publication of the proposed resource management plan and final environmental impact statement which triggers the opportunity for protest (See §§ 1610.4–8 and 1610.5–1(b)); and

(5) Public notice and comment on any significant change made to the plan as a result of action on a protest (See § 1610.5–1(b)).

(g) Copies of an approved resource management plan and amendments shall be reasonably available for public review. This includes copies at the State Office for the District, the District Manager's Office, the Area Office for lands directly involved and additional locations determined by the District Manager. Plans, amendments and revisions shall be published and single copies shall be available to the public upon request during the public participation process. After approval, a fee may be charged for additional copies at a rate established by the Director.

(h) Supporting documents to a resource management plan shall be available for public review at the office where the plan was prepared.

(i) Fees for reproducing requested documents beyond those used as part of the public participation activities and other than single copies of the printed plan amendment or revision may be charged according to the Department of the Interior schedule for Freedom of Information Act requests in 43 CFR Part 2.

(j) When resource management plans involve areas of potential mining for

coal by means other than underground mining, and the surface is privately owned, the Bureau of Land Management shall consult with all surface owners who meet the criteria in § 3400.0–5 of this title. Contact shall be made in accordance with Subpart 3427 of this title and shall provide time to fully consider surface owner views. This contact may be made by mail or in person by the District or Area Manager or his/her appropriate representative. A period of at least 30 days from the time of contact shall be provided for surface owners to convey their preference to the Area or District Manager.

(k) If the plan involves potential for coal leasing, a public hearing shall be provided prior to the approval of the plan, if requested by any person having an interest which is, or may be, adversely affected by implementation of such plan. The hearing shall be conducted as prescribed in § 3420.1–5 of this title and may be combined with a regularly scheduled public meeting. The authorized officer conducting the hearing shall:

(1) Publish a notice of the hearing in a newspaper of general circulation in the affected geographical area at least once a week for 2 consecutive weeks;

(2) Provide an opportunity for testimony by anyone who so desires; and

(3) Prepare a record of the proceedings of the hearing.

§ 1610.3 Coordination with other Federal agencies, State and local governments, and Indian tribes.

§1610.3–1 Coordination of planning efforts.

(a) In addition to the public involvement prescribed by § 1610.2 of this title the following coordination is to be accomplished with other Federal agencies, State and local governments, and Indian tribes. The objectives of the coordination are for the State Directors and District and Area Managers to keep apprised of non-Bureau of Land Management plans; assure that consideration is given to those plans that are germane in the development of resource management plans for public lands; assist in resolving, to the extent practicable, inconsistencies between Federal and non-Federal government plans; and provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and Indian tribes in the development of resource management plans, including early pubic notice of proposed decisions which may have a significant impact on non-Federal lands.

(b) State Directors and District and Area Managers shall provide other Federal agencies, State and local governments, and Indian tribes opportunity for review, advice, and suggestion on issues and topics which may affect or influence other agency or other government programs. To facilitate coordination with State governments, State Directors should seek the policy advice of the Governor(s) on the timing, scope and coordination of plan components; definition of planning areas; scheduling of public involvement activities; and the multiple use opportunities and constraints on public lands. State Directors may seek written agreements with Governors or their designated representatives on processes and procedural topics such as exchanging information, providing advice and participation, and timeframes for receiving State government participation and review in a timely fashion. If an agreement is not reached, the State Director shall provide opportunity for Governor and State agency review, advice and suggestions on issues and topics that the State Director has reason to believe could affect or influence State government programs.

(c) In developing guidance to District Managers, in compliance with section 1611 of this title, the State Director shall:

(1) Ensure that it is as consistent as possible with existing officially adopted and approved resource related plans, policies or programs of other Federal agencies, State agencies, Indian tribes and local governments that may be affected, as prescribed by § 1610.3–2 of this title;

(2) Identify areas where the proposed guidance is inconsistent with such policies, plans or programs and provide reasons why the inconsistencies exist and cannot be remedied; and

(3) Notify the other Federal agencies, State agencies, Indian tribes or local governments with whom consistency is not achieved and indicate any appropriate methods, procedures, actions and/or programs which the State Director believes may lead to resolution of such inconsistencies.

(d) A notice of intent to prepare, amend, or revise a resource management plan shall be submitted, consistent with State procedures for coordination of Federal activities, for circulation among State agencies. This notice shall also be submitted to Federal agencies, the heads of county boards, other local government units and Tribal Chairmen or Alaska Native Leaders that have requested such notices or that the responsible line manager has reason to believe would be concerned with the plan or amendment. These notices shall be issued simultaneously with the public notices required under § 1610.2(b) of this title.

(e) Federal agencies, State and local governments and Indian tribes shall have the time period prescribed under § 1610.2 of this title for review and comment on resource management plan proposals. Should they notify the District or Area Manager, in writing, of what they believe to be specific inconsistencies between the Bureau of Land Management resource management plan and their officially approved and adopted resources related plans, the resource management plan documentation shall show how those inconsistencies were addressed and, if possible, resolved.

(f) When an Advisory Council has been formed under section 309 of the Federal Land Policy and Management Act for the district in which the resource area is located, that council shall be informed and their views sought and considered throughout the resource management planning process.

§ 1610.3–2 Consistency requirements.

(a) Guidance and resource management plans and amendments to management framework plans shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal laws and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise, and other pollution standards or implementation plans.

(b) In the absence of officially approved or adopted resource-related plans of other Federal agencies, State and local governments and Indian tribes, guidance and resource management plans shall, to the maximum extent practical, be consistent with officially approved and adopted resource related policies and programs of other Federal agencies, State and local governments and Indian tribes. Such consistency will be accomplished so long as the guidance and resource management plans are consistent with the policies, programs and provisions of Federal laws and regulations applicable to public lands, including, but not limited to, Federal and State pollution control laws as implemented by applicable Federal and State air, water,

noise and other pollution standards or implementation plans.

(c) State Directors and District and Area Managers shall, to the extent practicable, keep apprised of State and local governmental and Indian tribal policies, plans, and programs, but they shall not be accountable for ensuring consistency if they have not been notified, in writing, by State and local governments or Indian tribes of an apparent inconsistency.

(d) Where State and local government policies, plans, and programs differ, those of the higher authority will normally be followed.

(e) Prior to the approval of a proposed resource management plan, or amendment to a management framework plan or resource management plan, the State Director shall submit to the Governor of the State(s) involved, the proposed plan or amendment and shall identify any known inconsistencies with State or local plans, policies or programs. The Governor(s) shall have 60 days in which to identify inconsistencies and provide recommendations in writing to the State Director. If the Governor(s) does not respond within the 60-day period, the plan or amendment shall be presumed to be consistent. If the written recommendation(s) of the Governor(s) recommend changes in the proposed plan or amendment which were not raised during the public participation process on that plan or amendment, the State Director shall provide the public with an opportunity to comment on the recommendation(s). If the State Director does not accept the recommendations of the Governor(s), The State Director shall notify the Governor(s) and the Governor(s) shall have 30 days in which to submit a written appeal to the Director of the Bureau of Land Management. The Director shall accept the recommendations of the Governor(s) if he/she determines that they provide for a reasonable balance between the National interest and the State's interest. The Director shall communicate to the Governor(s) in writing and publish in the **Federal Register** the reasons for his/her determination to accept or reject such Governor's recommendations.

§ 1610.4 Resource management planning process.

§ 1610.4-1 Identification of issues.

At the outset of the planning process, the public, other Federal agencies, State and local governments and Indian tribes shall be given an opportunity to suggest concerns, needs, and resource use, development and protection opportunities for consideration in the preparation of the resource management plan. The District and Area Manager shall analyze those suggestions, plus available district records of resource conditions, trends, needs and problems, and select topics and determine the issues to be addressed during the planning process. Issues may be modified during the planning process to incorporate new information. The identification of issues shall also comply with the scoping process required by regulations implementing the National Environmental Policy Act (40 CFR 1501.7).

§ 1610.4-2 Development of planning criteria.

The District or Area Manager shall prepare criteria to guide development of the resource management plan or revision, to ensure that it is tailored to the issues previously identified and to ensure that unnecessary data collection and analyses are avoided. Planning criteria shall generally be based upon applicable law, Director and State Director guidance, the results of public participation and coordination with other Federal agencies, State and local governments and Indian tribes. Proposed planning criteria, including any significant changes, shall be made available for public comment prior to being approved by the District manager for use in the planning process. Planning criteria may be changed as planning proceeds, based on public suggestions and the findings of the various studies and assessments.

§ 1610.4-3 Inventory data and information collection.

(a) The District or Area Manager shall arrange for resource, environmental, social, economic and institutional data and information to be collected, or assembled if already available. New information and inventory data collection will emphasize significant issues and decisions with the greatest potential impact. Inventory data and information shall be collected in a manner that aids application in the planning process, including subsequent monitoring requirements.

§ 1610.4-4 Analysis of the management situation.

The District or Area Manager shall analyze the inventory data and other information available to determine the ability of the resource area to respond to identified issues and opportunities. The analysis of the management situation shall provide, consistent with multiple use principles, the basis for formulating reasonable alternatives, including the types of resources for development or protection. Factors to be considered ma include, but are not limited to:

(a) The types of resource use and protection authorized by the Federal Land Policy and Management Act and other relevant legislation;

(b) Opportunities to meet goals and objectives defined in national and State Director guidance;

(c) Resource demand forecasts and analyses relevant to the resource area;

(d) The estimated sustained levels of the various goods, services and uses that may be attained under existing biological and physical conditions and under differing management practices and degrees of management intensity which are economically viable under benefit cost or cost effectiveness standards prescribed in national or State Director guidance;

(e) Specific requirements and constraints to achieve consistency with policies, plans and programs of other Federal agencies, State and local government agencies and Indian tribes;

(f) Opportunities to resolve public issues and management concerns;

(g) Degree of local dependence on resources from public lands;

(h) The extent of coal lands which may be further considered under provisions of § 3420.2-3(a) of this title; and

(i) Critical threshold levels which should be considered in the formulation of planned alternatives.

§ 1610.4-5 Formulation of alternatives.

All reasonable resource management alternatives shall be considered and several complete alternatives developec for detailed study. The alternatives developed shall reflect the variety of issues and guidance applicable to the resource uses. In order to limit the total number of alternatives analyzed in detail to a manageable number for presentation and analysis, all reasonable variations shall be treated a: subalternatives. One alternative shall b for no action, which means continuation of present level or systems of resource use. The plan shall note any alternative: identified and eliminated from detailed study and shall briefly discuss the reasons for their elimination.

§ 1610.4-6 Estimation of effects of alternatives.

The District or Area Manager shall estimate and display the physical, biological, economic, and social effects of implementing each alternative considered in detail. The estimation of effects shall be guided by the planning criteria and procedures implementing

the National Environmental Policy Act. The estimate may be stated in terms of probable ranges where effects cannot be precisely determined.

§ 1610.4-7 Selection of preferred alternative.

The District or Area Manager shall evaluate the alternatives and the estimation of their effects according to the planning criteria, and develop a preferred alternative which shall best meet Director and State Director guidance. The preferred alternative shall be incorporated into the draft resource management plan and draft environmental impact statement. The resulting draft resource management plan and draft environmental impact statement shall be forwarded to the State Director for approval, publication, and filing with the Environmental Protection Agency. This draft plan and environmental impact statement shall be provided for comment to the Governor of the State involved, and to officials of other Federal agencies, State and local governments and Indian tribes that the State Director has reason to believe would be concerned. This action shall constitute compliance with the requirements of § 3420.1-7 of this title.

§1610.4-8 Selection of resource management plan.

After publication of the draft resource management plan and draft environmental impact statement, the District Manager shall evaluate the comments received and select and recommend to the State Director, for supervisory review and publication, a proposed resource management plan and final environmental impact statement. After supervisory review of the proposed resource management plan, the State Director shall publish the plan and file the related environmental impact statement.

1610.4-9 Monitoring and evaluation.

The proposed plan shall establish intervals and standards, as appropriate, for monitoring and evaluation of the plan. Such intervals and standards shall be based on the sensitivity of the resource to the decisions involved and shall provide for evaluation to determine whether mitigation measures are satisfactory, whether there has been significant change in the related plans of other Federal agencies, State or local governments, or Indian tribes, or whether there is new data of significance to the plan.

The District Manager shall be responsible for monitoring and evaluating the plan in accordance with the established intervals and standards and at other times as appropriate to determine whether there is sufficient cause to warrant amendment or revision of the plan.

§ 1610.5 Resource management plan approval, use and modification.

§1610.5-1 Resource management plan approval and administrative review.

(a) The proposed resource management plan or revision shall be submitted by the District Manager to the State Director for supervisory review and approval. When the review is completed the State Director shall either publish the proposed plan and file the related environmental impact statement or return the plan to the District Manager with a written statement of the problems to be resolved before the proposed plan can be published.

(b) No earlier than 30 days after the Environmental Protection Agency publishes a notice of the filing of the final environmental impact statement in the **Federal Register**, and pending final action on any protest that may be filed, the State Director shall approve the plan. Approval shall be withheld on any portion of a plan or amendment being protested until final action has been completed on such protest. Before such approval is given, there shall be public notice and opportunity for public comment on any significant change made to the proposed plan. The approval shall be documented in a concise public record of the decision, meeting the requirements of regulations for the National Environmental Policy Act of 1969 (40 CFR 1505.2).

§ 1610.5-2 Protest procedures.

(a) Any person who participated in the planning process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may raise only those issues which were submitted for the record during the planning process.

(1) The protest shall be in writing and shall be filed with the Director. The protest shall be filed within 30 days of the date the Environmental Protection Agency published the notice of receipt of the final environmental impact statement containing the plan or amendment in the **Federal Register**. For an amendment not requiring the preparation of an environmental impact statement, the protest shall be filed within 30 days of the publication of the notice of its effective date.

(2) The protest shall contain:

(i) The name, mailing address, telephone number and interest of the person filing the protest;

(ii) A statement of the issue or issues being protested;

(iii) A statement of the part or parts of the plan or amendment being protested;

(iv) A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and

(v) A concise statement explaining why the State Director's decision is believed to be wrong.

(3) The Director shall promptly render a decision on the protest. The decision shall be in writing and shall set forth the reasons for the decision. The decision shall be sent to the protesting party by certified mail, return receipt requested.

(b) The decision of the Director shall be the final decision of the Department of the Interior.

§ 1610.5-3 Conformity and implementation.

(a) All future resource management authorizations and actions, as well as budget or other action proposals to higher levels in the Bureau of Land Management and Department, and subsequent more detailed or specific planning, shall conform to the approved plan.

(b) After a plan is approved or amended, and if otherwise authorized by law, regulation, contract, permit, cooperative agreement or other instrument of occupancy and use, the District and Area Manager shall take appropriate measures, subject to valid existing rights, to make operations and activities under existing permits, contracts, cooperative agreements or other instruments for occupancy and use, conform to the approved plan or amendment within a reasonable period of time. Any person adversely affected by a specific action being proposed to implement some portion of a resource management plan or amendment may appeal such action pursuant to 43 CFR 4.400 at the time the action is proposed for implementation.

(c) If a proposed action is not in conformance, and warrants further consideration before a plan revision is scheduled, such consideration shall be through a plan amendment in accordance with the provisions of § 1610.5-5 of this title.

(d) More detailed and site specific plans for coal, oil shale and tar sand resources shall be prepared in accordance with specific regulations for those resources: group 3400 of this title for coal; group 3900 of this title for oil shale; and part 3140 of this title for tar sand. These activity plans shall be in

conformance with land use plans prepared and approved under the provisions of this part.

§ 1610.5-4 Maintenance.

Resource management plans and supporting components shall be maintained as necessary to reflect minor changes in data. Such maintenance is limited to further refining or documenting a previously approved decision incorporated in the plan. Maintenance shall not result in expansion in the scope of resource uses or restrictions, or change the terms, conditions, and decisions of the approved plan. Maintenance is not considered a plan amendment and shall not require the formal public involvement and interagency coordination process described under §§ 1610.2 and 1610.3 of this title or the preparation of an environmental assessment or environmental impact statement. Maintenance shall be documented in plans and supporting records.

§ 1610.5-5 Amendment.

A resource management plan may be changed through amendment. An amendment shall be initiated by the need to consider monitoring and evaluation findings, new data, new or revised policy, a change in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions and decisions of the approved plan. An amendment shall be made through an environmental assessment of the proposed change, or an environmental impact statement, if necessary, public involvement as prescribed in § 1610.2 of this title, interagency coordination and consistency determination as prescribed in § 1610.3 of this title and any other data or analysis that may be appropriate. In all cases, the effect of the amendment on the plan shall be evaluated. If the amendment is being considered in response to a specific proposal, the analysis required for the proposal and for the amendment may occur simultaneously.

(a) If the environmental assessment does not disclose significant impact, a finding of no significant impact may be made by the District Manager. The District Manager shall then make a recommendation on the amendment to the State Director for approval, and upon approval, the District Manager shall issue a public notice of the action taken on the amendment. If the amendment is approved, it may be implemented 30 days after such notice.

(b) If a decision is made to prepare an environmental impact statement, the amending process shall follow the same procedure required for the preparation and approval of the plan, but consideration shall be limited to that portion of the plan being considered for amendment. If several plans are being amended simultaneously, a single environmental impact statement may be prepared to cover all amendments.

§ 1610.5-6 Revision.

A resource management plan shall be revised as necessary, based on monitoring and evaluation findings (§ 1610.4-9), new data, new or revised policy and changes in circumstances affecting the entire plan or major portions of the plan. Revisions shall comply with all of the requirements of these regulations for preparing and approving an original resource management plan.

§ 1610.5-7 Situations where action can be taken based on another agency's plan, or a land use analysis.

These regulations authorize the preparation of a resource management plan for whatever public land interests exist in a given land area. There are situations of mixed ownership where the public land estate is under non-Federal surface, or administration of the land is shared by the Bureau of Land Management with another Federal agency. The District and Area Manager may use the plans or the land use analysis of other agencies when split or shared estate conditions exist in any of the following situations:

(a) Another agency's plan (Federal, State, or local) may be used as a basis for an action only if it is comprehensive and has considered the public land interest involved in a way comparable to the manner in which it would have been considered in a resource management plan, including the opportunity for public participation.

(b) After evaluation and review, the Bureau of Land Management may adopt another agency's plan for continued use as a resource management plan if an agreement is reached between the Bureau of Land Management and the other agency to provide for maintenance and amendment of the plan, as necessary, to comply with law and policy applicable to public lands.

(c) A land use analysis may be used to consider a coal lease when there is no Federal ownership interest in the surface or when coal resources are insufficient to justify plan preparation costs. The land use analysis process, as authorized by the Federal Coal Leasing Amendments Act, consists of an environmental assessment or impact statement, public participation as required by § 1610.2 of this title, the consultation and consistency determinations required by § 1610.3 of this title, the protest procedure prescribed by § 1610.5-2 of this title and a decision on the coal lease proposal. A land use analysis meets the planning requirements of section 202 of the Federal Land Policy and Management Act. The decision to approve the land use analysis and to lease coal is made by the Departmental official who has been delegated the authority to issue coal leases.

§ 1610.6 Management decision review by Congress.

The Federal Land Policy and Management Act requires that any Bureau of Land Management management decision or action pursuant to a management decision which totally eliminates one or more principal or major uses for 2 or more years with respect to a tract of 100,000 acres or more, shall be reported by the Secretary to Congress before it can be implemented. This report shall not be required prior to approval of a resource management plan which, if fully or partially implemented, would result in such an elimination. The required report shall be submitted as the first action step in implementing that portion of a resource management plan which would require elimination of such a use.

§ 1610.7 Designation of areas.

§ 1610.7-1 Designation of areas unsuitable for surface mining.

(a)(1) The planning process is the chief process by which public land is reviewed to assess whether there are areas unsuitable for all or certain types of surface coal mining operations under section 522(b) of the Surface Mining Control and Reclamation Act. The unsuitability criteria to be applied during the planning process are found in § 3461.1 of this title.

(2) When petitions to designate land unsuitable under section 522(c) of the Surface Mining Control and Reclamation Act are referred to the Bureau of Land Management for comment, the resource management plan, or plan amendment if available, shall be the basis for review.

(3) After a resource management plan or plan amendment is approved in which lands are assessed as unsuitable, the District Manager shall take all necessary steps to implement the results of the unsuitability review as it applies to all or certain types of coal mining.

(b)(1) The resource management planning process is the chief process by

which public lands are reviewed for designation as unsuitable for entry or leasing for mining operations for minerals and materials other than coal under section 601 of the Surface Mining Control and Reclamation Act.

(2) When petitions to designate lands unsuitable under section 601 of the Surface Mining Control and Reclamation Act are received by the Bureau of Land Management, the resource management plan, if available, shall be the basis for determinations for designation.

(3) After a resource management plan or plan amendment in which lands are designated unsuitable is approved, the District Manager shall take all necessary steps to implement the results of the unsuitability review as it applies to minerals or materials other than coal.

§ 1610.7-2 Designation of areas of critical environmental concern.

Areas having potential for Areas of Critical Environmental Concern (ACEC) designation and protection management shall be identified and considered throughout the resource management planning process (see §§ 1610.4-1 through 1610.4-9).

(a) The inventory data shall be analyzed to determine whether there are areas containing resources, values, systems or processes or hazards eligible for further consideration for designation as an ACEC. In order to be a potential ACEC, both of the following criteria shall be met:

(1) *Relevance.* There shall be present a significant historic, cultural, or scenic value; a fish or wildlife resource or other natural system or process; or natural hazard.

(2) *Importance.* The above described value, resource, system, process, or hazard shall have substantial significance and values. This generally requires qualities of more than local significance and special worth, consequence, meaning, distinctiveness, or cause for concern. A natural hazard can be important if it is a significant threat to human life or property.

(b) The State Director, upon approval of a draft resource management plan, plan revision, or plan amendment involving ACECs, shall publish a notice in the **Federal Register** listing each ACEC proposed and specifying the resource use limitations, if any, which would occur if it were formally designated. The notice shall provide a 60-day period for public comment on the proposed ACEC designation. The approval of a resource management plan, plan revision, or plan amendment constitutes formal designation of any ACEC involved. The approved plan shall include the general management practices and uses, including mitigating measures, identified to protect designated ACEC.

§ 1610.8 Transition period.

(a) Until superseded by resource management plans, management framework plans may be the basis for considering proposed actions as follows:

(1) The management framework plan shall be in compliance with the principle of multiple use and sustained yield and shall have been developed with public participation and governmental coordination, but not necessarily precisely as prescribed in §§ 1610.2 and 1610.3 of this title.

(2) No sooner than 30 days after the Environmental Protection Agency publishes a notice of the filing of a final court-ordered environmental impact statement—which is based on a management framework plan—proposed actions may be initiated without any further analysis or processes included in this subpart.

(3) For proposed actions other than those described in paragraph (a)(2) of this section, determination shall be made by the District or Area Manager whether the proposed action is in conformance with the management framework plan. Such determination shall be in writing and shall explain the reasons for the determination.

(i) If the proposed action is in conformance, it may be further considered for decision under procedures applicable to that type of action, including requirements of regulations for implementing the procedural provisions of the National Environmental Policy Act in 40 CFR Parts 1500-1508.

(ii) If the proposed action is not in conformance with the management framework plan, and if the proposed action warrants further favorable consideration before a resource management plan is scheduled for preparation, such consideration shall be through a management framework plan amendment using the provisions of § 1610.5-5 of this title.

(b)(1) If an action is proposed where public lands are not covered by a management framework plan or a resource management plan, an environmental assessment and an environmental impact statement, if necessary, plus any other data and analysis necessary to make an informed decision, shall be used to assess the impacts of the proposal and to provide a basis for a decision on the proposal.

(2) A land disposal action may be considered before a resource management plan is scheduled for preparation, through a planning analysis, using the process described in § 1610.5-5 of this title for amending a plan.

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federal register

Thursday
May 5, 1983

Part III

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 884]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 29, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, VA 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 Mile rule)
- 102–3: New well (1000 Ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease.

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal Seams
- 107–DV: Devonian Shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS VOLUME 884

ISSUED APRIL 29, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION									
-CRESCENT PETROLEUM CORP				RECEIVED:	04/11/83	JA: MT			
8331463	2-82-46	2510122021		103		BERG #1 T33N R1W SEC 29	OLD SHELBY	91.3	OPTEK INC
-SOUTHLAND ROYALTY CO				RECEIVED:	04/11/83	JA: MT			
8331462	2-82-44	2508521311		102-2		ALEX PANASUK #1-5	WILDCAT	150.0	DOME PETROLEUM CO
8331460	2-82-43	2508521306		102-2		ANDERSON #1-8	MCCADE	35.0	PHILLIPS PETROLEU
8331464	2-82-45	2508521264		102-2		RUDOLPH #1-36	NORTH BAINVILLE	25.0	PHILLIPS PETROLEU
8331461	2-82-42	2507121776		103		STATE 1632 #2	BONDOIN	200.0	KN ENERGY INC
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-AMERICAN PENN ENERGY INC				RECEIVED:	04/08/83	JA: NY			
8331397	3594	3102915916		107-TF		G CARR #2 (1276)	WILDCAT	10.0	NATIONAL FUEL GAS
-ENERGY OIL INC				RECEIVED:	04/08/83	JA: NY			
8331405	3871	3102917636		107-TF		BUTLER #1	BUFFALO CREEK	10.5	TENNESSEE GAS PIP
8331407	2332	3102914849		107-TF		KLINGENMEIR #1	BUFFALO CREEK	25.0	NATIONAL FUEL GAS
8331406	1370	3103714574		107-TF		SILLIMAN #1	MEDINA	10.0	NATIONAL FUEL GAS
-LENAPE RESOURCES CORP				RECEIVED:	04/08/83	JA: NY			
8331402	3822	3105117305		107-TF		A E SCOTT #1 LRC #100	WILDCAT	20.0	NEW JERSEY NATURA
8331362	3819	3105117300		107-TF		B S DONNAN #1 LRC #97	WILDCAT	20.0	NEW JERSEY NATURA
8331363	3821	3105117302		107-TF		D MUSSHAFEN #1 LRC #99	WILDCAT	20.0	NEW JERSEY NATURA
8331360	3817	3105116198		107-TF		H M RAYMOND UNIT #1 LRC #95	WILDCAT	20.0	NEW JERSEY NATURA
8331338	3815	3105116197		107-TF		K E ROGERS UNIT #1 LRC #93	WILDCAT	20.0	NEW JERSEY NATURA
8331403	3823	3105117309		107-TF		K M NOBLE UNIT #1 LRC #101	WILDCAT	20.0	NEW JERSEY NATURA
8331401	3807	3112117080		107-TF		L WOLFGANG #1 LRC #114	WILDCAT	20.0	NEW JERSEY NATURA
8331399	3816	3105117304		107-TF		LRC #94 - D D ROGERS #1 LRC #94	WILDCAT	20.0	NEW JERSEY NATURA
8331361	3818	3105116199		107-TF		P STURM & H WILSON #1 LRC #96	WILDCAT	20.0	NEW JERSEY NATURA
8331400	3806	3112117049		107-TF		R L HALMA #5 LRC #110	WILDCAT	20.0	NEW JERSEY NATURA
8331404	3824	3105117307		107-TF		S R POWELL UNIT #1 LRC #102	WILDCAT	20.0	NEW JERSEY NATURA
-MAYNARD OIL COMPANY				RECEIVED:	04/08/83	JA: NY			
8331372	3631	3102915985		107-TF		DELMONTE #1	WILDCAT	0.0	NATIONAL FUEL GAS
8331370	3635	3102915657		107-TF		NEWTON #2	WILDCAT	15.0	NATIONAL FUEL GAS
8331365	3636	3102916337		107-TF		NORDBLUM #1	EVANS	15.0	NATIONAL FUEL GAS
8331366	3639	3102915919		107-TF		PHILLIPS #1	WILDCAT	18.0	NATIONAL FUEL GAS
8331373	3634	3102916056		107-TF		PINKER #1	EVANS	16.0	NATIONAL FUEL GAS
8331368	3638	3102915734		107-TF		SCHICHTEL #1	WILDCAT	0.0	NATIONAL FUEL GAS
8331369	3633	3102916013		107-TF		SICURELLA #1	EVANS	15.0	NATIONAL FUEL GAS
8331371	3632	3102916014		107-TF		SICURELLA #2	EVANS	20.0	NATIONAL FUEL GAS
8331364	3637	3102916452		107-TF		SICURELLA #3	EVANS	0.0	NATIONAL FUEL GAS
-MIDWEST DRILLING PROGRAM 81-I				RECEIVED:	04/08/83	JA: NY			
8331326	3657	3102917040		107-TF		AGLE #1	EDEN VALLEY	25.0	NATIONAL FUEL GAS
8331327	3656	3102916603		107-TF		ALBRECHT #1	ALDEN-LANCASTER	15.0	NATIONAL FUEL GAS
8331328	3655	3102916605		107-TF		ARNDT #1	BUFFALO CREEK	25.0	NATIONAL FUEL GAS
8331329	3654	3102917069		107-TF		CLARK #1	BUFFALO CREEK	25.0	NATIONAL FUEL GAS
8331330	3653	3103716183		107-TF		HEREC #1	ALDEN-LANCASTER	25.0	NATIONAL FUEL GAS
8331333	3652	3103716175		107-TF		MENDOLA #1	ALDEN-LANCASTER	25.0	NATIONAL FUEL GAS
8331332	3651	3103716185		107-TF		MORABITO #1	ALDEN-LANCASTER	25.0	NATIONAL FUEL GAS

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8331331	3650	3102916587		107-TF		NEUBERT #1	WEST SENECA	25.0	NATIONAL FUEL GAS
8331374	3649	3102917129		107-TF		NIEFERGOLD #1	NORTH COLLINS	25.0	NATIONAL FUEL GAS
-MYRON H COSS GAS ENERGY CO				RECEIVED=	04/08/83	JA: NY			
8331386	3113	3102915271		107-TF		DECARLO #1	NORTH COLLINS	5.0	MYRON H COSS GAS
8331387	3114	3102915301		107-TF		DECARLO #3	NORTH COLLINS	5.0	MYRON H COSS GAS
-P & S DRILLING INC				RECEIVED:	04/08/83	JA: NY			
8331352	3750	3102915490		107-TF		BUFFALO CREEK #1	BUFFALO CREEK	4.4	NATIONAL FUEL GAS
8331350	3751	3102915825		107-TF		BUFFALO CREEK #2	BUFFALO CREEK	5.1	NATIONAL FUEL GAS
8331392	3560	3102915046		107-TF		BUFFALO CREEK #4	BUFFALO CREEK	23.0	NATIONAL FUEL GAS
8331395	3557	3102915600		107-TF		CLARK #1	BUFFALO CREEK	7.9	NATIONAL FUEL GAS
8331396	3564	3102913913		107-TF		DUDZIC #1	ELMA	1.0	NATIONAL FUEL GAS
8331389	3563	3102913723		107-TF		ELLS #1	BUFFALO CREEK	20.0	NATIONAL FUEL GAS
8331391	3561	3102914258		107-TF		ELLS #2	BUFFALO CREEK	20.4	NATIONAL FUEL GAS
8331394	3558	3102915378		107-TF		HICKEY #1A	ALDEN-LANCASTER	6.4	NATIONAL FUEL GAS
8331351	3752	3102915249		107-TF		MARR-SERENA #1	BUFFALO CREEK	5.1	NATIONAL FUEL GAS
8331390	3562	3102914434		107-TF		REBILAS #1	BUFFALO CREEK	1.4	NATIONAL FUEL GAS
8331393	3559	3102915045		107-TF		STODDARD #1	BUFFALO CREEK	3.7	NATIONAL FUEL GAS
-SCG GAS QUEST INC				RECEIVED:	04/08/83	JA: NY			
8331379	1684	3102914268		107-TF		KASINSKI #1	EDEN-EVANS	40.0	TENNESSEE GAS PIP
8331375	1690	3102914269		107-TF		LARDO "B" #1	EDEN-EVANS MEDINA	14.0	TENNESSEE GAS PIP
8331378	1685	3102914306		107-TF		TEMPLE #1	EDEN-EVANS MEDINA	12.0	TENNESSEE GAS PIP
8331380	1687	3102913952		107-TF		TMV ENTERPRISES INC #1	EDEN-EVANS MEDINA	6.0	TENNESSEE GAS PIP
8331381	1688	3102913954		107-TF		TMV ENTERPRISES INC #3	EDEN-EVANS MEDINA	7.0	TENNESSEE GAS PIP
8331382	1689	3102914271		107-TF		VEREERSTRAETEN #1	EDEN-EVANS MEDINA	28.0	TENNESSEE GAS PIP
8331376	1683	3102914260		107-TF		WILLIAM A BLAKELY #1	EDEN-EVANS MEDINA	30.0	TENNESSEE GAS PIP
8331377	1686	3102914270		107-TF		WILLIAMS #1	EDEN-EVANS MEDINA	12.0	TENNESSEE GAS PIP
-SHARON RESOURCES INC				RECEIVED:	04/08/83	JA: NY			
8331340	3001	3112115783		107-TF		A CODD #1 (31-121-15783)	WILDCAT	10.5	COLUMBIA GAS TRAN
8331335	3006	3112115383		107-TF		BERNARD KERMIN #1 (31-121-15383)	STRYKERSVILLE	13.5	COLUMBIA GAS TRAN
8331336	3005	3112116076		107-TF		EARL BARTZ #1 (31-121-16076)	STRYKERSVILLE	10.5	COLUMBIA GAS TRAN
8331334	3007	3112116273		107-TF		EDWARD FONTAINE #1 (31-121-16273)	STRYKERSVILLE	10.5	COLUMBIA GAS TRAN
8331343	3012	3112116343		107-TF		HIBSCH/KIRSCH #1 (31-121-16343)	STRYKERSVILLE	10.5	COLUMBIA GAS TRAN
8331344	3011	3112116272		107-TF		JOHN KERMIN #2 (31-121-16272)	STRYKERSVILLE	10.5	COLUMBIA GAS TRAN
8331385	3009	3112115386		107-TF		JOSEPH OCHAL #1 (31-121-15386)	STRYKERSVILLE	14.0	COLUMBIA GAS TRAN
8331339	3002	3112115387		107-TF		LEO BARTZ #1 (31-121-15387)	STRYKERSVILLE	17.5	COLUMBIA GAS TRAN
8331341	3014	3112116072		107-TF		LEO SCHILTZ #1 (31-121-16072)	STRYKERSVILLE	10.5	COLUMBIA GAS TRAN
8331384	3008	3112115735		107-TF		N PERRY #1 (31-121-15735)	WILDCAT	28.0	COLUMBIA GAS TRAN
8331338	3003	3112115691		107-TF		RAYMOND KIRSCH #1 (31-121-15691)	STRYKERSVILLE	15.8	COLUMBIA GAS TRAN
8331337	3004	3112116266		107-TF		RICHARD FONTAINE #1 (31-121-16266)	STRYKERSVILLE	10.5	COLUMBIA GAS TRAN
8331342	3013	3112115385		107-TF		WILLIAM E KIRSCH #1 (31-121-15335)	STRYKERSVILLE	11.0	COLUMBIA GAS TRAN
-SHAWNEE EXPLORATION INC				RECEIVED:	04/08/83	JA: NY			
8331325	3659	3102917270		107-TF		CHAMBERS UNIT #1	BRANT	18.0	SCG GAS QUEST INC
-SINCLAIRVILLE PETROLEUM CORP				RECEIVED:	04/08/83	JA: NY			
8331358	3754	3102915388		107-TF		BARTZ #2	E AURORA	5.0	NATIONAL FUEL GAS
8331355	3760	3102914456		107-TF		BOHMAN #1	AURORA	5.0	NATIONAL FUEL GAS
8331359	3753	3102915844		107-TF		BOLDT #1	AURORA	5.0	NATIONAL FUEL GAS
8331357	3758	3102915402		107-TF		COLARUSSO #3	AURORA	5.0	NATIONAL FUEL GAS
8331356	3757	3102914530		107-TF		DICK #1	AURORA	5.0	NATIONAL FUEL GAS
8331346	3675	3102915234		107-TF		FISHER PRICE #7	AURORA	3.0	NATIONAL FUEL GAS
8331354	3756	3102915274		107-TF		KRULL #1	AURORA	5.0	NATIONAL FUEL GAS
8331345	3674	3102914408		107-TF		MCNEIL #2	E AURORA	20.0	NATIONAL FUEL GAS
8331349	3680	3102914407		107-TF		MCNIEL #1	AURORA	5.0	NATIONAL FUEL GAS
8331353	3755	3102914423		107-TF		MILL #1	AURORA	5.0	NATL FUEL GAS SUP
8331367	3673	3102914424		107-TF		MILL #2	E AURORA	20.0	NATIONAL FUEL GAS
8331347	3682	3102915895		107-TF		ROBINSON #1	E AURORA	10.0	NATIONAL FUEL GAS
8331348	3681	3102914455		107-TF		VIGHERONE #1	AURORA	10.0	NATIONAL FUEL GAS
-TIMBERLAY PETROLEUM CO				RECEIVED:	04/08/83	JA: NY			
8331398	3586	3102916952		107-TF		HEINTZ #1	ALDEN-LANCASTER	36.0	TENNESSEE GAS PIP
8331383	3587	3102916201		107-TF		MEAHL #1	ALDEN-LANCASTER	30.0	TENNESSEE GAS PIP
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OKLAHOMA CORPORATION COMMISSION									
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-ANADARKO LAND & EXPLORATION CO				RECEIVED:	04/11/83	JA: OK			
8331494	23699	3501521241		107-DP		IRENE #1-15	GRACEMONT	178.0	TRANSOK PIPELINE
-CONOCO INC				RECEIVED:	04/11/83	JA: OK			
8331500	19776	3503920497		102-2		SNIDER "35" #1	EAST CLINTON	0.7	PRODUCERS GAS CO
-DAWN ENERGY CO				RECEIVED:	04/11/83	JA: OK			
8331487	21003	3505921145		103		COTTER #1-33	E CLARK CREEK	612.0	
8331488	21006	3504722985		103		KROLL #1-23	EAST BARNES	50.0	
-DYCO PETROLEUM CORPORATION				RECEIVED:	04/11/83	JA: OK			
8331486	21001	3500900000		103		HESTER #1		180.0	
-EAGLE PETROLEUM CORP				RECEIVED:	04/11/83	JA: OK			
8331490	21025	3509322519		103		NEWMAN #2-5		35.0	UNION TEXAS PETRO
-EARL COX				RECEIVED:	04/11/83	JA: OK			
8331491	21026	3511121826		103		STAUFFACHER #1	SCHULTER	10.9	SCHULTER GATHERIN
-F HOWARD WALSH JR				RECEIVED:	04/11/83	JA: OK			
8331495	23860	3501521222		107-DP		WILLIAMS #1		160.0	TENNESSEE GAS PIP
8331496	23861	3501521206		107-DP		WUNDERLICH #1		110.0	TENNESSEE GAS PIP
-H G & G INC				RECEIVED:	04/11/83	JA: OK			
8331501	19847	3507323368		103		MATTI #1-6	SE ALPHA	0.0	PHILLIPS PETROLEU
-HADSON PETROLEUM CORP				RECEIVED:	04/11/83	JA: OK			
8331502	19889	3506120543		102-2 103		ALMUS #1-16	NW UNION CITY	185.0	ARKANSAS LOUISIAN
-HAWKINS OIL & GAS INC				RECEIVED:	04/11/83	JA: OK			
8331489	21018	3504521090		103		MCCLEERY #1-9	S E ARNETT	360.0	
-JOHN A KIENZLE				RECEIVED:	04/11/83	JA: OK			
8331493	21028	3511100000		103		TEDLOCK #1	HOFFMAN	17.0	PHILLIPS PETROLEU
-MACK OIL CO				RECEIVED:	04/11/83	JA: OK			
8331482	20991	3505300000		103		BRATCHER #1		10.0	UNION TEXAS PETRO
8331481	20990	3505300000		103		DAVIES #1	WILDCAT	25.0	UNION TEXAS PETRO
8331480	20989	3505320690		103		DAVIES #2	N E HILLSDALE	25.0	UNION TEXAS PETRO
8331485	20994	3505320732		103		EDNA #1	N HILLSDALE	100.0	UNION TEXAS PETRO
8331484	20993	3505320716		103		HALCOMB #1		10.0	UNION TEXAS PETRO
8331483	20992	3505320803		103		MAY #1	N E HILLSDALE	20.0	UNION TEXAS PETRO
8331509	20986	3505300000		103		PANKEY #1	SOUTH NASH	10.0	UNION TEXAS PETRO
8331508	20987	3505320765		103		PANKEY #2		5.0	UNION TEXAS PETRO
8331507	20986	3505320794		103		PANKEY #3		10.0	UNION TEXAS PETRO
8331505	20984	3505320799		103		PANKEY #4		10.0	UNION TEXAS PETRO
8331506	20985	3505320852		103		PANKEY #5	N E HILLSDALE	15.0	UNION TEXAS PETRO
-OKLAND OIL CO				RECEIVED:	04/11/83	JA: OK			
8331504	20982	3505320702		103		MORRIS #1-30	E WAKITA	0.0	SUN EXPLORATION &
8331503	20981	3505320637		103		PLAHN #1-30	WAKITA	0.0	SUN EXPLORATION &
-SAMEDAN OIL CORPORATION				RECEIVED:	04/11/83	JA: OK			
8331499	19751	3501722159		102-2		MEYER #1-23		839.0	DELHI GAS PIPELIN
-SENECA OIL COMPANY				RECEIVED:	04/11/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8331498	18075	3512174638		102-2		ECHELLE #1-9		1050.1	DELHI GAS PIPELIN
-TXO PRODUCTION CORP				RECEIVED:	04/11/83	JA: OK			
8331497	17841	3500722172		102-4		CATES MASON #1	PLAINVIEW	0.0	PHILLIPS PETROLEU
-WARD PETROLEUM CORP				RECEIVED:	04/11/83	JA: OK			
8331492	21027	3505121206		103		MARTIN #1	S W NORGE	200.0	PHILLIPS PETROLEU
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WEST VIRGINIA DEPARTMENT OF MINES									
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-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:	04/11/83	JA: WV			
8331473		4708703548		107-DV		A SMITH #1	HALTON DISTRICT	18.0	COLUMBIA GAS TRAN
8331470		4708703583		107-DV		J R DANIELL #1	SPENCER DISTRICT	18.0	
8331472		4708703578		107-DV		R ASBURY #1	SPENCER DISTRICT	18.0	COLUMBIA GAS TRAN
8331471		4703903803		107-DV		R F JARRETT #1	UNION DISTRICT	18.0	
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	04/08/83	JA: WV			
8331446		4704103166		103		A-1056	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
-AMERICAN PETROEL INC				RECEIVED:	04/11/83	JA: WV			
8331476		4707301359		107-DV		COCHRANE #2	UNION	75.0	
8331474		4707321377		107-DV		MCCULLOUGH #1	MCKIM	40.0	
8331475		4707321360		107-DV		STEWART #1	UNION	50.0	
8331477		4707321272		107-DV		WHITE #1	UNION	7.2	
-AMOCO PRODUCTION CO				RECEIVED:	04/08/83	JA: WV			
8331411		4701900460		102-2		NORTH HILLS GROUP INC #1	NEW HAVEN	94.0	ROARING FORK GAS
-ASHLAND EXPLORATION INC				RECEIVED:	04/08/83	JA: WV			
8331454		4701900468		107-DV		CHRISTIAN COLLIERY CO #3 - 093042	PAINT CREEK	57.0	COLUMBIA GAS TRAN
-BADGER OIL & GAS CO INC				RECEIVED:	04/08/83	JA: WV			
8331445		4703903776		103		KFS #2	KANAWHA STATE FOREST	0.0	COLUMBIA GAS TRAN
8331444		4703903777		103		KSF #1	KANAWHA STATE FOREST	0.0	COLUMBIA GAS TRAN
-BEAR RUN DEVELOPMENT CO				RECEIVED:	04/08/83	JA: WV			
8331434		4704101549		108		PENNINGTON #1 (POSEY SURFACE)	BEAR RUN OF OIL CREEK	1.4	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	04/08/83	JA: WV			
8331443		4700121642		103		DURNAL #1	VALLEY	14.5	CONSOLIDATED GAS
8331442		4709320054		103		PENNINGTON STATE UNIT #1	CANAAN VALLEY	70.0	BROOKLYN UNION GA
8331441		4709320056		103		RUTH ALLMAN UNIT #1	CANAAN VALLEY	275.0	BROOKLYN UNION GA
-BEREA OIL AND GAS CORPORATION				RECEIVED:	04/11/83	JA: WV			
8331465		4700121779		107-DV		L TENNEY #1	VALLEY DISTRICT	19.7	CONSOLIDATED GAS
8331466		4700121645		107-DV		WARE #1	VALLEY	24.0	CONSOLIDATED GAS
-BISON INC				RECEIVED:	04/08/83	JA: WV			
8331457		4707301419		107-DV		ADAMS #1	ST MARYS	20.0	COLUMBIA GAS TRAN
8331459		4709500964		107-DV		HERMAN JEMISON #2	MIDDLEBOURNE	18.0	CARNEGIE NATURAL
8331458		4709500965		107-DV		RUSSELL JEMISON #1	MIDDLEBOURNE	25.0	CARNEGIE NATURAL
-BOW VALLEY PETROLEUM INC				RECEIVED:	04/08/83	JA: WV			
8331420		4710500948		103		MCCAULEY 972	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8331419		4710500940		103		MCGEE #963	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8331417		4710500946		103		MCGEE #969	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8331418		4710500941		103		WELCH #964	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
-BURNS & ELIKAN DRILLING CO				RECEIVED:	04/08/83	JA: WV			
8331438		4702102930		108		LEON STUMP #2	CENTER	3.7	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED:	04/08/83	JA: WV			
8331452		4700501361		107-DV		BULL CREEK #10	PEYTONA	18.0	TENNESSEE GAS PIP
8331413		4701500997		108		E R MORRIS #1	PLEASANT	7.8	CABOT CORP
8331414		4701500993		108		HILL & LONG B-4	PLEASANT	11.5	CABOT CORP
8331412		4701500998		108		HILL & LONG B-5	PLEASANT	11.5	CABOT CORP
8331450		4709901757		107-DV		HOARD-BALDWIN #1	STONEWALL	18.0	TENNESSEE GAS PIP
8331451		4700501341		107-DV		LITTLE COAL LAND CO C-9	WASHINGTON	35.0	TENNESSEE GAS PIP
8331439		4701501022		108		MARK SIZEMORE #1	PLEASANT	9.3	CABOT CORP
-CARL L MILHOAN				RECEIVED:	04/08/83	JA: WV			
8331435		4703500867		103		J O BOGGS FARM #1	BELLEVILLE	2.2	GAS TRANSPORT INC
-CARSON PETROLEUM CORP				RECEIVED:	04/08/83	JA: WV			
8331447		4701702828		103		BROOKS GUM #2-B	ST CLAIR	4.0	COLUMBIA GAS TRAN
8331449		4701702931		103		KREEN #1	ST CLAIR	16.0	CONSOLIDATED GAS
8331448		4701702889		103		WYSONG #3	ST CLAIR	9.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	04/08/83	JA: WV			
8331416		4704103164		103		DANA S BLAKE 12764	COLLINS SETTLEMENT DI	68.0	GENERAL SYSTEM PU
8331415		4700101704		102-4		WILMA J LANTZ #12773	PHILLIPPI DISTRICT	18.0	GENERAL SYSTEM PU
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:	04/11/83	JA: WV			
8331479		4702103851		103		ASPINALL #2	GLENVILLE	0.0	COLUMBIA GAS TRAN
8331478		4702103851		107-DV		ASPINALL #2	GLENVILLE	200.0	COLUMBIA GAS TRAN
-FIVE STAR GAS CO				RECEIVED:	04/08/83	JA: WV			
8331425		4708703553		103		LLOYD LEE #1	LOONEYVILLE GAS FIELD	0.0	COLUMBIA GAS TRAN
-MAXINE MOATS GAS CO H-690				RECEIVED:	04/08/83	JA: WV			
8331408		4708504184		108		MAXINE MOATS H-690	GRANT DISTRICT	15.0	CONSOLIDATED GAS
-MERT DEVELOPMENT INC				RECEIVED:	04/08/83	JA: WV			
8331429		4700101667		103		BECKLER #1	COVE	25.0	CONSOLIDATED GAS
8331428		4700101674		103		BECKLER #2	COVE DISTRICT	50.0	CONSOLIDATED GAS
8331426		4700101624		103		CARR #4	GLADE	30.0	COLUMBIA GAS TRAN
8331430		4703302709		103		COCHRAN #1	TENMILE DISTRICT	25.0	PENNZOIL CO
8331427		4700701726		103		LLOYD #2	OTTER DISTRICT	23.0	COLUMBIA GAS TRAN
8331431		4700101666		103		SUDER #1	VALLEY DISTRICT	40.0	PETRO-LEWIS CORP
8331432		4700101756		103		SUDER #3	VALLEY DISTRICT	45.0	PETRO-LEWIS CORP
-MOUNTAINEER 1979-B				RECEIVED:	04/08/83	JA: WV			
8331410		4700701488		108		E W GUMP HEIRS H-951	BIRCH DISTRICT	18.0	COLUMBIA GAS TRAN
-PARK HEIRS GAS CO				RECEIVED:	04/08/83	JA: WV			
8331409		4708504145		108		PARKS HEIRS H-672	MURPHY DISTRICT	8.0	CONSOLIDATED GAS
-PETRO-LEWIS CORPORATION				RECEIVED:	04/08/83	JA: WV			
8331436		4709701197		103		SHIPMAN #1 C H	WASHINGTON DISTRICT	8.0	COLUMBIA GAS TRAN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/08/83	JA: WV			
8331437		4706100303		108		PERRY A #1	SOUTH BURNS CHAPEL	17.0	CONSOLIDATED GAS
-PRENCO				RECEIVED:	04/08/83	JA: WV			
8331421		4707301407		103		POWELL HRS #1 - SER #3	BRUSHY FORK	15.0	CONSOLIDATED GAS
-R & B PETROLEUM INC				RECEIVED:	04/08/83	JA: WV			
8331456		4708300235		107-DV		MORRIS #1	ROARING CREEK	36.0	COLUMBIA GAS TRAN
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	04/08/83	JA: WV			
8331453		4705900958		107-DV		C-3	HARDEE	35.0	COLUMBIA GAS TRAN
-SWIFT ENERGY CO				RECEIVED:	04/08/83	JA: WV			
8331440		4702103819		103		CLARK #1	GLENVILLE NORTH	50.0	
-UNION DRILLING INC				RECEIVED:	04/08/83	JA: WV			
8331433		4709702415		102-3		L F SIMONS #2 (1770)	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8331424		4709702435		103		LUCILE W HEARNS AGENT #1 1561	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8331423		4709702433		103		WILSON-HYER #1 1563	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
-UNITED PETRO LTD				RECEIVED:	04/08/83	JA: WV			
8331422		4701303323		103		HOWARD DYE #1	MINNORA GAS	7.0	CONSOLIDATED GAS
-W C HURTT DRILLING CO				RECEIVED:	04/08/83	JA: WV			
8331455		4704302307		107-DV		R B DAVIDSON #3	FALLS CREEK - BRANCHL	15.0	COLUMBIA GAS TRAN
-WAYMAN W BUCHANAN				RECEIVED:	04/11/83	JA: WV			
8331469		4708505290		107-DV		BOSTON #1	GRANT	0.0	CONSOLIDATED GAS
8331467		4708505337		107-DV		CHANCELLOR #1	GRANT	0.0	CONSOLIDATED GAS
8331468		4708505298		107-DV		WHITE #1	GRANT	0.0	CONSOLIDATED GAS

[FR Doc. 83-11996 Filed 5-4-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 885]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 29, 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 15 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)
Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease.
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS VOLUME 885
ISSUED APRIL 29, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
**********									
TEXAS RAILROAD COMMISSION									
**********									
-ABCO ENERGY CORP				RECEIVED:	04/11/83	JA: TX			
8331587	F-7C-063837	4210533780		103	107-TF	PIE PIERCE-WINCHESTER "A" #1-81	HUDSPETH (CANYON)	33.1	TEXAS INTRA-MARK
8331628	F-7C-064966	4210533778		103	107-TF	PIE PIERCE-WINCHESTER "A" #3-81	HUDSPETH (CANYON)	38.9	TEXAS INTRA-MARK
8331627	F-7C-064965	4210533781		103	107-TF	PIE PIERCE-WINCHESTER "A" #6-81	HUDSPETH (CANYON)	22.7	TEXAS INTRA-MARK
-AKERS AND FULTZ INC				RECEIVED:	04/11/83	JA: TX			
8331611	F-09-064478	4223700000		108		ROY CHERRYHOMES C WELL #13	JACK COUNTY REGULAR	5.8	CITIES SERVICE CO
8331609	F-09-064472	4223700000		108		ROY CHERRYHOMES C WELL #3	JACK COUNTY REGULAR	7.0	CITIES SERVICE CO
8331610	F-09-064474	4223700000		108		ROY CHERRYHOMES C WELL #8	JACK COUNTY REGULAR	9.5	CITIES SERVICE CO
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	04/11/83	JA: TX			
8331593	F-09-064028	4218130897		102-4		MARY #1	W F CHAFFIN SURVEY A-	0.0	LONE STAR GAS CO
8331579	F-09-063235	4218130897		103		MARY #1	W F CHAFFIN SURVEY A-	0.0	LONE STAR GAS CO
8331605	F-09-064385	4218130921		102-4	103	MYRON #1	W H SHEARIN SURVEY A-	0.0	LONE STAR GAS CO
8331592	F-09-064027	4218130895		102-4		O F K #1-U	HENRY KEITH SURVEY A-	0.0	LONE STAR GAS CO
-AMOCO PRODUCTION CO				RECEIVED:	04/11/83	JA: TX			
8331638	F-03-065087	4204130845		102-2		FRANK L PATRANELLA UNIT A #2	BRYAN (WOODBINE)	100.0	FERGUSON CROSSING
8331698	F-7C-065577	4245131095		103		HOBLIT-JACOBS RANCH CO "A" #16	H-J (STRAWN)	0.1	ARCO OIL & GAS CO
8331728	F-08-065698	4249531547		103		IDA HENDRICK T-88GX #7	HENDERSON YATES/SEVEN	0.2	CABOT PIPELINE CO
8331729	F-8A-065699	4221933677		103		M R BARRY #10	SLAUGHTER	0.0	EL PASO NATURAL G
8331667	F-05-065512	4229330577		102-4	107-TF	NELSON REYNOLDS #1	POKEY E/COTTON VALLEY	3.7	LONE STAR GAS CO
8331625	F-10-064903	4242130242		108		W N PRICE #2	TEXAS - HUGOTON	13.9	PHILLIPS PETROLEU.
-BILL FORNEY INC				RECEIVED:	04/11/83	JA: TX			
8331578	F-02-063186	4229731876		102-4		ERWIN HOLLE ET AL UNIT I WELL #1	HOUDMAN (PETTUS "B")	10.0	TRANSCONTINENTAL
-BONRAY ENERGY CORP				RECEIVED:	04/11/83	JA: TX			
8331574	F-08-062804	4222732907		103		READ 20-2	COAHOMA N (FUSSEL)	0.0	GETTY OIL CO
-BRACKEN EXPLORATION CO				RECEIVED:	04/11/83	JA: TX			
8331511	F-10-030376	4221131254		107-DP		FILLINGIM #1-20	BUFFALO WALLOW DEEP	365.0	TENNESSEE GAS PIP
-BRONCO ENERGY				RECEIVED:	04/11/83	JA: TX			
8331591	F-03-063914	4218530331		102-4		A M JAMES #1	IOLA (SUB-CLARKSVILLE	0.0	PRODUCERS GAS CO
-BTA OIL PRODUCERS				RECEIVED:	04/11/83	JA: TX			
8331647	F-7C-065196	4238332411		103		COATES #9	SPRABERRY (TREND AREA	22.0	EL PASO NATURAL G
8331626	F-7C-064958	4238332420		103		JACKSON "B" #16	SPRABERRY (TREND AREA	22.0	EL PASO NATURAL G
8331648	F-7C-065199	4238332422		103		JACKSON "B" #19	SPRABERRY (TREND AREA	22.0	EL PASO NATURAL G
-CENERGY EXPLORATION CO				RECEIVED:	04/11/83	JA: TX			
8331555	F-03-06109	4270830223		102-4		STATE TRACT 10-L SW/4 #3	HIGH ISLAND BLOCK 10-	0.0	TRANSCONTINENTAL
-CHAPMAN EXPLORATION INC				RECEIVED:	04/11/83	JA: TX			
8331535	F-09-059261	4223733866		103		CHERRYHOMES "M" #1	LUNA-MAG (BEND CONGLO	60.0	LONE STAR GAS CO
-CHEVRON U S A INC				RECEIVED:	04/11/83	JA: TX			
8331525	F-04-055868	4250531390		103	107-TF	STANLEY G MARSHALL #3	J C MARTIN (LOBO)	1095.0	
-CLAYTON W WILLIAMS JR				RECEIVED:	04/11/83	JA: TX			
8331560	F-03-061303	4205100000		102-2		JOSEPHINE #1	GIDDINGS AUSTIN CHALK	0.0	VALERO TRANSMISSI
-CONOCO INC				RECEIVED:	04/11/83	JA: TX			
8331731	F-10-065707	4206500000		108		BURNETT #74A	PANHANDLE WEST	21.0	NORTHWEST CENTRAL
8331730	F-10-065706	4206500000		108		BURNETT #83A	PANHANDLE WEST	21.0	NORTHWEST CENTRAL
8331732	F-10-065709	4206500000		108		BURNETT NO 41A	PANHANDLE WEST	19.0	NORTHWEST CENTRAL
8331612	F-04-064503	4247933385		103		CARLOS BENAVIDES B #3	PICOSO (WILCOX 11,800	365.0	HOUSTON PIPELINE
8331537	F-04-060328	4247933385		102-4		CARLOS BENAVIDES B #3	PICOSO (WILCOX 11,800	365.0	HOUSTON PIPELINE

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CORPENING ENTERPRISES				RECEIVED:	04/11/83	JA: TX			
8331666	F-09-065504	4223700000		108		MADEWELL #1	JACK COUNTY REGULAR (	7.0	TEXAS UTILITIES F
8331665	F-7B-065502	4236730886		108		RISCKY #2	TOTO (CADDO CONGLOMER	7.0	TEXAS UTILITIES F
-CROWN PRODUCTION CO				RECEIVED:	04/11/83	JA: TX			
8331538	F-01-060436	4216332180		103		RIGGS "C" 4	PEARSALL (AUSTIN CHAL	22.0	TIPPERARY CORP
-D & J OPERATING INC				RECEIVED:	04/11/83	JA: TX			
8331599	F-7C-064115	4239931869		102-4		ALFON JANSA #2 RRC #08802	JANSA (GARDNER)	80.0	UNION TEXAS PETRO
8331600	F-7C-064116	4239932485		102-4		ALFON JANSA #3 RRC #08802	JANSA (GARDNER)	85.0	UNION TEXAS PETRO
8331597	F-7C-064113	4239932099		102-4		ALFON JANSA "A" RCC #09473	JANSA (GARDNER)	290.0	UNION TEXAS PETRO
8331598	F-7C-064114	4239932531		102-4		ALFON JANSA "A" RRC #09473	JANSA (GARDNER)	75.0	UNION TEXAS PETRO
-DELBERT L BORDERS INC				RECEIVED:	04/11/83	JA: TX			
8331614	F-09-064519	4207700000		103		PHILLIPS #1	RATCLIFF (STRAWN 4575	5.5	FAGADAU ENERGY CO
-DELTA DRILLING CO				RECEIVED:	04/11/83	JA: TX			
8331517	F-06-051606	4242300000		102-4	103	SALLIE YANCY #1	CHAPEL HILL (TRAVIS P	0.0	ETEXAS PRODUCERS
8331512	F-06-043154	4242300000		102-4	103	WILLIAMS #1	CHAPEL HILL (TRAVIS P	0.0	TEXAS PRODUCERS G
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	04/11/83	JA: TX			
8331754	F-10-065757	4235700000		108		CARL ELLIS "F" #2	ELLIS RANCH	0.0	NATURAL GAS PIPEL
-DOMING OIL CO INC				RECEIVED:	04/11/83	JA: TX			
8331651	F-7B-065280	4208300000		108		IRENE WELLS #1 ID #018251	SANTA ANNA (MARBLE FA	3.0	LONE STAR GAS CO
8331659	F-7B-065378	4208300000		108		SMITH HOWARD #2 RRC #102805	SANTA ANNA (MARBLE FA	0.0	LONE STAR GAS CO
-DORAN ENERGY CORP				RECEIVED:	04/11/83	JA: TX			
8331544	F-04-060700	4224931607		103		PETERS #1	ORANGE GROVE (2950)	55.0	VALERO TRANSMISSI
-DORCHESTER GAS PRODUCING CO				RECEIVED:	04/11/83	JA: TX			
8331703	F-10-065591	4217900000		108		BELL #1 (024327)	PANHANDLE WEST	20.0	NORTHERN NATURAL
8331702	F-10-065590	4217900000		108		BELL #3 (024329)	PANHANDLE WEST	20.0	NORTHERN NATURAL
8331699	F-10-065587	4217900000		108		FRASHIER #1 (024349)	PANHANDLE WEST	20.0	NORTHERN NATURAL
8331700	F-10-065588	4206500000		108		KALKA #1 (024359)	PANHANDLE WEST	12.0	NORTHERN NATURAL
8331701	F-10-065589	4206500000		108		MCCONNELL #5 (024368)	PANHANDLE WEST	20.0	NORTHERN NATURAL
-E B HAILEY OPERATIONS INC				RECEIVED:	04/11/83	JA: TX			
8331585	F-04-063597	4224900000		102-4		W R ANDERSON TR GONZALES HEIRS #1	MILLER AND FOX (5210)	157.0	UNITED GAS PIPELI
-EASTLAND OIL CO				RECEIVED:	04/11/83	JA: TX			
8331637	F-08-065077	4238931132		103		H & M #1	KEN REGAN (DELAWARE)	7.0	UNITED TEXAS TRAN
8331636	F-08-065076	4238931163		103		H & M "B" #2	KEN REGAN (DELAWARE)	7.0	UNITED TEXAS TRAN
8331635	F-08-065075	4238931185		103		H & M "B" #3	KEN REGAN (DELAWARE)	2.0	UNITED TEXAS TRAN
8331634	F-08-065074	4238931220		103		H & M "B" #4	KEN REGAN (DELAWARE)	4.0	UNITED TEXAS TRAN
8331632	F-08-065037	4238931261		103		H & M "B" #5	KEN REGAN (DELAWARE)	100.0	UNITED TEXAS TRAN
8331633	F-08-065073	4238931305		103		H & M "B" #6	KEN REGAN (DELAWARE)	110.0	UNITED TEXAS TRAN
-EDEN EXPLORATION INC				RECEIVED:	04/11/83	JA: TX			
8331661	F-7B-065431	4236732360		102-2		ANDIE HARRISON "A" #1 103522	DENNIS WEST (STRAWN)	75.0	PARKER GAS INC
8331662	F-7B-065432	4236732369		102-2		J J WRIGHT #2 103521	DENNIS WEST (STRAWN)	125.0	PARKER GAS INC
-EDWIN L & BERRY R COX				RECEIVED:	04/11/83	JA: TX			
8331718	F-04-065675	4247933378		102-4		EL GATITA #1	MUJERES CREEK	365.0	TRANSCONTINENTAL
8331713	F-04-065669	4247933150		102-4		OLMITOS RANCH #1	MUJERES CREEK	730.0	EL PASO NATURAL G
8331714	F-04-065670	4247933239		102-4		OLMITOS RANCH #2	MUJERES CREEK	700.0	EL PASO NATURAL G
8331715	F-04-065671	4247933295		102-4		OLMITOS RANCH #3	MUJERES CREEK	360.0	EL PASO NATURAL G
8331716	F-04-065672	4247933461		102-4		OLMITOS RANCH #4	MUJERES CREEK	500.0	EL PASO NATURAL G
8331577	F-04-063097	4247933461		103	107-TF	OLMITOS RANCH #4	MUJERES CREEK (LOBO 6	500.0	EL PASO NATURAL G
8331717	F-04-065673	4247933403		102-4		OLMITOS RANCH #5	MUJERES CREEK	360.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	04/11/83	JA: TX			
8331669	F-01-065515	4217926644		108		MCKINNON #4	PANHANDLE EAST	13.0	EL PASO NATURAL G
8331528	F-10-057621	4208730165		108		WISCHKAEMPER I #1	PANHANDLE - EAST	25.8	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED:	04/11/83	JA: TX			
8331660	F-7C-065404	4223530791		108		ELA C SUGG 67 #1	SPRABERRY (TREND AREA	6.1	INTERNORTH INC
-ENRE CORP				RECEIVED:	04/11/83	JA: TX			
8331786	F-7B-065828	4205933325		102-4		JANE CLINTON #2 (17504)	SCRANTON NW (DUFFER)	8.0	BENGAL GAS TRANSM
8331785	F-7B-065826	4205933488		102-4		JOHNSON #2 (17624)	SCRANTON NW (DUFFER)	6.0	BENGAL GAS TRANSM
8331784	F-7B-065825	4213333543		102-4		MARIE COTE A-1 #1 (18870)	TEE JAY (3900)	14.0	BENGAL GAS TRANSM
8331787	F-7B-065830	4213334231		102-4		MITCHAM "G" #7 (16301)	D R S (CONGL)	34.0	BENGAL GAS TRANSM
8331782	F-7B-065822	4213334387		102-4		MITCHAM ESTATE "H" #3 (18195)	D R S (CONGL)	37.0	BENGAL GAS TRANSM
8331783	F-7B-065824	4213334386		102-4		ROY PIPPEN #1 (19112)	D R S SE (CONGL)	105.0	BENGAL GAS TRANSM
-ENRICH OIL CORPORATION				RECEIVED:	04/11/83	JA: TX			
8331710	F-7C-065636	4239932534		102-4		TOM POE #1 (009755)	WINTERS W (GARDNER SD	88.0	UNION TEXAS PETRO
-ENSERCH EXPLORATION INC				RECEIVED:	04/11/83	JA: TX			
8331688	F-06-065545	4218300000		108		L D KELLY #1	WILLOW SPRINGS	18.0	WESTERN GAS CORP
8331545	F-06-060763	4220300000		103		LEDBETTER JONES #3	WHELAN	456.0	TEXAS EASTERN TRA
-EXXON CORPORATION				RECEIVED:	04/11/83	JA: TX			
8331780	F-04-065819	4204730808		102-4		D J SULLIVAN "B" 46 (10013)	PITA (C-10,E, SEG II)	8.0	TENNESSEE GAS PIP
8331694	F-04-065559	4235531402		102-4		K R CHILTIPIN 68 (103364)	ARNOLD-DAVID (L-20)	1.0	ARMCO STEEL CORP
8331742	F-04-065740	4227331723		103		KING RANCH ALAZAN 390 (103504)	MADERO E (J-92)	548.0	ARMCO STEEL CORP
8331740	F-04-065738	4227331626		102-0		KING RANCH BORREGOS 566 (103362)	BORREGOS (P-6 NE)	703.0	ARMCO STEEL CORP
8331739	F-04-065737	4227331703		102-4		KING RANCH BORREGOS 582 (103365)	BORREGOS (R-19 NW)	807.0	ARMCO STEEL CORP
8331738	F-04-065736	4227331702		102-4		KING RANCH BORREGOS 583-D (103361)	BORREGOS (R-9 S)	1278.0	ARMCO STEEL CORP
8331741	F-04-065739	4227331721		103		KING RANCH VISNAGA 25 (10162)	YEARY (I-89 E)	130.0	ARMCO STEEL CORP
8331781	F-04-065820	4224700000		108		MARCOS JUAREZ 5 (080636)	KELSEY DEEP (21-X WES	3.0	TRUNKLINE GAS CO
8331559	F-05-061285	4246700000		108		R S BLAKE #1	VAN	0.0	UNITED GAS PIPELI
8331646	F-8A-065194	4216532469		103		ROBERTSON CLEARFORK UNIT #4203	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8331615	F-8A-064527	4216532386		103		ROBERTSON CLEARFORK UNIT #6103	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8331558	F-03-061190	4208931329		103		SADIE H SHAVER #1	SOUTH DUBINA (9080)	146.0	UNITED GAS PIPELI
8331743	F-04-065741	4226130755		103		SANTA FE RANCH-MULA PAST 37 103656	STILLMAN (SHALLOW)	258.0	ARMCO STEEL CORP
8331548	F-03-060827	4208931304		103		SOUTH DUBINA OIL UNIT 4 #1	DUBINA SOUTH (9080)	70.0	UNITED GAS PIPELI
8331649	F-08-065215	4249531538		103		YARBROUGH & ALLEN #98	ARENOSO (STRAWN DETRI	26.0	
-F C STICKNEY INC				RECEIVED:	04/11/83	JA: TX			
8331753	F-08-065753	4217300000		108		HUBBARD #1	SPRABERRY (TREND AREA	8.3	PHILLIPS PETROLEU
-FIRST DALLAS PETROLEUM INC				RECEIVED:	04/11/83	JA: TX			
8331546	F-7B-060790	4219330231		108		PAT DISCHER #1	POTTSVILLE	0.0	LONE STAR GAS CO
-FORTUNE PRODUCTION CO				RECEIVED:	04/11/83	JA: TX			
8331720	F-7C-065683	4223532053		103		MURPHEY "1221" #6	CAL SOUTH (CANYON)	62.0	FARMLAND INDUSTRI
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED:	04/11/83	JA: TX			
8331619	F-08-064618	4210333055		103		CENTRAL DUEN SAN ANDRES #907	DUNE	0.0	WARREN PETROLEUM
8331601	F-08-064185	4210333054		103		CENTRAL DUNE #3022	DUNE	0.0	WARREN PETROLEUM
-GETTY OIL COMPANY				RECEIVED:	04/11/83	JA: TX			
8331516	F-06-049925	4236500000		103	107-TF	SHIVERS UNIT #4	CARTHAGE COTTON VALLE	0.0	UNITED GAS PIPELI
8331788	F-06-065844	4236500000		108		WERNER "E" #1	CARTHAGE (U PETTIT)	18.0	TEXAS GAS TRANSMI
8331789	F-06-065845	4236500000		108		WERNER-LEFOY #1	CARTHAGE (U PETTIT)	360.0	TEXAS GAS TRANSMI
8331737	F-8A-065733	4207900000		103		XIT UNIT #178-X	LEVELLAND SAN ANDRES	2.5	CITIES SERVICE CO
-GHR ENERGY CORP				RECEIVED:	04/11/83	JA: TX			
8331534	F-04-059110	4247933309		102-4	107-TF	B M T #13	LA ROSITA (11,600)	400.0	VALERO TRANSMISSI
8331562	F-04-061447	4247933055		102-4	107-TF	NORDAN TRUST #1 #103184	NORDAN (LOBO)	73.0	TRANSCONTINENTAL
8331606	F-04-064414	4247933457		102-4	107-TF	YATES #3	VAQUILLAS RANCH (WILC	700.0	NATURAL GAS PIPEL
-GRACE PETROLEUM CORPORATION				RECEIVED:	04/11/83	JA: TX			
8331719	F-06-065682	4241930316		103		C H BEARD #1	GARRISON (PETTIT LO)	0.0	UNITED GAS PIPELI
-GULF OIL CORPORATION				RECEIVED:	04/11/83	JA: TX			
8331757	F-09-065768	4249732478		103		I G YATES #19	BOONSVILLE (CADDO CON	7.7	NATURAL GAS PIPEL
8331549	F-10-060849	4239330923		102-4		MARIAN OSBORNE #5-26	RED DEER	572.0	TRANSWESTERN PIPE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8331733	F-10-065710	4239330923		102-4		OSBORNE #3-36	RED DEER (WOLFCAMP LI	850.0	TRANSWESTERN PIPE
8331755	F-03-065761	4204130524		102-2		RICHARD SMITH UNIT II #1	KURTEN (WOODBINE)	16.0	PRODUCER'S GAS CO
8331686	F-03-065540	4204130471		102-2		RICHARD SMITH UNIT 1 #1	KURTEN (BUDA)	56.9	
8331759	F-7C-065770	4210534177		103		STATE "WP" #4	AMIGO (SAN ANDRES)	21.7	NORTHERN NATURAL
8331758	F-7C-065769	4210534193		103		STATE "YP" #2	FARMER (SAN ANDRES)	30.0	J L DAVIS
8331696	F-10-065570	4221130916		108		W CAMPBELL #3-56	RED DEER CREEK/MORROW	16.0	TRANSWESTERN PIPE
-HENDERSON CLAY PRODUCTS INC				RECEIVED:	04/11/83	JA: TX			
8331581	F-06-063412	4240131551		102-3	107-TF	ALICE CHRISTIAN ESTATE WELL #2	HENDERSON N (COTTON V	750.0	B & A PIPE LINE C
-HIGHLAND RESOURCES INC				RECEIVED:	04/11/83	JA: TX			
8331576	F-04-062917	4235532019		102-4	103	STATE TRACT 18 #1	CORPUS CHANNEL EAST (	65.7	HOUSTON PIPE LINE
8331539	F-04-060481	4235531780		102-4	103	STATE TRACT 20 WELL #2		100.0	HOUSTON PIPE LINE
-HILL JOHN H				RECEIVED:	04/11/83	JA: TX			
8331550	F-7C-060875	4243532698		103	107-TF	HILL-MAY M RAY "A-1"	ALDWELL RANCH (CANYON	55.5	LONE STAR GAS CO
-HNG OIL COMPANY				RECEIVED:	04/11/83	JA: TX			
8331552	F-7C-060955	4243500000		103	107-TF	FIELDS "17" #5	SAWYER (CANYON)	100.0	INTRATEX GAS CO
8331563	F-04-061558	4247900000		102-2	103	HIRSCH ESTATE "2094" #1	EL GATO (HIRSCH 8480)	0.0	HOUSTON PIPELINE
8331563	F-04-061558	4247900000		107-TF		HIRSCH ESTATE "2094" #1	EL GATO (HIRSCH 8480)	0.0	HOUSTON PIPELINE
-HOUSTON OIL & GAS CO INC				RECEIVED:	04/11/83	JA: TX			
8331652	F-03-065299	4248100000		108		STEHNO-TUCKER #1 081399	MENEFEE (FRIO 4500)	20.5	NATURAL GAS PIPEL
-HUFFCO PETROLEUM CORP				RECEIVED:	04/11/83	JA: TX			
8331532	F-04-058431	4213135854		102-4	103	T W HORN #1	EAST 7-6	180.0	TECO PIPELINE COR
-HUMBLE EXPLORATION CO INC				RECEIVED:	04/11/83	JA: TX			
8331630	F-03-065012	4228731307		102-2	103	JUNO #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-INTEGRATED ENERGY INC				RECEIVED:	04/11/83	JA: TX			
8331582	F-08-063485	4237132476		103		COATES 64 #1	COATES (STRAWN)	10.9	
-INTERNATIONAL OIL & GAS CORP				RECEIVED:	04/11/83	JA: TX			
8331553	F-7C-061042	4210533981		102-4		L B COX "B" #3	DUDLEY EAST (DEVONIAN	0.0	INTRASTATE GATHER
-J J JOHNSON CO				RECEIVED:	04/11/83	JA: TX			
8331644	F-7B-065120	4208333320		102-4		ROBERT S SEE-FEE #1	TRICKHAM (CROSSCUT)	37.0	LONE STAR GAS CO
-JAH INC				RECEIVED:	04/11/83	JA: TX			
8331565	F-02-061873	4246931902		103		C K MCCAN #2	WELDER RANCH (5300)	100.0	
-JAMES K ANDERSON INC				RECEIVED:	04/11/83	JA: TX			
8331658	F-7C-065367	4239931941		102-4		MICHAELIS UNIT #1	FRITZESS (GRAY SAND)	200.0	LONE STAR GAS CO
8331620	F-7C-064753	4239932555		103		MICHAELIS-CRAIG UNIT #1	ANDERGRAM (PALO PINTO	300.0	UNION TEXAS PETRO
-JAY-LIN ENTERPRISES INC				RECEIVED:	04/11/83	JA: TX			
8331618	F-02-064565	4217531687		103		RENFRO #1	BOMBA (YEGUA 2ND)	50.0	HOUSTON PIPELINE
-K-B EXPLORATION CO				RECEIVED:	04/11/83	JA: TX			
8331595	F-03-064055	4248132352		102-4		LANIER FORGASON #1	WEST SPANISH CAMP	300.0	ESPERANZA TRANSMI
-KTX MANAGEMENT CO				RECEIVED:	04/11/83	JA: TX			
8331588	F-02-063871	4246900000		102-4		R S WILLIAMS #4 (ID NOT ASSIGNED)	ANAQUA (5600 FRIO) (P	50.0	NATURAL GAS PIPEL
-KAARI OIL CO				RECEIVED:	04/11/83	JA: TX			
8331711	F-10-065641	4206531314		103		HAIDUK "C" #2-14 (ID #05296)	PANHANDLE CARSON	50.0	GETTY OIL CO
-KEN PETROLEUM CORP				RECEIVED:	04/11/83	JA: TX			
8331556	F-02-061140	4217500000		107-PE		PITTMAN #1	WEST GOLIAD (2650')	11.5	DELHI GAS PIPELIN
-L & M OIL CO				RECEIVED:	04/11/83	JA: TX			
8331514	F-09-048332	4223733937		102-4	103	MCCLURE #1	JACKSBORO E (CONGLOME	183.0	LONE STAR GAS CO
-L M YOUNG				RECEIVED:	04/11/83	JA: TX			
8331668	F-7B-065514	4204916368		102-4		YOUNG-BERG #8 (14583)	DALE (CADDO)	20.0	SIOUX PIPELINE CO
-LAMBERT HOLLUB DRILLING CO				RECEIVED:	04/11/83	JA: TX			
8331622	F-03-064777	4205132379		103		BALLSINGER #2	HOOKER CREEK (NAVARRO	0.3	
-LANDMARK EXPLORATION INC				RECEIVED:	04/11/83	JA: TX			
8331518	F-03-051668	4205100000		102-2		JACKSON BLAKE #1	CALDWELL (AUSTIN CHAL	0.0	FERGUSON CROSSING
-LECLAIR OPERATING CO INC				RECEIVED:	04/11/83	JA: TX			
8331670	F-7B-065516	4205933930		102-4		WINDHAM #3	LAURA MAE HILL (ELLEN	550.0	
-LEONARD BROTHERS OPERATING CO				RECEIVED:	04/11/83	JA: TX			
8331692	F-7B-065551	4213333344		102-4		KINCAID #1 (17832)	REBECCA (MARBLE FALLS	11.0	LONE STAR GAS CO
8331691	F-7B-065550	4213333331		102-4		KINCAID "A" #1 (17833)	REBECCA (MARBLE FALLS	14.0	LONE STAR GAS CO
-LEWIS B BURLESON				RECEIVED:	04/11/83	JA: TX			
8331712	F-08-065650	4237134092		103		PUCKETT #4	BELDING (YATES)	40.0	APACHE GAS CORP
-LHG RESOURCES INC				RECEIVED:	04/11/83	JA: TX			
8331568	F-7C-062000	4241331207		103	107-TF	W O ENOCHS #1 ID 102303	ELDORADO (CANYON)	182.5	PRODUCER'S GAS CO
-LYLES ENERGY INC				RECEIVED:	04/11/83	JA: TX			
8331631	F-7B-065032	4213331671		103		WILSON #1 (15196)	FOSTER (MARBLE FALLS)	30.0	EL PASO HYDROCARB
-MAGNET OIL INC				RECEIVED:	04/11/83	JA: TX			
8331760	F-10-065777	4206500000		103		REINART #1	PANHANDLE	91.1	GETTY OIL CO
-MAGNUM RESOURCES INC				RECEIVED:	04/11/83	JA: TX			
8331540	F-09-060552	4250335023		103		RAMSOURS "D" #1 RRC #096128	BOROCK (MARBLE FALLS)	25.0	SUN GAS GATHERING
-MALOUF ABRAHAM CO INC.				RECEIVED:	04/11/83	JA: TX			
8331654	F-10-065322	4221131528		103		DIXIE "A" #1	CANADIAN SW (MORROW U	0.0	WESTAR TRANSMISSI
-MAY PETROLEUM INC				RECEIVED:	04/11/83	JA: TX			
8331515	F-06-049174	4207330430		102-4		TRANSIER #1	LONE OAK (TRAVIS PEAK	36.5	
-MCR OIL CORP OF TEXAS				RECEIVED:	04/11/83	JA: TX			
8331522	F-10-054361	4221100000		108		MATHERS RANCH #1	MATHERS RANCH - HUNTO	20.0	ARKANSAS LOUISIAN
8331561	F-10-061334	4221131495		103		MATHERS RANCH #43	CANADIAN S E (DOUGLAS	150.0	ARKANSAS LOUISIAN
-MITCHELL ENERGY CORPORATION				RECEIVED:	04/11/83	JA: TX			
8331629	F-09-065000	4249700000		108		J E PARSONS #1 #031231	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	04/11/83	JA: TX			
8331554	F-04-061067	4224900000		108		C F H BLUCHER #33	TIJERINA-CANALES-BLUC	18.6	NATURAL GAS PIPEL
-MOORE MCCORMACK OIL & GAS CORP				RECEIVED:	04/11/83	JA: TX			
8331705	F-06-065594	4200131331		102-4		SKIPPER #1	TENNESSEE COLONY S W	180.0	CHAPARRAL GAS PIP
-MR OIL CO				RECEIVED:	04/11/83	JA: TX			
8331693	F-08-065553	4247532722		103		CONTINENTAL HAWKINS #12 #26066	PAYTON	5.0	WARREN PETROLEUM
8331734	F-08-065714	4247532724		103		JOHNSON -B- #12	WARD-ESTES NORTH	22.0	WESTERN COUNTIES
-N C GINTHER				RECEIVED:	04/11/83	JA: TX			
8331590	F-02-063873	4217500000		108		FLOWERS #1	SARCO CREEK WEST (420	0.0	TENNESSEE GAS PIP
8331589	F-02-063872	4217500000		108		HEARD #1	SARCO CREEK (4280)	0.0	TENNESSEE GAS PIP
-NEWPORT PETROLEUMS INC				RECEIVED:	04/11/83	JA: TX			
8331541	F-09-060580	4223700000		102-4		E C MYERS #1	LESTER	180.0	SOUTHWESTERN GAS
-NORTH AMERICAN ROYALTIES INC				RECEIVED:	04/11/83	JA: TX			
8331542	F-10-060610	4221131363		103		ANVIL PARK "A" #2-182 (101631)	CANADIAN SE (DOUGLAS)	343.0	WESTAR TRANSMISSI
-NORTHRIDGE OIL CO				RECEIVED:	04/11/83	JA: TX			
8331653	F-09-065307	4207732863		103		BORGHAN #1	BLUEGROVE CADDO	100.0	FAGADAU ENERGY CO
-NOW PETROLEUM CO				RECEIVED:	04/11/83	JA: TX			
8331690	F-7B-065549	4208331934		102-4		MILLER RANCH ONE "B" #1 ID #103331	DAY RANCH (GARDNER) F	70.0	STRIGINE GAS CO
8331689	F-7B-065547	4208332951		102-4		MILLER RANCH ONE "B" #4 102158	DAY RANCH (GARDNER) F	70.0	STRIGINE GAS CO
-PEND OREILLE OIL & GAS CO				RECEIVED:	04/11/83	JA: TX			
8331645	F-04-065162	4235531707		102-4		ST TR 94-1	DIMMITS ISLAND	1806.8	HOUSTON PIPELINE
-PENNZOIL PRODUCING COMPANY				RECEIVED:	04/11/83	JA: TX			
8331624	F-04-064840	4250531145		102-4		JENNINGS #43	JENNINGS W (800')	73.0	NATURAL GAS PIPEL
-PETER HENDERSON OIL CO				RECEIVED:	04/11/83	JA: TX			
8331613	F-7C-064506	4245131011		102-2	103	TARA TURNER #1	WILDCAT	172.8	ESPERANZA PIPELIN
8331723	F-7C-065691	4245131105		102-2	103	TARA TURNER #2	TURNER RANCH (6575')	108.0	ESPERANZA PIPELIN
-PETRO-LEWIS CORPORATION				RECEIVED:	04/11/83	JA: TX			
8331697	F-10-065575	4235700000		108		BANNER-GREGG #1	SHARE S E (MORROW LOW	164.5	TRANSWESTERN PIPE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8331527	F-10-057393	4248330994		107-DP		DEWOLF #2	KEY (MORROW UP)	900.0	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		04/11/83 JA: TX			
8331709	F-10-065599	4217900000		108		ANNIE #12	PANHANDLE GRAY	0.0	
8331749	F-08-065748	4200304542		108		GS ANDECTOR UNIT L-02 (21193)	GOLDSMITH (CLEAR FORK	7.0	EL PASO NATURAL G
8331533	F-10-058644	4217931222		103		HAL #2	HANNAS DRAW (DOUGLAS)	0.0	
8331663	F-10-065479	4242100000		108		JASPER A #1	STRATFORD - CISCO LIM	0.0	DIAMOND SHAMROCK
8331707	F-10-065597	4217900000		108		KEAHEY A #1	PANHANDLE GRAY	0.0	
8331706	F-10-065596	4217900000		108		MCCRACKEN #2	PANHANDLE GRAY	0.0	
8331750	F-08-065749	4213504592		108		SLAT #3 (07002)	TXL (SILURIAN)	1.0	SHELL OIL CO
8331708	F-10-065598	4235700000		108		SWINK D #3	HORIZON - CLEVELAND	0.0	
8331751	F-08-065750	4238931257		103		TXL U #4	TUNSTILL	8.0	
8331752	F-7C-065751	4233330327		108		WEATHERBY-B #3 (06286)	SPRABERRY (TREND AREA	4.0	INTRATEX GAS CO
8331664	F-10-065480	4223300000		108		YAKE G #8	PANHANDLE WEST	0.0	EL PASO NATURAL G
-PINEWOOD EXPLORATION INC				RECEIVED:		04/11/83 JA: TX			
8331531	F-06-057920	4236531513		102-4		HOLLAND #2	J G S (TRAVIS PK B)	150.0	NATURAL GAS PIPEL
-PONTOTOC OIL CORP				RECEIVED:		04/11/83 JA: TX			
8331520	F-7C-054072	4208100000		108		HILL & HARRIS 4-76	BLOODNORTH-S (5600' S	0.0	SUN EXPLORATION &
-PYRON EXPLORATION & DRILLING CORP				RECEIVED:		04/11/83 JA: TX			
8331523	F-09-055362	4250300000		102-4		PRIDEAUX #3	MARKLEY SOUTH MARBLE	182.5	SOUTHWESTERN GAS
-QUINTANA PETROLEUM CORP				RECEIVED:		04/11/83 JA: TX			
8331643	F-02-065114	4239131589		103		ANNIE REILLY ET VIR NO 17	TOM O CONNOR (5900' S	78.0	UNITED TEXAS TRAN
8331639	F-02-065109	4239131550		103		MAUDE WILLIAMS "A" D-120	TOM O CONNOR (5900' S	23.4	UNITED TEXAS TRAN
8331642	F-02-065113	4239131578		103		MRS FANNIE V W HEARD #101	TOM O CONNOR (5900' S	75.0	UNITED TEXAS TRAN
8331640	F-02-065110	4239131575		103		MRS FANNIE V W HEARD #93	TOM O CONNOR (5900' S	40.0	UNITED TEXAS TRAN
8331641	F-02-065111	4239131576		103		MRS FANNIE V W HEARD #99	TOM O CONNOR (5900' S	11.0	UNITED TEXAS TRAN
-R C SLACK				RECEIVED:		04/11/83 JA: TX			
8331672	F-08-065520	4249500000		108		SUN HALLEY #5	WEINER (COLBY SAND)	0.0	WEST TEXAS GATHER
-R K G ENGINEERING INC				RECEIVED:		04/11/83 JA: TX			
8331736	F-08-065730	4200300000		103		H J CRADDOCK LEASE #27454	SHAFTER LAKE (SAN AND	50.0	PHILLIPS PETROLEU
-RAINBOW RESOURCES INC				RECEIVED:		04/11/83 JA: TX			
8331529	F-06-057661	4240131448		102-4	103	BETTY GRAY ESTATE #1	LANEVILLE N E (TRAVIS	350.0	TEXAS UTILITIES F
-RICHEY & CO INC				RECEIVED:		04/11/83 JA: TX			
8331584	F-09-063585	4249732479		103		J L SULLIVAN #1	BOONSVILLE (BEND CONG	325.0	DELHI GAS PIPELIN
-RIDGE OIL CO				RECEIVED:		04/11/83 JA: TX			
8331557	F-7B-061145	4213334149		102-4	103	CHAMPAGNE UNIT #1	RANGER NW (MARBLE FAL	41.4	COMPRESSOR RENTAL
-ROBERT P LAMMERTS				RECEIVED:		04/11/83 JA: TX			
8331602	F-03-064189	4204100000		102-2		STELLY UNIT #1	KURTEN (GEORGETOWN)	0.0	FERGUSON CROSSING
-S K TUTHILL & B J BARBEE				RECEIVED:		04/11/83 JA: TX			
8331596	F-7C-064110	4223531999		102-4		WINTERBOTHAM "B" 3-3	BUTTES NORTH FIELD	109.0	NORTHERN NATURAL
-SAGE ENERGY CO				RECEIVED:		04/11/83 JA: TX			
8331526	F-03-056827	4214900000		102-2		CATLEIT #1 RRC #	GIDDINGS (EDWARDS GAS	0.0	PHILLIPS PETROLEU
8331580	F-03-063362	4214900000		102-2		LOOMIS #1 RRC #	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED:		04/11/83 JA: TX			
8331567	F-04-061995	4235500000		102-4		EDGAR RENKEN #1	MINNIE BOCK N (7900)	500.0	UNITED TEXAS TRAN
-SAXON OIL COMPANY				RECEIVED:		04/11/83 JA: TX			
8331572	F-08-062166	4231700000		103		GAY WADE "E" #1	BREEDLOVE EAST (SPRAB	0.0	PHILLIPS PETROLEU
8331571	F-08-062163	4231700000		103		KOEHLER #1	BREEDLOVE EAST (SPRAB	0.0	PHILLIPS PETROLEU
-SHAR-ALAN OIL CO				RECEIVED:		04/11/83 JA: TX			
8331573	F-03-062473	4231330387		102-4		JESSE HEINE #1	MADISONVILLE N E (GEO	0.0	LONE STAR GAS CO
-SHELL OIL CO				RECEIVED:		04/11/83 JA: TX			
8331790	F-08-065848	4213500000		108		EAST HARPER UNIT #324	HARPER	0.8	PHILLIPS PETROLEU
8331799	F-08-065857	4213500000		108		EAST HARPER UNIT #453	HARPER	0.8	PHILLIPS PETROLEU
8331791	F-8A-065749	4216500000		108		GAINES WASSON CLEARFORK UNIT #6502G	WASSON 72	12.3	SHELL OIL CO
8331792	F-8A-065850	4216500000		108		GAINES WASSON CLEARFORK UNIT #5510G	WASSON 72	1.7	SHELL OIL CO
8331794	F-8A-065852	4216500000		108		GAINES WASSON CLEARFORK UNIT #6606G	WASSON 72	9.7	SHELL OIL CO
8331793	F-8A-0658511	4216500000		108		GAINES WASSON CLEARFORK UNIT #6607G	WASSON 72	2.4	SHELL OIL CO
8331795	F-8A-065853	4216500000		108		GAINES WASSON CLEARFORK UNIT #6611G	WASSON 72	3.9	SHELL OIL CO
8331608	F-02-064425	4202531892		107-DP		ROESSLER GAS UNIT #2	PAWNEE (SLIGO)	300.0	LONE STAR GAS CO
8331800	F-08-065858	4213500000		108		TXL NORTH UNIT #425-L	TXL (TUBB)	8.1	SHELL OIL CO
8331798	F-8A-065856	4250100000		108		YOAKUM WASSON CLEARFORK UNIT #3601Y	WASSON 72	1.0	SHELL OIL CO
8331796	F-8A-065854	4250100000		108		YOAKUM WASSON CLEARFORK UNIT #3602Y	WASSON 72	4.0	SHELL OIL CO
8331797	F-8A-065855	4250100000		108		YOAKUM WASSON CLEARFORK UNIT #3806Y	WASSON 72	1.7	SHELL OIL CO
-SHORTES V M & MABEL F G				RECEIVED:		04/11/83 JA: TX			
8331671	F-7B-065518	4208300000		102-4		R M TOBIN #2	GRIEF (FRY)	30.0	EL PASO HYDROCARB
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		04/11/83 JA: TX			
8331747	F-8A-065745	4250100000		108		BENNETT RANCH UNIT #183	WASSON	0.7	SHELL OIL CO
8331745	F-03-065743	4232100000		108		BRAMAN "C" #21	SUGAR VALLEY N (HURLO	10.0	HOUSTON PIPELINE
8331748	F-08-065746	4213500000		108		FOSTER-JOHNSON UNIT #3-20	FOSTER	0.5	EL PASO HYDROCARB
8331746	F-02-065744	4239100000		108		J F B HEARD #5	GRETA (700)	17.0	UNITED TEXAS TRAN
8331763	F-09-065785	4227531234		102-4		JOHN P CALLAHAN #3	FANT	1.0	SUN GAS TRANSMISS
8331744	F-02-065742	4246900000		108		MCFADDIN "A" #20-G	MCFADDIN NORTH (5400-	5.0	UNITED GAS PIPELI
8331604	F-08-064310	4213533953		103		O B HOLT A/C-1 #23	COUDEN NORTH	13.0	AMOCO PRODUCTION
8331510	F-7C-025704	4238300000		108-ER		RUPERT P RICKER #1	SPRABERRY	0.0	EL PASO NATURAL G
8331704	F-8A-065592	4221900000		108		SOUTHEAST LEVELLAND UNIT #52A	LEVELLAND	5.0	AMOCO PRODUCTION
8331762	F-09-065784	4249700000		108		T D LESTER #1	BOONSVILLE (BEND CONG	10.0	NATURAL GAS PIPEL
8331530	F-08-057671	4233532168		103		V T MCCABE #43	JAMESON N (STRAWN GRE	119.0	LONE STAR GAS CO
-SUPERIOR OIL CO				RECEIVED:		04/11/83 JA: TX			
8331551	F-03-060925	4228731287		102-2	103	MARBURGER O & A #1	GIDDINGS (AUSTIN CHAL	0.0	
-TEMPLETON ENERGY INC				RECEIVED:		04/11/83 JA: TX			
8331617	F-04-064539	4224931529		102-4		FITZSIMMONS #3		110.0	VALERO TRANSMISSI
8331623	F-7B-064538	4250531448		102-4		SINGER #1		80.0	INTRASTATE GATHER
TENNECO OIL COMPANY				RECEIVED:		04/11/83 JA: TX			
8331524	F-08-055385	4230130283		107-DP		BRUNSON 48-2	BRUNSON RANCH	0.0	TENNESSEE GAS PIP
TEXACO INC				RECEIVED:		04/11/83 JA: TX			
8331774	F-08-065798	4213500000		108		ECTOR "A" FEE #1	DOUBLE H (GRAYBURG)	1.7	PHILLIPS PETROLEU
8331775	F-08-065799	4213500000		108		ECTOR "A" FEE #2	DOUBLE H (GRAYBURG)	1.0	PHILLIPS PETROLEU
8331779	F-08-065803	4213500000		108		ECTOR "A" FEE #4	DOUBLE H (GRAYBURG)	0.9	PHILLIPS PETROLEU
8331778	F-08-065802	4213500000		108		ECTOR "A" FEE #5	DOUBLE H (GRAYBURG)	1.8	PHILLIPS PETROLEU
8331777	F-065801	4213500000		108		ECTOR "A" FEE #6	DOUBLE H (GRAYBURG)	0.9	PHILLIPS PETROLEU
8331776	F-08-065800	4213500000		108		ECTOR "A" FEE #7	DOUBLE H (GRAYBURG)	0.9	PHILLIPS PETROLEU
8331773	F-08-065797	4213500000		108		ECTOR "C" FEE NCT-1 #2	MOSS (GRAYBURG)	4.5	WESTAR TRANSMISSI
8331725	F-08-065695	4213500000		108		ECTOR "Q" FEE #1	TXL (SAN ANDRES)	4.3	SHELL OIL CO
8331726	F-08-065696	4213500000		108		ECTOR "Q" FEE #3	TXL (SAN ANDRES)	4.2	SHELL OIL CO
8331767	F-08-065791	4213500000		108		ECTOR "T" FEE #10	HARPER	12.2	SHELL OIL CO
8331768	F-08-065792	4213500000		108		ECTOR "T" FEE #13	HARPER	0.4	SHELL OIL CO
8331769	F-08-065793	4213500000		108		ECTOR "T" FEE #14	HARPER	0.7	SHELL OIL CO
8331770	F-08-065794	4213500000		108		ECTOR "T" FEE #16	HARPER	0.5	SHELL OIL CO
8331771	F-08-065795	4213500000		108		ECTOR "T" FEE #17	HARPER	0.4	SHELL OIL CO
8331765	F-08-065789	4213500000		108		ECTOR "T" FEE #23	HARPER	0.5	SHELL OIL CO
8331764	F-08-065788	4213500000		108		ECTOR "T" FEE #30	HARPER	0.4	SHELL OIL CO
8331766	F-08-065790	4213500000		108		ECTOR "T" FEE #7	HARPER	0.5	SHELL OIL CO
8331761	F-08-065783	4213500000		108		ECTOR C FEE NCT-1 #5	MOSS (GRAYBURG)	2.8	WESTAR TRANSMISSI
8331724	F-08-065694	4213500000		108		ECTOR Q FEE #2	TXL (SAN ANDRES)	6.1	SHELL OIL CO
8331772	F-08-065796	4213500000		108		ECTOR T FEE #20	HARPER	1.4	SHELL OIL CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8331727	F-08-065697	4213500000		108		ECTOR T FEE #25	HARPER	0.4	SHELL OIL CO
8331570	F-08-062118	4217331347		102-4		GLASSCOCK "K" FEE #1	WILDCAT	0.0	
8331583	F-8A-063532	4250132270		103		ROBERTS UNIT # 4540	WASSON	0.0	SHELL OIL CO
8331586	F-8A-063822	4216532474		103		WHARTON UNIT #105	HARRIS	0.0	PHILLIPS PETROLEU
8331621	F-8A-064774	4216532488		103		WHARTON UNIT #107	HARRIS	0.0	PHILLIPS PETROLEU
-TEXAS CRUDE INC				RECEIVED:	04/11/83	JA: TX			
8331513	F-06-048190	4207330393		102-4		WHITEMAN DECKER GU #1 89883	WHITE OAK CREEK (TRAV	338.0	DELHI GAS PIPELIN
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	04/11/83	JA: TX			
8331519	F-03-053922	4205100000		102-2		WEICHERT #1	GIDDINGS (BUDA FORMAT	0.0	CLAJON GAS CO
-THE ANSCHUTZ CORPORATION				RECEIVED:	04/11/83	JA: TX			
8331575	F-08-062835	4249531505		102-4		WHEELER 16-22 (ID NOT YET ASSIGNED)	GPM (8200)	123.0	TRANSWESTERN PIPE
-THOMPSON J CLEO & JAMES CLEO JR				RECEIVED:	04/11/83	JA: TX			
8331566	F-7C-061976	4210532044		103	107-TF	BAILEY "A" #13	OZONA NE (CANYON 7520	100.0	PHILLIPS PETROLEU
-THROCKMORTON GAS SYSTEMS				RECEIVED:	04/11/83	JA: TX			
8331521	F-7B-054286	4244732936		102-2		PUTNAM "C" #19 (17929)	RICHARDS RANCH (MISSI	0.0	WARREN PETROLEUM
-TOM MCGEE CORP				RECEIVED:	04/11/83	JA: TX			
8331564	F-10-061563	4235731297		103		DICKINSON #1	PEERY (CLEVELAND)	365.0	DIAMOND SHAMROCK
-TOWNSEND CO				RECEIVED:	04/11/83	JA: TX			
8331594	F-7C-064037	4229900000		102-4		DICKINSON #3 (103221)	BALLINGER WEST (JENNI	183.0	LONE STAR GAS CO
-TUCKER DRILLING COMPANY INC				RECEIVED:	04/11/83	JA: TX			
8331695	F-7C-065569	4223532008		103		LINDLEY "40" #5	ROCK PEN (CANYON)	90.0	NORTHERN NATURAL
-TXO PRODUCTION CORP				RECEIVED:	04/11/83	JA: TX			
8331543	F-03-060683	4248132330		102-4		FENNAR E-3	GOLDENROD WILDCAT	0.0	TRUNKLINE GAS CO
8331536	F-02-060316	4223931804		102-4		WATSON B-3	MORALES	0.0	DELHI GAS PIPELIN
-UNION OIL COMPANY OF CALIF				RECEIVED:	04/11/83	JA: TX			
8331721	F-10-065687	4221131544		103		MARGARET HODGSON #2-34	FELDMAN (TONKAWA)	26.0	
8331722	F-08-065690	4213534080		103		MOSS UNIT #18-9	COWDEN SOUTH	1.0	ODESSA NATURAL CO
-WATCO ENERGY INC				RECEIVED:	04/11/83	JA: TX			
8331607	F-7C-064422	4239931431		102-4		GEORGE W PRUSER #1	KORNEGAY (GARDNER)	12.0	UNION TEXAS PETRO
-WESTERN CHIEF OIL & GAS CO				RECEIVED:	04/11/83	JA: TX			
8331650	F-09-065254	4223734886		102-4		DUNLAP 2-B P #179348	TJN STRAWN	4000.0	SOUTHWESTERN GAS
-WESTERN HILLS OIL & GAS CO INC				RECEIVED:	04/11/83	JA: TX			
8331616	F-04-064538	4236732373		102-4		EDWARDS #1-A	DICEY (CONGL)	16.0	TEXAS UTILITIES F
-WESTWIND EXPLORATION INC				RECEIVED:	04/11/83	JA: TX			
8331756	F-7B-065763	4244132201		102-4		ALLYN #1 18785	ALLYN (GRAY)	0.0	LONE STAR GAS CO
-WILBROOK EXPLORATION INC				RECEIVED:	04/11/83	JA: TX			
8331569	F-7B-062096	4242933470		102-4		P NALL #4	NALL (3500)	292.0	LONE STAR GAS CO
-WILLIAM MOSS PROPERTIES INC				RECEIVED:	04/11/83	JA: TX			
8331735	F-08-065723	4231732630		103		R C TOM "4" #1	SPRABERRY/TREND AREA	109.5	
-WOOD MCSHANE & THAMS				RECEIVED:	04/11/83	JA: TX			
8331603	F-08-064279	4249531543		103		KEYSTONE CATTLE #10-H RRC NO NOT Y*	KEYSTONE (HOLT)	12.3	WESTAR TRANSMISSI
-WOOLF & MAGEE INC				RECEIVED:	04/11/83	JA: TX			
8331547	F-03-060805	4200530142		102-4		CARTER BROS GAS UNIT #5 WELL #5	DAMASCUS (SEAMANS)	270.0	EASTEX GAS TRANSM
-WORLD PRODUCERS INC				RECEIVED:	04/11/83	JA: TX			
8331656	F-7B-065365	4236731412		108		ELLIS #1	MOBY DICK (CONGL)	7.3	NATURAL GAS PIPEL
8331657	F-7B-065366	4236331874		108		WELLS-HENDERSON #1	VAN DYKE (STRAWN)	10.6	NATURAL GAS PIPEL
8331655	F-7B-065364	4236730962		108		WOODS #1	WOODS (STRAWN 2800)	13.5	NATURAL GAS PIPEL
-WY-VEL CORP				RECEIVED:	04/11/83	JA: TX			
8331687	F-10-065543	4206531305		103		AEBERSOLD (04904) #6 A	PANHANDLE	40.1	GETTY OIL CO
-3-B OIL				RECEIVED:	04/11/83	JA: TX			
8331676	F-7B-065527	4213333879		102-4		TARVER #1 (18474)	HAWK-EYE (ADAMS BRANC	7.0	SOUTHWESTERN GAS
8331675	F-7B-065526	4213333945		102-4		TARVER #11 (18474)	HAWK-EYE (ADAMS BRANC	5.0	SOUTHWESTERN GAS
8331685	F-7B-065536	4213333944		102-4		TARVER #12 (18474)	HAWK-EYE (ADAMS BRANC	7.0	SOUTHWESTERN GAS
8331674	F-7B-065525	4213333943		102-4		TARVER #13 (18474)	HAWK-EYE (ADAMS BRANC	6.0	SOUTHWESTERN GAS
8331673	F-7B-065524	4213333963		102-4		TARVER #16 (18474)	HAWK-EYE (ADAMS BRANC	6.0	SOUTHWESTERN GAS
8331677	F-7B-065528	4213300000		102-4		TARVER #2 (18474)	HAWK-EYE (ADAMS BRANC	4.0	SOUTHWESTERN GAS
8331678	F-7B-065529	4213300000		102-4		TARVER #3 (18474)	HAWK-EYE (ADAMS BRANC	4.0	SOUTHWESTERN GAS
8331679	F-7B-065530	4213333966		102-4		TARVER #4 (18474)	HAWK-EYE (ADAMS BRANC	6.0	SOUTHWESTERN GAS
8331680	F-7B-065531	4213333965		102-4		TARVER #5 (18474)	HAWK-EYE (ADAMS BRANC	2.0	SOUTHWESTERN GAS
8331681	F-7B-065532	4213333950		102-4		TARVER #6 (18474)	HAWK-EYE (ADAMS BRANC	7.0	SOUTHWESTERN GAS
8331682	F-7B-065533	4213333949		102-4		TARVER #7 (18474)	HAWK-EYE (ADAMS BRANC	7.0	SOUTHWESTERN GAS
8331683	F-7B-065534	4213333948		102-4		TARVER #8 (18474)	HAWK-EYE (ADAMS BRANC	6.0	SOUTHWESTERN GAS
8331684	F-7B-065535	4213333947		102-4		TARVER #9 (18474)	HAWK-EYE (ADAMS BRANC	5.0	SOUTHWESTERN GAS

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federal register

Thursday
May 5, 1983

Part IV

Department of Health and Human Service

Public Health Service

Announcement of Availability of Grants for Adolescent Family Life Demonstration Projects

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Announcement of Availability of Grants for Adolescent Family Life Demonstration Projects

AGENCY: Office of Adolescent Pregnancy Programs, PHS, HHS.

ACTION: Notice.

SUMMARY: This is to announce the availability of grant funds for the Adolescent Family Life Demonstration Grants Program for the states and territories listed below. These grants are for demonstration projects which test new approaches to providing care services for pregnant adolescents and adolescent parents, prevention services to reach adolescents before they become sexually active, or a combination of care and prevention services as authorized by Title XX of the Public Health Service Act (42 U.S.C. 300z, *et seq.*).

DATE: Applications must be postmarked or received at the above address on June 6, 1983 by 4:30 p.m.

ADDRESS: Application kits may be obtained from and applications must be submitted to: Grants Management Office, Office of Adolescent Pregnancy Programs, Room 702, 300 7th Street, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Donald Underwood (202) 472-5588 or (202) 245-7473.

SUPPLEMENTARY INFORMATION: Title XX of the Public Health Service Act, 42 U.S.C. 300z, *et seq.*, authorizes the Secretary of Health and Human Services to award grants for demonstration projects to provide services to pregnant and nonpregnant adolescents, adolscent parents and their families. This notice announces the availability of approximately $500,000 in funding for such projects, which will be made available for projects in certain designated states and areas, as set forth below. It is anticipated that five or six projects will be funded pursuant to this announcement. We summarize below the statutory background of the grant program and describe the procedures for applying for grants pursuant to this notice.

Statutory Background

Title XX authorizes grants for three types of demonstration projects: (1) Projects which provide "care services" only (i.e., services for the provision of care to pregnant adolescents and adolescent parents); (2) projects which provide "prevention services" only (i.e., services to prevent adolescent sexual relations), and (3) projects which provide a combination of care and prevention services. The specific services (termed "necessary services") which may be funded under Title XX are the following:

(1) Pregnancy testing and maternity counseling;

(2) Adoption counseling and referral services which present adoption as an option for pregnant adolescents, including referral to licensed adoption agencies in the community if the eligible grant recipient is not a licensed adoption agency;

(3) Primary and preventive health services including prenatal and postnatal care;

(4) Nutrition information and counseling;

(5) Referral for screening and treatment of veneral disease;

(6) Referral to appropriate pediatric care;

(7) Educational services relating to family life and problems associated with adolescent premarital sexual relations, including:

(a) Information about adopting;

(b) Education on the responsibilities of sexuality and parenting;

(c) The development of material to support the role of parents as the provider of sex education; and

(d) Assistance to parents, schools, youth agencies, and health providers to educate adolescents and preadolescents concerning self-discipline and responsibility in human sexuality;

(8) Appropriate educational and vocational services and referral to such services;

(9) Referral to licensed residential care or maternity home services;

(10) Mental health services and referral to mental health services and to other appropriate physical health services;

(11) Child care sufficient to enable the adolescent parent to continue education or to enter into employment;

(12) Consumer education and homemaking;

(13) Counseling for the immediate and extended family members of the eligible person;

(14) Transportation;

(15) Outreach services to families of adolescents to discourage sexual relations among unemancipated minors; (and)

(16) Family planning services * * * (Sec. 2002(a)(4))[1]

Under the statute, the services described in subparagraphs (1), (4), (5), (7), (8), (13), (14), and (15) above are "prevention services". (Sec. 2002(a)(8)). Grantees which provide "care services" must provide those "necessary services" which are "core services". (Sec. 2002(a)(5)). In accordance with sec. 2002(b), the regulations promulgated under Title VI of the Health Services and Centers Amendments of 1978 must presently be used to determine which of the above services are core services. Accordingly, the services described in subparagraphs (1), (2), (3), (4), (5), (6), and (7) above are core services. In addition, the referrals described by subparagraphs (8) and (10) are also core services. The services described in subparagraph (16) are core services when suitable and appropriate family planning services are not otherwise available in the community.

Eligible Applicants

Any public or private nonprofit organization or agency is eligible to apply for a grant if the organization or agency demonstrates "in the case of an organization which will provide care services, the capability of providing all core services in a single setting or the capability or creating a network through which all core services would be provided; or * * * in the case of an organization which will provide prevention services, the capability of providing such services" (Sec. 2002(a)(3)). However, the July 21, 1981 report of the Senate Committee on Labor and Human Resources, which accompanied the Senate Bill (S. 1090) proposing the Adolescent Family Life Demonstration Grants Program, stated that one of the reasons the new legislation was necessary was to provide the states with workable models of comprehensive programs. The report further states that "without a functioning demonstration project operating within a state, public officials will not have the opportunity to examine this innovative approach to a serious problem confronting State and local governments." S. Rep. No. 97-161, at 9. Accordingly, only those states which will not have an Adolescent Family Life Demonstration project operating after September 30, 1983 will be eligible to apply under this announcement. The states are Alaska, Arkansas, Delaware, Georgia, Maine, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota and Wyoming. Organizations from Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam and the Trust Territory of the Pacific Islands

[1] Statutory citations are to Title XX of the Public Health Service Act.

are also eligible to apply under this announcement.

Application Requirements

Applications must be submitted on the forms supplied in the application kits available from the Office of Adolescent Pregnancy Programs (OAPP). Applicants are required to submit an application signed by an individual authorized to act for the applicant agency or organization and to assume for the organization the obligations imposed by the terms and conditions of the grant award. Applicants are required to submit an original application and two copies.

A copy of the legislation governing this program will be sent to applicants as part of the application kit package. Program regulations are presently being developed, and applicants will be expected to revise their applications to comply with any regulations issued. In the interim, applicants should use the legislation, and the proposed regulations which it is expected will be published shortly, to guide them in developing their applications. All applicants should review and must comply with the requirements for applications in 2006(a). Awards will be made only to those applicants who have met all applicable statutory requirements.

Applicants may submit proposals that provide for care services only, prevention services only or a combination of care and prevention services. Applicants proposing to provide a combination of care and prevention services should submit budget requests that provide a clear delineation between funds allocated for prevention services and funds allocated for care services. Applicants should also in particular provide the following:

(1) A description of the objectives, models and strategies for delivering services and expected results. (Care and combination programs should describe services to be delivered before and after the baby's birth and should delineate the length of time after the baby's birth that clients will participate in program services.)

(2) A description of innovative approaches, as appropriate, for encouraging and supporting the involvement of families, religious and charitable organizations and voluntary associations in the provision of services.

(3) A description of the target groups to be served, client recruitment methods, selection criteria, case management and follow-up procedures.

(4) The numbers and types of clients expected to be served.

(5) Provision for the statutory evaluation requirements. Each grantee receiving funds for a services demonstration project is required to expend between one and five percent of the grant award on program evaluation. (See sec. 2006(b)). Applicants must provide a plan for meeting this requirement, describing in detail measures of program performance, data collection methods, and a plan for analyzing the data. Applicants should provide evidence of consultation or other arrangements with a college or university located in the applicant's State. Applicants for combination grants should include provision for evaluating both prevention and care components.

In addition to the above, applicants for grants must meet the following requirements:

(1) *Requirements for Review of an Application by the Governor.*

Section 2006(e) of the Public Health Service Act requires that—

> Each applicant shall provide the Governor of the State in which the applicant is located a copy of each application submitted to the Secretary for a grant for a demonstration project for services under this Title. The Governor shall submit to the applicant comments on any such application within the period of sixty days beginning on the day when the Governor receives such copy. The applicant shall include the comments of the Governor with such application.

An applicant may comply with this requirement by submitting a copy of the application to the Governor of the State in which the applicant is located at the same time the application is submitted to OAPP. To inform the Governor's office of the reason for the submission, a copy of this notice should be attached to the application. The Governor has sixty days in which to provide comments to the applicant.

The applicant must provide a copy of the comments or verification that there were no comments to the above address by August 19, 1983.

(2) *Circular A-95 Notification Process.*

In order to comply with the Office of Management and Budget Circular No. A-95 Revised (interim procedures at 41 FR 316, July 29, 1976), applicants for grant support must, prior to submitting the application to OAPP, notify both the State and Areawide A-95 Clearinghouses of their intent to apply for Federal assistance. If the application is for a Statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse. Some State and Areawide Clearinghouses provide their own forms on which this information is to be submitted.

Applicants are advised to contact the appropriate State Clearinghouse (listed at 42 FR 210, January 10, 1977) for detailed information on meeting the A-95 requirements. It is strongly recommended that the Clearinghouse be notified as soon as a decision is made to apply for a grant. The application can be submitted to the Clearinghouse concurrently with the submission to OAPP. Clearinghouse comments or verification that no comments were made within the period available can be submitted to OAPP no later than August 19, 1983.

(3) *Health Systems Agency (HSA) Review.*

In order to comply with the HSA review requirements under section 1513(e) of the Public Health Service Act, 42 U.S.C. 3001-2(e), as amended, applicants must contact the HSA responsible for the area to be served by the proposed project to determine whether or not the HSA desires to review the application. If so, a copy of the application must be submitted to the HSA for review no later than June 6, 1983. Applicants are advised to contact the local HSA as soon as a decision is made to apply for a grant for detailed information on meeting this review requirement.

Application Consideration and Assessment

Applications which are judged to be late or which do not conform to the applicable statutory requirements will not be accepted for review in this grant cycle. Applicants will be so notified, and the applications will be returned. All other applications will be subjected to competitive review and assessment.

Eligible applications will be reviewed and assessed to determine which applications best meet the applicable statutory requirements, come within the statutory priorities, and promote the purposes of the act. When final funding decisions have been made, all applicants will be notified by letter of the outcome of their applications.

Dated: May 2, 1983.

Marjory E. Mecklenburg,

Deputy Assistant Secretary for Population Affairs.

[FR Doc. 83-12095 Filed 5-4-83; 8:45 am]

BILLING CODE 4160-17-M

federal register

Thursday
May 5, 1983

Part V

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Support Facilities and Coal Preparation Plants; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 785, 816, 817, and 827

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Support Facilities and Coal Preparation Plants

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is amending its regulations applicable to support facilities and coal preparation plants. New definitions of surface coal mining operations, coal preparation or coal processing, coal preparation plants, and support facilities are adopted. The revised regulations: (1) Establish a single set of regulations applicable to all coal preparation plants, (2) clarify rules applicable to support facilities and utility installations, and (3) clarify the applicability of OSM's regulations to coal preparation plants and support facilities. These rule changes are necessary in order to clarify OSM's jurisdiction and to establish a clear set of regulatory requirements.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Raymond E. Aufmuth, Division of Engineering Analysis, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240; 202-343-5245.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Responses to Comments and Rules Adopted
III. Procedural Matters

I. Background

The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act) sets forth general regulatory requirements governing surface coal mining operations and the surface impacts of underground coal mining. OSM has by regulation implemented or clarified many of the general requirements of the Act and set performance standards to be achieved by different operations. See 30 CFR Part 700 *et seq.*

One area of ambiguity under the Act has been OSM's jurisdiction over certain operations related to coal mines. Initially, OSM adopted a definition of the term "surface coal mining operations" only slightly different from the statutory definition. However, that definition left intact a statutory ambiguity with regard to OSM's jurisdiction over certain coal-mine-related activities. These final rules are intended to clarify OSM's jurisdiction, to set out clearer and simpler performance standards, and to specify permitting requirements for these facilities.

The rules adopted herein were proposed on June 25, 1982 (47 FR 27688). Because of an error in printing, portions of the proposed rule were published on June 29, 1982 (47 FR 28359). The comment period opened on June 25, 1982, and continued until August 25, 1982. It was reopened until September 10, 1982, to allow the admission into the record of comments received at congressional hearings on September 9–10, 1982.

II. Discussion of Responses to Comments and Rules Adopted

A. Changes to the Definition of "Surface Coal Mining Operations"

Section 701(28) of the Act defines "surface coal mining operations" as follows:

(A) *Activities* conducted on the surface of lands *in connection with* a surface coal mine or subject to the requirements of section 516 surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, *and the cleaning, concentrating, or other processing or preparation, loading of coal for interstate commerce at or near the mine site: Provided, however,* that such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ per centum of the tonnage of minerals removed for purposes of commercial use or sale or coal explorations subject to section 512 of this Act; and

(B) The *areas* upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incidents to such activities. [Emphasis added.]

The definition thus incudes not only activities conducted on the surface of land in connection with a surface coal mine or an underground mine with surface effects, but also the areas upon which such activities occur or disturb the natural land surface.

Through the use of examples, the statutory definition offers some guidance as to the scope of activities included in the definition. It is unclear from the syntax alone, however, whether the phrase "at or near the mine site" at the end of the examples in Paragraph (A), modifies only the phrase immediately preceding it, *i.e.*, "loading of coal for interstate commerce," or whether it also modifies "the cleaning, concentrating or other processing or preparation."

The definition of a "surface coal mining operation" in Section 701(28) of the Act therefore is subject to two differing interpretations: (1) That cleaning, concentrating, other processing or preparation and loading of coal must be both "in connection with" a surface coal mine and "at or near the mine site" to be regulated; or (2) that such activities, other than the loading of coal, are regulated if they are in connection with a mine, without regard to proximity to the mine.

In interpreting the initial regulatory program, which adopted in § 700.5 the statutory definition of surface coal mining operations almost directly from the Act, the Interior Board of Surface Mining and Reclamation Appeals (the Board) generally applied the first test and required proximity as well as connection to a mine. See *Western Engineering*, 1 IBSMA 202 (1979); *Reitz Coal Co.*, 3 IBSMA 260 (1981); *Thoroughfare Coal Co.*, 2 IBSMA 72 (1981); *The Hoke Co.*, 2 IBSMA 7 (1981); *Falcon Coal Co.*, 2 IBSMA 406 (1980); *Wolverine Coal Corp.*, 2 IBSMA 325 (1980); *Roberts Bros. Coal Co.*, 2 IBSMA 284 (1980). This interpretation, however, was due at least in part to the ambiguity of the definition, and the Board's unwillingness to resolve the ambiguity against operators who could not infer from the regulatory language that their facility was to be regulated.

In the development of the regulations for the permanent regulatory program, OSM attempted to clarify its intent to exercise the most complete jurisdiction available by applying the phrase "at or near the mine site" only to the "loading of coal for interstate commerce." OSM included preamble language clarifying the applicability of the phrase. (See 44 FR 14914–15 and 14928, March 13, 1979.)

However, since the OSM interpretation was contained only in the

preamble to the permanent program regulations and not in the regulation itself, the ambiguity was not fully resolved, and the Board continued to apply the "at or near" test to all the above-listed activities. U.S. District Judge Flannery, on the other hand, in *In re: Permanent Surface Mining Regulation Litigation,* Civil Action No. 79-1144 (Slip op. at 51-53), (D.D.C., May 16, 1980), upheld the OSM interpretation and found that the "at or near" language only modified "the loading of coal." Judge Flannery also recognized that Section 701(28)(B) of the Act provided a second, and independent, basis for OSM's jurisdiction over offsite facilities and processing plants (*id.* at 52-53).[1] More recently, another district court overturned the decision of the Interior Board of Surface Mining Appeals that OSM had no jurisdiction over a coal processing facility because it was not at or near the mine site. *Debord v. Watt,* No. 82-99. (E.D. Ky., Sept. 29, 1982) reversing *Dinco Coal Sales, Inc.,* 4 IBSMA 35 (Mar. 26, 1982). Also see *Shawnee Coal Co. v. Andrus,* 661 F2d 1083 (6th Cir. 1981).

The definition adopted today is substantially the same as the one proposed. Under the definition adopted, "surface coal mining operations" means—

(a) Activities conducted on the surface of lands in connection with a surface coal mine or, subject to the requirements of Section 516 of the Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining; the uses of explosives and blasting; in-situ distillation, retorting, leaching, or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine site. These activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed 16⅔ percent of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to Section 512 of the Act; and *provided further,* that excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

(b) The areas upon which the activities described in Paragraph (a) of this definition occur or where such activities disturb the natural land surface. These areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage and excavation, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or material on the surface resulting from or incident to those activities.

As noted in the preamble to the March 13, 1979, rules, a clarification has been made of the statutory definition: Extraction of coal from coal refuse piles has been stated in an express provision in addition to the activities listed in the Act. The reasons for this provision are set out in the preamble to the March 13, 1979, rules at 44 FR 14917.

In addition, OSM has amended the punctuation slightly, and separated the phrase "loading of coal for interstate commerce at or near the mine site" in order to clearly reflect OSM's interpretation that the phrase "at or near the mine site" modifies only "loading of coal for interstate commerce" and does not modify "cleaning, concentrating, or other processing or preparation" or any other part of the definition.

Thus, the following distinct types of activities are included within the meaning of the term surface coal mining operations:

Contour mining;
Strip mining;
Auger mining;
Mountaintop mining;
Box cut mining;
Open pit mining;
Area mining;
Use of explosives and blasting in relation to coal mining;
In-situ distillation, retorting, leaching, or other chemical or physical processing;
Cleaning, concentrating or other processing or preparation of coal;
Loading of coal for interstate commerce at or near the mine site; and
Extraction of coal from coal refuse piles.

OSM belives the phrase in Section 701(28)(A) of the Act and 30 CFR 700.5 "in connection with" should be interpreted broadly. Some examples of that relationship include facilities which receive a significant portion of their coal from a mine; facilities which receive a significant portion of the output from a mine; facilities which have an economic relationship with a mine; or any other type of integration that exists between a facility and a mine. A facility need not be owned by a mine owner to be in connection with a mine.

OSM does not believe that its jurisdiction extends to facilities which are operated solely in connection with the end user of the coal product. A facility will not be deemed to be operated in connection with a mine if it is located at the point of ultimate coal use unless it is also located at the site of the mine. OSM will treat all facilities which handle coal as either "in connection with" a mine or "in connection with" an end user.

In addition, OSM recognizes that Section 701(28)(B) of the Act (and the identical portion of the definition in 30 CFR 700.5(b) as adopted) provides a supporting basis for regulating certain areas. These areas include those on which the activities identified in Paragraph (A) of the definition occur or where they disturb the natural land surface, as well as those areas on which other activities take place if the use of these areas results from or is "incident to" the specified activities. It is from this portion of the statutory definition that OSM derives its authority to regulate support facilities.

Commenters were concerned that the proposed phrase "in connection with" was ambiguous with regard to an "independent contract coal handler." Generally, an independent handler or other person would function "in connecton with" a coal mine if he or she is associated with a mine in any of the ways described above.

Commenters asserted that OSM could not change the statutory definition of "surface coal mining operations" by adopting a regulation. Rather, they observed, OSM should propose such a change to Congress.

In adopting these regulatory amendments OSM is not changing the statutory definition. Through several years of regulation using a regulatory definition nearly identical to the statutory one, OSM identified the ambiguities which prompt the regulatory changes adopted today. OSM is attempting to resolve those ambiguities by interpreting the statutory definition through regulation. These interpretations are consistent with the statutory definition.

Some commenters supported the proposal to put the phrase "loading of coal for interstate commerce at or near the mine site" in a separate sentence. Other commenters opposed OSM's proposal to apply the modifier "at or near the mine site" only to the "loading of coal" and not to other listed activities. These commenters felt either that the regulatory definition should be adopted exactly as the statutory definition or that language should be

[1] In its February 1, 1983 order remanding the case to the district court, the U.S. Court of Appeals required OSM to consider all issues raised in the briefs of the parties, Civ. No. 80-1810 (D.C. Cir.). This preamble addresses those issues.

adopted which reflected that the "at or near" test should apply to cleaning, concentrating, processing, or preparation facilities, as well as to loading facilities. Commenters felt that the statutory language was insufficient to allow OSM to adopt rules which would require States to regulate offsite facilities. Some commenters relied upon the language in Senate Report 95-128, 95th Cong., 1st Sess. (1977) for support of this position. Others referenced several decisions of the Board of Surface Mining Appeals.

OSM disagrees with such comments. Both the Senate and House Reports which accompany the Act are consistent with the interpretation adopted, which applies the "at or near" test only to loading facilities. OSM believes that the statutory language and accompanying legislative reports establish that the test applies only to loading facilities. Accordingly, it would be impermissible to narrow OSM's jurisdiction by applying that test to other activities listed in the statutory language. Furthermore, as noted earlier, Judge Flannery in *In re: Permanent Surface Mining Regulation Litigation,* interpreted the phrase "at or near the mine site" as modifying only "the loading of coal." *Id.; accord, Debord v. Watt, supra;* and *Shawnee Coal Co. v. Andrus, supra; but see Drummond Coal Co. v. Watt,*[2] Civ. No. CV-80-M-0829-S (N.D. Ala., April 20, 1982).

Commenters suggested that it was unnecessary for OSM to exercise its jurisdiction over offsite facilities because these facilities have historically been regulated by State zoning laws and more recently some have been regulated under the Federal Water Pollution Control Act, as Amended, 33 U.S.C. 1857 *et seq.,* or by the Clean Air Act, 42 U.S.C. 7401 *et seq.*

In enacting the Act, Congress intended to establish a comprehensive statute to regulate surface impacts of coal mining, including offsite processing facilities and certain support facilities. Although some facilities may be regulated by several laws, each governing different facets of the operation, this is consistent with congressional intent.

Some commenters recommended that OSM delete from its regulatory definition the second proviso at the end of paragraph (a) of the definition, which deals with the extraction of coal from coal refuse piles because the regulation would more closely track the statutory language if it were deleted. OSM has decided to retain this language. OSM did not propose to amend this portion of the definition which is authorized under the Act. It is important to list this activity in order to clearly delineate OSM's jurisdiction. As noted earlier, a discussion of this issue was included in the preamble to the March 13, 1979, rules (44 FR 14917).

Commenters suggested replacing the words "incidental to" in paragraph (b) of the definition with "related to" and rewording the end of the last sentence of Paragraph (b) in order to connote the requirement for close physical proximity to the coal mine. OSM agrees that the Act implies a proximate relationship between a regulated facility and regulated support facilities. OSM does not agree that substitution of the words "related to" for "incident to" is warranted. The language at the end of the second sentence of paragraph (b) includes the term "incident to." In this context, the "incident to" phrase defines the relationship which must exist in order for the lands and activities thereupon to be regulated. In response to the commenters' concern, however, the final rule adds language to the definition of support facility indicating that the phrase "resulting from or incident to" connotes an element of proximity.

OSM had proposed to delete the word "surface" from the phrase "surface coal mining operations" in order to clarify that OSM regulates many aspects of coal mines that are not on the surface, or related to surface mines. Many commenters opposed such a change, some suggesting that it would be illegal, and others saying that it would detract from the usefulness of the definition. These commenters felt that the change would not help to clarify the perceived ambiguity. In response to these comments, OSM has adopted the definition with the word "surface" retained. OSM intends to continue to exercise jurisdiction over both surface mines and the surface effects of underground mining and certain activities related to both surface and underground mines. A corresponding change has been included in the definition of support facilities.

B. New Definitions of "Coal Processing" and "Coal Preparation Plant"

OSM proposed a new definition of the term "coal processing" and a revised definition of the term "coal processing plants" in 30 CFR 701.5 which would limit these definitions to plants which process coal by separating it from its impurities. The rule has been adopted substantially as proposed, with the exception that the term "coal preparation plant" is used instead of "coal processing plant" to follow more closely definitions used by the Environmental Protection Agency (EPA) in recent amendments to 40 CFR 434.11 (47 FR 45382, October 13, 1982). The definition of "coal processing" has been revised to define also the term "coal preparation" to reflect the common usage and identical meaning of both "coal processing" and "coal preparation."

"Coal preparation" or "coal processing" has been defined to mean the cleaning, concentrating, or other processing or preparation of coal in order to separate coal from its impurities. Under this definition, coal loading, crushing, sizing and other such activities do not constitute coal processing or preparation unless they result in the separation of coal from its impurities. By clarifying that coal processing includes only those activities where coal is separated from its impurities, the definition provides for the regulation of those activities most likely to be associated with the potential for adverse environmental impacts on the surface.

The definition of coal preparation plant has been revised to parallel the definitions of "coal processing" and "coal preparation." The phrase "coal preparation plant" is defined to mean those facilities where coal is subject to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities. The rule provides a noninclusive listing of some of the types of facilities that are expected to be included within the overall scope of a coal preparation plant and associated areas. Individually, many of the described facilities would not necessarily constitute a coal preparation plant, because some of these facilities might not be used in connection with the cleaning, concentrating, or other processing or preparation of coal to separate coal from its impurities. Loading and crushing facilities would be considered part of a coal preparation plant when conducted in conjunction with coal preparation operations. The listed examples are not intended to be exhaustive.

OSM received many comments on this part of the proposal. Some commenters supported the amendments, others did not.

Commenters were concerned about OSM's proposal to limit the definitions to those facilities where "run of the mine coal" is processed. These commenters noted that the term should include the extraction of coal from gob or slurry

[2] *Drummond,* however, was only interpreting OSM's regulations under the initial regulatory program.

piles as well as the processing or preparation of run-of-the-mine coal. OSM agrees. Under the definition adopted, any separation of coal from its impurities must be construed as coal processing. A corresponding change has been made to the definition of coal preparation plant.

Commenters suggested that the definition of coal preparation plant (as well as the definition of support facilities) include the requirements that it be "substantially and operationally connected with the mining operations" and be operated "such that the mine operator has or could have control of the facilities." OSM has not adopted the suggestion. A plant which separates coal from its impurities is a coal preparation plant without regard to its relationship to a mine. Under the Act, OSM must regulate those coal preparation plants which are operated in connection with a coal mine. OSM has not adopted either the phrase "substantially and operationally connected" or "such that the mine operator has or could have control of the facilities" because it believes it would be impermissibly limiting its jurisdiction and avoiding OSM's statutory responsibility. A plant may be operated in connection with a mine without the mine operator having any control over it.

Commenters suggested deleting some of the proposed examples of the types of facilities included in the definition of coal preparation plant. Specifically, the commenters recommended deletion of roads, railroads, surface conveyer systems, chutes, aerial tramways, or other transportation facilities. These commenters suggested that OSM did not have jurisdiction over the transportation facilities associated with preparation plants. Other commenters noted that those transportation facilities regulated by OSM's previous 30 CFR 816.180 and 817.180 were proposed to be amended by two rulemakings, the proposals governing coal preparation plants and governing roads.

In the final definition of coal preparation plant, OSM has not adopted the proposed examples listed, but not for the reason suggested. Although those transportation facilities which are operated as part of or incident to coal preparation plants will be governed by the rules for preparation plants, such transportation facilities, when operated independently of preparation plants, are correctly the subject of other performance standards. Therefore, they have been deleted from the definition of coal preparation plant and will be included in final rules for support facilities (see below) and roads.

Some commenters felt that the proposed definition of coal processing, which included any separation of coal from its impurities, was too inclusive because it included screening operations which produce only small quantities of waste materials. These commenters felt that such operations should not be regulated. Other commenters felt that the proposed amendments were inappropriate because facilities should be regulated without regard to whether they produce a waste product. They noted that some environmental problems result from crushing and sizing operations that do not involve the separation of coal from waste products. Some commenters suggested that OSM's proposed definition turned the phrase "cleaning, concentrating, or other processing or preparation" in the statutory definition into a string of words with identical meanings.

OSM disagrees with these comments. The first paragraph of the definition of surface coal mining operations (discussed more fully above) establishes by the use of examples several categories of activities which are regulated. The first category is coal excavation operations for which several examples are listed; the second is the use of explosives and blasting. The third category lists a series of methods of utilizing coal in situ: distillation, retorting, leaching, or other chemical or physical processing. Each of these is one method of using coal in situ. Congress could have eliminated the apparent redundancy by saying "any" in situ utilization of coal. Similarly, when the statute lists "cleaning, concentrating or other processing or preparation," Congress set forth various means of separating coal from its impurities. OSM believes Congress intended to encompass the entire range of activities for removing the impurities from coal. However, there is no reason to believe that Congress intended to reach those activities which only had the effect of separating large pieces of coal from smaller ones or to remove small quantities of rock material that may otherwise cause damage to a crusher or sizer. Indeed, by its omission OSM believes that Congress specifically excluded mere crushing and sizing.

Accordingly, by its definition of coal preparation, OSM intends to reach only those activites that actually clean, concentrate, process, or prepare coal; that is, operations which separate coal from its impurities.

Commenters expressed concern that OSM's revised definition of coal processing plant would have the effect of reading the phrases "physical processing" and "or other processing or preparation" out of the definition of surface coal mining operations. Commenters pointed out that OSM's proposed definition of coal processing plant conflicts with its prior interpretation of the statutory definition of surface coal mining opertions in that screening and crushing operations, at one time believed to be included in the statutory language, would not be regulated under the new rules.

OSM has not ignored the statutory phrases. As explained above, OSM has read these phrases in the fuller context in which they appear. Thus, while the phrases "physical processing" and "other processing or preparation" do appear in the statutory language, they are not intended to stand on their own. The words "physical processing" appear at the end of the phrase "in situ distillation or retorting, leaching or other chemical or physical processing." They are modified by "in situ" and provide language parallel and equivalent to "retorting" or "leaching." OSM believes that Congress included these in order to demonstrate that retorting, leaching, or any other chemical or physical processing when conducted in situ would be a surface coal mining operation. Similarly, the phrase "other processing or preparation" must also be read in the context of the listed operations immediately preceding it.

Commenters pointed out that OSM's proposed definition of the term "coal processing plant" would not be entirely consistent with the EPA definition of the term "coal preparation plant" or its definition of the term "coal processing and conveying equipment."

EPA may adopt definitions that vary from those adopted by OSM because the EPA derives its jurisdiction from statutes other than the Act. OSM's jurisdiction in this regard is limited to "cleaning, concentrating, or other processing or preparation" of coal, and it has defined its terms accordingly. However, the commenter is incorrect in asserting that OSM's and EPA's definitions differ substantively in this regard. See EPA's definition at 47 FR 45382, October 13, 1982. The final OSM rule has been revised to include terminology similar to that used by EPA to avoid confusion between the two sets of rules.

Commenters were concerned that the proposed change would allow activities with significant water, air, or noise pollution impacts to go unregulated. In enacting the legislation, and setting OSM's jurisdiction, Congress specifically identified activities and areas to be regulated. OSM agrees that

in some circumstances crushing and screening operations may have adverse water, air, and noise impacts. However, as commenters noted, these may be subject to the jurisdiction of other agencies such as EPA. A discussion of environmental impacts related to these revisions and reasonable alternatives is included in OSM's recently issued "Final Environmental Impact Statement OSM-EIS-1: Supplement."

Commenters called OSM's attention to two Federal court cases which they apparently felt compelled the interpretation that coal crushing and screening operations were included within the definition of surface coal mining operations. In one, *Shawnee Coal Co. v. Andrus, supra,* the court held that a tipple operator was precluded from seeking judicial relief from a Notice of Violation without exhausting available administrative remedies. In addressing the issue of OSM's jurisdiction over tipple operations, the court noted that the Act encompassed offsite tipple operations. Presumably, it is to that portion of the court's opinion which the commenters refer. In the *Shawnee Coal* case, the court was determining whether OSM's asserted jurisdiction was "so conspicuously lacking" as to constitute a usurpation of power. In determining that it was not a usurpation, the court determined that OSM is properly the first judge of its jurisdiction. In *In Re: Permanent Surface Mining Regulation Litigation, supra,* Judge Flannery determined that the phrase "at or near the mine site" does not apply to activities beyond the loading of coal. Judge Flannery did not, however, discuss what activities are included in the phrase "cleaning, concentrating or other processing or preparation."

A more recent case also relates to this issue. In *Debord v. Watt, supra,* the court determined that OSM could not avoid jurisdiction over a plant that crushed and loaded coal because it was not at or near the mine site. There, as in the two other cases, the court did not address the issue of whether the activity was in fact coal processing or preparation.

C. New Definition of Support Facilities

OSM is adopting a new definition of the term "support facilities" in 30 CFR 701.5 much like the one proposed.

"Support facilities" is defined to mean those facilities resulting from, or incident to, surface coal mining operations and the areas upon which such facilities are located. Support facilities may consist of, but need not be limited to, the following facilities: mine buildings; bath houses; coal loading facilities; coal crushing and sizing facilities; coal storage facilities; equipment and storage facilities; fan buildings; hoist buildings; sheds, shops, and other buildings; water treatment and water-storage facilities; and railroads, surface conveyor systems, chutes, aerial tramways, or other transportation facilities, but not including roads.

The new definition clarifies the types of facilities regulated under §§ 816.180 and 817.180, which contain the performance standards applicable to support facilities. It also specifically incorporates a proximity element.

Commenters objected to OSM's proposal to include other transportation facilities, such as railroads, conveyers, chutes, and aerial tramways, in the definition of support facilities. Some noted that these same facilities (which were formerly regulated under §§ 816.180 and 817.180) were the subject of another rulemaking (47 FR 16592, April 16, 1982). Other commenters did not like the proposal because it would have required the consent of the owner of certain types of facilities before the disruption of those facilities by transportation facilities. OSM has decided to continue to include railroads, conveyers, chutes, aerial tramways, and other transportation facilities in the definition of support facilities, but not to include roads which are subject to regulation under other sections and are covered in another rulemaking. OSM considered regulating these support facilities under the regulation for roads but has decided that it is more logical to apply the support facilities standards rather than the more specialized road standards.

Commenters suggested that OSM should not adopt a definition of support facilities because those facilities are included within the definition of surface coal mining operations. These commenters felt that to the extent that clarification is necessary, it should be left to the States. OSM has adopted the proposed regulatory definition to clarify which regulations are applicable to different types of operations.

Commenters suggested that OSM did not have jurisdiction over some of the activities listed, such as bath houses and mine buildings, because they were not listed in Section 701(28)(A) of the Act. OSM's regulatory jurisdiction extends to "any adjacent land, the use of which is incidental to" any activity listed in Section 701(28)(A), as well as to "other areas upon which are sited structures, facilities, or other property or materials on the surface resulting from or incident to such activities." It is on these bases that OSM relies for its jurisdiction over support facilities.

Some commenters were confused by OSM's treatment of coal loading facilities. They observed that coal loading facilities were specifically listed as regulated activities under the Act, but that OSM had included coal loading as an activity in the proposed definitions of coal processing plant and support facilities. OSM's regulation of these facilities is neither unintentional nor duplicative. When a loading plant is operated at or near a coal mine, it will be regulated under the permit for that mine. Statutory authority for this situation is provided in Sections 701(28)(A) and 701(28)(B) of the Act. In that context, it will be subject to the same performance standards as other support facilities. When not at or near a mine, a coal loading facility will only be regulated if it is part of or results from or is incident to a regulated coal preparation plant or other regulated activity under Section 701(28)(A). Coal loading plants at coal preparation plant sites will be regulated under the permit requirements of § 785.21 and the performance standards of 30 CFR Part 827.

Commenters suggested that phrase "coal loading facilities," in the definition of support facilities should be modified by the addition of the phrase "at or near the mine site" to reinforce the fact that coal loading has a geographical limitation. This comment has been rejected. Although Section 701(28)(A) of the Act provides an independent basis for regulating loading facilities at or near the mine site, Section 701(28)(B) also provides authority for regulating such facilities. However, to be regulated under Section 701(28)(B) a facility must result from or be incident to an activity regulated under Section 701(28)(A). Thus, regulated support facilities will naturally occur in proximity to the site of a Section 701(28)(A) operation.

Other commenters suggested that language be changed in the definition of support facilities to indicate more clearly that support facilities would not be regulated unless they were "at or near the mine site." While OSM recognizes that in fact all support facilities which OSM regulates are located in proximity to a surface mining and reclamation operation, OSM declines to adopt the suggested language. OSM believes its language "resulting from or incident to" accurately reflects its authority.

The final regulations leave the case-by-case determination of the limitations of the applicability of the support facilities regulation to the individual

regulatory authorities. Some commenters were concerned that this flexibility would be confusing and leave too much ambiguity in the regulations. OSM recognizes the desire to provide clear guidance in the regulations but feels that providing flexibility to the regulatory authorities will allow them to consider the myriad site specific situations that cannot be fully anticipated in writing a Federal regulation. To help clarify the definition, however, the final rule specifies that facilities regulated as support facilities will be those in proximity to a regulated activity. Although a proximity relationship is not specifically referenced in Section 701(28)(B) of the Act, it is a logical and practical means of implementing the statutory standard. Regulated support facilities, then, will encompass those facilities that are identified as "resulting from or incident to" a regulated activity by their proximity and relation to the mining operation. Under this interpretation, the proximity to the regulated activity is a guiding principle for applicability of the regulation.

Facilities included within the scope of the applicability of this section would be determined by the regulatory authority based upon the guidance contained in the individual State program and that provided by this final regulation. As an example, OSM would interpret the regulation to include all facilities located up to the point of loadout of coal for interstate transport. For coal transported by rail line, this would extend to the loadout facility located at or near the mine site from which run of mine coal is conveyed or trucked to the rail line and loaded. For operations that use road transportation, this would include all facilities located up to public roads beyond the boundary of the affected area.

OSM believes that the general principle discussed above could be extended in most situations to evaluate whether a facility was located such that it should be considered to be resulting from or incident to a mining operation. Thus, it would be anticipated that similar principles could be applied to such facilities as barge loadouts, conveyor loadouts directly to power plants, and other such facilities.

Commenters were also concerned because, under their reading of OSM's proposal, OSM had proposed to treat crushing and sizing activities in the same category as the loading of coal. These commenters misunderstand the thrust of OSM's proposal. Under the new rules, crushing and sizing operations are not considered loading facilities. However, because the statutory bases for jurisdiction are similar, they will be regulated in like situations. Crushing and sizing operations will be regulated in the context of the operation with which they are associated. Because crushing and sizing operations do not necessarily involve the cleaning, concentrating, or other processing or preparation of coal, they are not regulated unless they can be classified as a support facility resulting from or incident to a regulated activity or as part of a regulated activity, such as a loading operation at or near a mine site or a coal preparation plant.

Commenters suggested that OSM define the term "loading facilities" and include in that definition crushing and sizing facilities. OSM has elected not to define loading facilities, because it believes that the meaning is self-evident. As described above, OSM recognizes that loading facilities may include crushing and sizing operations, but that not all crushing and sizing operations are part of loading facilities.

All regulated support facilities must be permitted. Generally, support facilities will be permitted under the permit for the mine or preparation plant with which they are connected.

Commenters suggested adding language which would clarify that support facilities would be regulated when they are associated with a coal preparation plant as well as with a mine. OSM believes that additional regulatory language is not necessary. Where support facilities are incidental to a particular mine, they will be subject to the performance standards in §§ 816.181 and 817.181. In other situations, a support facility may be part of a regulated coal preparation plant. These operations would be regulated under the permitting requirements of § 785.21 and the performance standards of Part 827.

Commenters were concerned about OSM's proposal to include as support facilities water-treatment and water-storage facilities, particularly those facilities subject to regulation under § 816.49 or § 817.49. OSM did not intend to apply its support facilities regulations to impoundments or sedimentation ponds for which separate performance standards exist. The regulation is intended to reach only treatment and storage facilities used for water preparation for mine consumption. Appropriate clarifying language has been added to the regulation.

Commenters suggested that in Section 701(28)(B) of the Act the statutory language "other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities" does not provide sufficient basis for a proximity test for support facilities. Some commenters felt that a proximity test was undesirable. Others felt that the proposed definition was confusing in this regard. In Section 701(28)(B), the words "other areas" in the last clause are modified by, among other words, "resulting from or incident to [mining] activities." OSM believes that such modification implies a proximity test since areas which result from or are incident to activities must be near those activities. To emphasize this requirement, OSM has modified the final definition of support facilities to use the statutory phrase "resulting from or incident to."

Commenters noted that OSM used the term "coal mining operations" in the proposed definition of support facilities, which could imply that support facilities are not "coal mining operations." OSM recognizes that in fact they are surface coal mining operations and has adopted language to denote that it is the activities listed in Paragraph (a) of the definition of surface coal mining operations in § 700.5 to which support facilities must be incident or from which they must result.

D. Amendments to § 785.21: Permitting Rules for Coal Preparation Plants

The permitting rules for coal preparation plants are adopted substantially as proposed.

Section 785.21 complements the coal preparation plant definition discussed above by setting permitting requirements for coal preparation plants. Coal preparation plants not within the permit area for a specific mine, other than those located at the site of ultimate use, will be subject to the requirements for such plants as a special category of mining. Section 785.21 contains the permit requirements for regulation of such facilities. Performance standards are set out in Part 827.

Section 785.21 requires any person who operates or intends to operate a coal preparation plant outside the permit area for a specific mine, other than such plants when they are located at the site of ultimate use, to obtain a permit. To obtain the permit, an applicant must supply an operation and reclamation plan which demonstrates that the plant and support facilities associated with it will comply with Part 827 and must describe their construction, operation, maintenance, and planned removal. Preparation plants located in the permit area for a specific mine will not be required to

have a separate permit and will be regulated regardless of the location of the ultimate use of the coal.

Some commenters felt that OSM has no jurisdiction over offsite facilities, and therefore that no rules in Part 785 are necessary. As discussed above, OSM believes it has such authority.

Several commenters indicated that OSM's proposed language "directly associated with the ultimate user" presented a confusing test. Commenters pointed out that a more appropriate and more useful test would be whether the plants were at the point of ultimate use. OSM agrees and has adopted language to indicate that only plants situated at the point of ultimate coal use will be deemed to be not "in connection with" a mine.

Commenters were concerned that OSM, in proposing to delete support facilities from the coverage of § 785.21, would leave many facilities free to operate without a permit. These commenters felt that facilities should not be excluded from coverage.

Support facilities will not be free to operate without a permit. Generally, support facilities will be regulated under the permit for the mine from which they result or to which they are incident. Section 785.21 provides the means for permitting support facilities that are incident to or result from coal preparation plants that are located outside the permit area for the mine.

E. Protection of Utility Installations

Existing §§ 816.181(b) and 817.181(b), which provide standards for the protection of utility installations, are being redesignated as §§ 816.180 and 817.180. OSM had proposed language which would have had the effect of applying the standards for the protection of utility installations only to damage caused by support facilities. Instead, OSM has elected to continue to apply those standards to all surface coal mining operations.

Many commenters were concerned about the owner-approval requirement in the proposed rule, which would have expressly required owner approval of support and transportation facilities when they would disrupt utility installations. Apparently these commenters felt that this was a new requirement and that it would affect existing contractual relations. The requirement of owner approval before the disruption of utility installations is not a new one. Accordingly, the rule, which has not been amended, should not affect existing contractual relations.

Commenters requested clarification of the phrase "unless otherwise approved by the owner of those facilities and the regulatory authority." The provision is not intended to prohibit or prevent mining operations or to adjust the relative rights of owners of utilities and mineral grants. See the discussion of § 816.181(b) at 44 FR 15262 (March 13, 1979).

F. Performance Standards for Support Facilities

Sections 816.181 and 817.181 are parallel sections which set performance standards for support facilities. The two sections are identical, except that §816.181 applies to support facilities for surface mines, and § 817.181 applies to support facilities for underground mines. These two sections were proposed §§ 816.180 and 817.180.

The performance standards for support facilities are adopted as proposed, with minor changes as noted below. Support facilities must be located, maintained, and used in a manner to prevent or control erosion, siltation, water pollution, and damage to public or private property; and must, to the extent possible using the best technology currently available, be located, maintained, and used in a manner that minimizes damage to fish, wildlife, and related environmental values; and must minimize additional contributions of suspended solids to streamflow or runoff outside the permit area. No contribution to runoff is permitted in excess of that allowable under State or Federal law.

Commenters suggested that the proposed support facilities performance standards were unnecessary, because support facilities should not be separately regulated. OSM has adopted special performance standards for support facilities because it believes that these facilities, while permitted in the context or other regulated activities, are sufficiently distinct from other aspects of a mine to be most properly regulated by specifically identified standards.

Some commenters objected to the lack of design criteria in the performance standards for support facilities. These commenters felt that if specific design criteria were not set, then OSM should at least require the regulatory authority to require such information in the context of permitting. The commenters noted limits on some State regulatory authorities which prohibited them from taking steps which would make their regulations more stringent than OSM's.

OSM disagrees. Before issuing a permit, a regulatory authority must have sufficient information to support a finding that a proposed operation will comply with the Act and appropriate regulatory program. So long as the operator meets the performance requirements for these facilities, the requirements of the Act will be met. Should the operator of a support facility fail to meet the performance standards, the regulatory authority must proceed with remedial steps, including issuance of notices of violation and cessation orders. Accordingly, operators will have to design facilities in order to ensure compliance. Regulatory authorities are generally free to solicit additional information. Where State statute prohibits such regulations, the regulatory authority may seek statutory relief.

Commenters suggested that a requirement be added that support areas be stabilized to prevent air pollution from fugitive dust and from wind erosion. Erosion and its attendant air quality impacts are the subject of recently promulgated amendments to §§ 816.95 and 817.95 (48 FR 1160, January 10, 1983). These rules are applicable to support facilities as are the other provisions of Parts 816 and 817.

Commenters suggested adding language to §§ 816.181(a) and 817.181(a) which would require specific consideration of water quality and quantity. As adopted, §§ 816.181(b)(1) and 817.181(b)(1) require the prevention or control of water pollution. The term "water pollution" may include disruption of water quality or quantity; accordingly, the suggested change is unnecessary.

Commenters suggested that OSM's use of the word "minimize" in place of "prevention" in §§ 816.181(b)(2)(ii) and 817.181(b)(2)(ii) was inconsistent with the statutory intent because "prevent" implies a goal of total elimination and minimize suggests a less stringent standard. OSM disagrees. In Sections 515(b)(10)(B)(i) and 516(b)(9)(B) of the Act, the word "prevent" is modified with the phrase "to the extent possible using the best technology currently available." OSM believes that in some cases, using the best technology currently available will result in the minimization but not the prevention of increases in suspended solids in streamflow. In those cases, the word "minimize" more accurately captures congressional intent. In others, absolute prevention will result from minimization to the extent possible. In those cases, congressional intent will also be served by this regulation.

G. Amendments to Part 827: Performance Standards for Coal Preparation Plants

Section 827.1 will serve as both the scope and applicability section for Part

827. It has been shortened to remove unnecessary wording, and the phrase "other than those plants which are located at the site of ultimate coal use" has been added for the reasons described in the next paragraph.

Commenters requested that OSM modify the language in § 827.11 to read "other than those plants situated at the point of ultimate coal use" in order to clarify that only those plants at the site of ultimate use would be considered not to be "in connection with" a mine. OSM has accepted this suggestion and has modified § 827.1 accordingly. The title of § 827.11 has been changed to "General requirements" because that is a more accurate description of the section. The remainder of the section is unchanged.

Section 827.12 contains the performance standards required for coal preparation plants operated outside the permit area for a mine, but not at the site of ultimate coal use. The relevant requirements of Part 816 are specifically referenced in this section in order to minimize unnecessary verbiage and simplify the regulatory requirements. The sections referenced in the following discussions and in § 827.12 are the preferred alternatives in Volume III of OSM's "Final Environmental Impact Statement OSM-EIS-1: Supplement." Several other rulemakings currently pending at OSM would change some of the sections referenced, and, for convenience, OSM has adopted the section numbers anticipated to be used. If such sections are not adopted as proposed, conforming technical amendments will be issued.

Signs and markers for coal preparation plants, coal processing waste disposal areas, and water-treatment facilities must comply with § 816.11. Any stream channel diversion must comply with § 816.43. Drainage from any disturbed area related to the coal preparation plant must comply with §§ 816.45–816.47, and all discharges from these areas must meet the requirements of §§ 816.41 and 816.42 and any other applicable State or Federal law. Permanent impoundments associated with coal preparation plants must meet the requirements of §§ 816.49 and 816.56. Dams constructed of, or impounding, coal processing waste must comply with § 816.84. Disposal of coal processing waste, noncoal mine waste, and excess spoil must comply with §§ 816.81, 816.83, 816.84, 816.87, 816.89, and 816.71–816.74. Fish, wildlife, and related environmental values must be protected in accordance with § 816.97. Support facilities related to the coal preparation plant must comply with § 816.181. Roads and other transportation facilities must comply with §§ 816.150 and 816.151. Cessation of operations must be in accordance with §§ 816.131 and 816.132. Erosion and its attendant air pollution must be controlled in accordance with § 816.95. Adverse effects upon, or resulting from, nearby underground coal mining activities must be minimized by appropriate measures including, but not limited to, compliance with § 816.79. Reclamation in general must comply with §§ 816.22, 816.100–816.106, 816.111–816.117, and 816.133.

Commenters were confused about the regulation of support facilities associated with coal preparation plants. Although OSM is deleting the specific reference to support facilities in § 827.1, support facilities will continue to be regulated in association with the facilities that they support. If a facility is incident to a coal mine, it is bound by the performance standards in §§ 816.181 and 817.181. If it supports a coal preparation plant, it is subject to the general standards for support facilities as well as the standards of § 827.12.

Commenters felt that OSM should not delete the topsoil handling requirements in previous § 827.12(m). OSM agrees. The final rule includes the requirement that coal preparation plants should comply with the topsoil handling procedures in § 816.22.

Commenters objected to the deletion of the requirements that preparation plants comply with §§ 816.53 and 816.54, dealing with wells and the replacement of water rights. OSM believes that use of wells will only infrequently be associated with coal preparation plants. If water rights are affected by coal preparation plants, remedies may be available under State law.

Commenters objected to OSM's proposed deletion of the requirement that a coal preparation plant comply with performance standards for prime farmland. To the degree that coal preparation plants will affect only a minimal amount of land and will be operated over an extended period of time, they fall within an exemption provided for under Judge Flannery's ruling regarding prime farmland requirements. *In Re: Permanent Surface Mining Regulation Litigation,* Civ. Action No. 79-1144, at 3, (D.D.C. May 16, 1980). This exemption will be incorporated into the revised prime farmland requirements.

Commenters felt that OSM should retain previous § 827.12(k), the performance requirements governing slides, because slides may result from road embankments and coal processing waste areas. OSM believes that its rules governing roads and coal wastes provide sufficient guidance for the construction of these structures to prevent slides.

Commenters felt that OSM should add a requirement for stream buffer zones associated with coal processing plants. OSM had not proposed such a requirement, and has not adopted one in the final rule. Stream buffer zones may be added in a separate rulemaking if experience under this rule indicates that such buffer zones are necessary to meet the Act's objectives.

III. Procedural Matters

Executive Order 12291 and the Regulatory Flexibility Act

The Department of the Interior (DOI) has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

The reasons underlying this determination are as follows:

This rule will impose only minor costs on the coal industry and coal consumers. This rule will allow small coal operators increased flexibility in meeting performance standards and should especially ease the regulatory burden on small coal operators in Appalachia.

Paperwork Reduction Act

The information collection requirements contained in 30 CFR 785.21 has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1029-0040. This approval is codified under 30 CFR 785.10.

The information required by 30 CFR Part 785 will be used by the regulatory authority in implementing the permanent regulatory program.

National Environmental Policy Act

OSM has analyzed the impacts of these final rules in its "Final Environmental Impact Statement, OSM-EIS-1: Supplement" according to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(2)(C)). The final supplement is available in OSM's Administrative Record in Room 5315, 1100 L Street, NW., Washington, D.C., or by mail request to Mark Boster, Chief, Branch of Environmental Analysis, Room 134, Interior South Building, U.S. Department of the Interior, Washington, DC 20240.

This preamble serves as a record of decision under NEPA.

The rule as adopted differs from the preferred alternative in several ways:

Several editorial changes have been made which do not change the meaning or intent of the rule, nor the analysis in the discussion of the preferred alternative.

The definition of "coal preparation" contained in the preferred alternative has been revised to serve both as the definition of "coal processing" and of "coal preparation." The environmental impacts of defining "coal processing" are discussed in the discussion of Alternative C of the EIS.

Language has been added to the definition of "coal preparation plant" which clarifies that coal preparation plants may include other facilities which by themselves might not constitute coal preparation. This regulation is substantively the same as that contemplated by the preferred alternative.

The definition of "support facilities" has also been amended to reference explicitly a proximity relationship to a regulated activity. This relationship was contemplated by the preferred alternative. In addition the term "utility installations" has been deleted, and a listing of certain transportation facilities has been added to the examples listed. Utility installations will nonetheless be regulated when they are otherwise subject to the Act; thus, the final rule will have no impacts different from the preferred alternative. The impacts of regulating other transportation facilities as support facilities are contemplated in the discussion of Alternative C.

For clarity, OSM has adopted language exempting certain facilities located at the site of ultimate coal use rather than at the point of ultimate coal use. Both terms are considered in the preferred alternative.

Language in the "utility installations" regulations (§ 816.180) requires the regulatory authority and the installation owner to approve disruption of utility installations rather than allowing regulatory authority approval of a plan for such disruptions without owner approval. This is the same as the no-action alternative in the EIS.

Several changes to the performance standards for coal preparation plants have been made. Section numbers have been amended to reflect anticipated regulatory changes, with no impacts different from the preferred alternative. The word "diversion" has been substituted for "realignment" for clarity. OSM has determined to cross-reference the topsoil handling, backfilling and grading, postmining land use, and revegetation regulations. Such references were contemplated in the discussion of Alternative B.

Agency Approval

Section 516(a) requires that, with regard to rules directed toward the surface effects of underground mining, OSM must obtain written concurrence from the head of the department which administers the Federal Mine Safety and Health Act of 1977, the successor to the Federal Coal Mine Health and Safety Act of 1969. OSM has obtained the written concurrence of the Assistant Secretary for Mine Safety and Health, U.S. Department of Labor.

List of Subjects

30 CFR Part 700

Administrative practice and procedure, Coal mining, Surface mining, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 701

Coal mining, Law enforcement, Surface mining, Underground mining.

30 CFR Part 785

Coal mining, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 816

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 817

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 827

Coal mining, Environmental protection, Surface mining, Underground mining.

For the reasons stated above, 30 CFR Parts 700, 701, 785, 816, 817, and 827 are amended as follows.

Dated: April 7, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 700—GENERAL

1. Section 700.5 is amended by revising the definition of "surface coal mining operations" to read as follows:

§ 700.5 Definitions.

* * * * *

Surface coal mining operations means—

(a) Activities conducted on the surface of lands in connection with a surface coal mine or, subject to the requirements of Section 516 of the Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, montaintop removal, box cut, open pit, and area mining; the use of explosives and blasting; in-situ distillation, retorting, leaching, or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine site. *Provided,* these activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed 16⅔ percent of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to Section 512 of the Act; and, *Provided further,* That excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

(b) The areas upon which the activities described in paragraph (a) of this definition occur or where such activities distrub the natural land surface. These areas shall also include any adjacent land the use of which is incidential to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage and excavation, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or material on the surface, resulting from or incident to those activities.

* * * * *

PART 701—PERMANENT REGULATORY PROGRAM

2. Section 701.5 is amended by removing the definition of "coal processing plant" and by adding, in alphabetical order, definitions for "coal preparation" or "coal processing," "coal preparation plant," and "support facilities."

§ 701.5 Definitions.

* * * * *

Coal preparation or *coal processing* means the cleaning, concentrating, or other processing or preparation of coal in order to separate coal from its impurities.

Coal preparation plant means a facility where coal is subjected to

cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities. When associated with a facility that separates coal from its impurities, a preparation plant may include, but need not be limited to, the following facilities: loading facilities; storage and stockpile facilities; sheds, shops, and other buildings; water-treatment and water-storage facilities; settling basins and impoundments; and coal processing and other waste disposal areas.

* * * * *

Support facilities means those facilities resulting from, or incident to, an activity identified in Paragraph (a) of the definition of "surface coal mining operations" in § 700.5 of this chapter and the areas upon which such facilities are located. Support facilities may consist of, but need not be limited to, the following facilities: mine buildings; bath houses; coal loading facilities; coal crushing and sizing facilities; coal storage facilities; equipment and storage facilities; fan buildings; hoist buildings; sheds, shops, and other buildings; facilities used to treat and store water for mine consumption; and railroads, surface conveyor systems, chutes, aerial tramways, or other transportation facilities, but not including roads. "Resulting from or incident to" an activity connotes an element of proximity to that activity.

* * * * *

PART 785—REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

3. Section 785.21 is revised to read as follows:

§ 785.21 Coal preparation plants not located within the permit area of a mine.

(a) This section applies to any person who operates or intends to operate a coal preparation plant outside the permit area of any mine, other than such plants which are located at the site of ultimate coal use. Any person who operates such a preparation plant shall obtain a permit from the regulatory authority in accordance with the requirements of this section.

(b) Any application for a permit for operations covered by this section shall contain an operation and reclamation plan which specifies plans, including descriptions, maps, and cross sections, of the construction, operation, maintenance, and removal of the preparation plant and support facilities operated incident thereto or resulting therefrom. The plan shall demonstrate that those operations will be conducted in compliance with Part 827 of this chapter.

(c) No permit shall be issued for any operation covered by this section, unless the regulatory authority finds in writing that, in addition to meeting all other applicable requirements of this subchapter, the operations will be conducted in compliance with the requirements of Part 827 of this chapter.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

4. Section 816.180 is revised to read as follows:

§ 816.180 Utility installations.

All surface coal mining operations shall be conducted in a manner which minimizes damage, destruction, or disruption of services provided by oil, gas, and water wells; oil, gas, and coal-slurry pipelines; railroads; electric and telephone lines; and water and sewage lines which pass over, under, or through the permit area, unless otherwise approved by the owner of those facilities and the regulatory authority.

5. Section 816.181 is revised to read as follows:

§ 816.181 Support facilities.

(a) Support facilities shall be operated in accordance with a permit issued for the mine or coal preparation operation to which it is incident or from which its operation results.

(b) In addition to the other provisions of this part, support facilities shall be located, maintained, and used in a manner that—

(1) Prevents or controls erosion and siltation, water pollution, and damage to public or private property; and

(2) To the extent possible using the best technology currently available—

(i) Minimizes damage to fish, wildlife, and related environmental values; and

(ii) Minimizes additional contributions of suspended solids to streamflow or runoff outside the permit area. Any such contributions shall not be in excess of limitations of State or Federal law.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

6. Section 817.180 is revised to read as follows:

§ 817.180 Utility installations.

All underground mining activities shall be conducted in a manner which minimizes damage, destruction, or disruption of services provided by oil, gas, and water wells; oil, gas, and coal-slurry pipelines, railroads; electric and telephone lines; and water and sewage lines which pass over, under, or through the permit area, unless otherwise approved by the owner of those facilities and the regulatory authority.

7. Section 817.181 is revised to read as follows:

§ 817.181 Support facilities.

(a) Support facilities shall be operated in accordance with a permit issued for the mine or coal preparation plant to which it is incident or from which its operation results.

(b) In addition to the other provisions of this part, support facilities shall be located, maintained, and used in a manner that—

(1) Prevents or controls erosion and siltation, water pollution, and damage to public or private property; and

(2) To the extent possible using the best technology currently available—

(i) Minimizes damage to fish, wildlife, and related environmental values; and

(ii) Minimizes additional contributions of suspended solids to streamflow or runoff outside the permit area. Any such contributions shall not be in excess of limitations of State or Federal law.

6. Part 827 is revised to read as follows:

PART 827—PERMANENT PROGRAM PERFORMANCE STANDARDS—COAL PREPARATION PLANTS NOT LOCATED WITHIN THE PERMIT AREA OF A MINE

Sec.
827.1 Scope.
827.11 General requirements.
827.12 Coal preparation plants: Performance standards.

Authority: Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*

§ 827.1 Scope.

This part sets forth requirements for coal preparation plants not within the permit area for a specific mine other than those plants which are located at the site of ultimate coal use.

§ 827.11 General requirements.

Each person who operates a coal preparation plant subject to this part shall obtain a permit in accordance with § 785.21 of this chapter, obtain a bond in accordance with Subchapter J of this chapter, and operate that plant in accordance with the requirements of this part.

§ 827.12 Coal preparation plants: Performance standards.

Construction, operation, maintenance, modification, reclamation, and removal activities at coal preparation plants shall comply with the following:

(a) Signs and markers for the coal preparation plant, coal processing waste disposal area, and water-treatment facilities shall comply with § 816.11 of this chapter.

(b) Any stream channel diversion shall comply with § 816.43 of this chapter.

(c) Drainage from any disturbed area related to the coal preparation plant shall comply with §§ 816.45–816.47 of this chapter, and all discharges from these areas shall meet the requirements of §§ 816.41 and 816.42 of this chapter and any other applicable State or Federal law.

(d) Permanent impoundments associated with coal preparation plants shall meet the requirements of §§ 816.49 and 816.56 of this chapter. Dams constructed of, or impounding, coal processing waste shall comply with § 816.84 of this chapter.

(e) Disposal of coal processing waste, noncoal mine waste, and excess spoil shall comply with §§ 816.81, 816.83, 816.84, 816.87, 816.89, and 816.71–816.74 of this chapter, respectively.

(f) Fish, wildlife, and related environmental values shall be protection in accordance with § 816.97 of this chapter.

(g) Support facilities related to the coal preparation plant shall comply with § 816.181 of this chapter.

(h) Roads shall comply with §§ 816.150 and 816.151 of this chapter.

(i) Cessation of operations shall be in accordance with §§ 816.131 and 816.132 of this chapter.

(j) Erosion and air pollution attendant to erosion shall be controlled in accordance with § 816.95 of this chapter.

(k) Adverse effects upon, or resulting from, nearby underground coal mining activities shall be minimized by appropriate measures including, but not limited to, compliance with § 816.79 of this chapter.

(l) Reclamation shall follow proper topsoil handling, backfilling and grading, revegetation, and postmining land use procedures in accordance with §§ 816.22, 816.100. 816.102, 816.104, 816.106, 816.111, 816.113, 816.114, 816.116, and 816.133 of this chapter, respectively.

[FR Doc. 83– 12092 Filed 5–4–83; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Last Listing April 28, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents. U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

S. 304/Pub. L. 98-25 To hold a parcel of land in trust for the Burns Paiute Tribe. (May 2, 1983; 97 Stat. 185) Price: $1.75