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Friday
May 20, 1983

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CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Proclamation 5063 of May 18, 1983

National Andrei Sakharov Day

By the President of the United States of America

A Proclamation

Dr. Andrei Sakharov has earned the admiration and gratitude of the people of the United States and other countries throughout the world for his tireless and courageous efforts on behalf of international peace and on behalf of basic human freedoms for the peoples of the Soviet Union. In recognition of this work, Dr. Sakharov was awarded the Nobel Prize for Peace. Soviet authorities prevented Dr. Sakharov from receiving this award in person by prohibiting him from leaving the Soviet Union.

In the face of continuous harassment and mistreatment by the Soviet authorities, Dr. Sakharov has continued his work for peace and individual human rights. Despite his exile to the remote city of Gorkiy on January 22, 1980, and despite continued efforts by the Soviet authorities to deny Dr. Sakharov the means of continuing his work and of maintaining contact with the outside world, the example of Andrei Sakharov's courage continues to shine brightly.

The Congress, by Senate Joint Resolution 51, has designated May 21, 1983 as "National Andrei Sakharov Day" and has authorized and requested the President to issue a proclamation in observance of that day. On this occasion, Americans everywhere are given the opportunity to reaffirm that, despite attempts at repression, the ideals of peace and freedom will endure and ultimately triumph.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 21, 1983 as National Andrei Sakharov Day. I call upon the American people to observe that day with appropriate ceremonies and activities.

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

Ronald Reagan

[FR Doc. 83-13778
Filed 5-18-83; 2:25 pm]
Billing code 3195-01-M

Editorial Note: For the President's remarks of May 18, 1983, on Andrei Sakharov Day, see the *Weekly Compilation of Presidential Documents* (vol. 19, no. 20).

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 412]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period May 22–28, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: May 22, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on May 17, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons remains generally good.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.712 is added as follows:

§ 910.712 Lemon regulation 412.

The quantity of lemons grown in California and Arizona which may be handled during the period May 22, 1983, through May 28, 1983, is established at 300,000 cartons.

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

Dated: May 18, 1983.

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

[FR Doc. 83–13851 Filed 5–19–83; 12:59 pm]
BILLING CODE 3410–02–M

CIVIL AERONAUTICS BOARD

14 CFR Part 296

[Reg. ER–1335; Econ. Reg. Amdt. No. 1 to Part 296; Docket 40320]

Indirect Air Transportation of Property

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules governing U.S. indirect cargo air carriers to permit direct air carriers to pay fees to these indirect air carriers. The CAB makes this change in response to a request by Trans World Airlines, to remove competitive inequities, and to reduce regulatory oversight of cargo pricing policies and practices.

DATES:
Adopted: May 2, 1983.
Effective: May 19, 1983.

FOR FURTHER INFORMATION CONTACT: Joanne Yancey Hitchcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: In EDR–437, 47 FR 633, January 6, 1982, the Board proposed a revision of the rules governing domestic indirect cargo air carriers, commonly known as air freight forwarders, foreign cooperative shippers associations, and foreign air freight forwarders. The rulemaking was initiated in response to an application for an exemption by Trans World Airlines (TWA) in Docket 38298.

Under the proposed rule, direct air carriers would be permitted to pay fees to indirect air carriers without restriction as to the amount of the fee or the method of payment. Such fee payments are currently authorized on an interim basis under an exemption granted by the Board in Order 80–9–147, September 14, 1980, and extended by Order 81–12–113, December 18, 1981, pending final action by the Board on a rulemaking. This rulemaking is designed to remove possible competitive inequities among U.S. carriers that may

result from ambiguity on the status of reciprocal agency arrangements or use of affiliated agents.

Comments were filed by the Air Freight Association of America, Eastern Air Lines, the International Airforwarder and Agents Association, International Customs Service, and Trans World Airlines. All of the comments endorsed the proposed rule in principle, although there were requests for change or clarification.

Trans World Airlines (TWA) supported the proposed rule and urged its adoption, for reasons stated in its application in Docket 38298. In TWA's view, the rule will permanently remove competitive inequities, free prior interpretations of the Board's rules from doubt, and continue flexible maketing practices established in response to market forces. TWA stated that these changes are fully consistent with the Board's reduced oversight of the relationships between indirect cargo air carriers and direct air carriers since passage of the Air Cargo Deregulation Act, Pub. L. 95–163.

The Air Freight Association of America also supported the proposed rule, asserting that the need for it is no less great now than 5 years ago, when it filed a petition for rulemaking to permit fee payments (Docket 30362). As a result of that petition, the Board permitted forwarders to receive payment for nontransportation services provided to airlines, but continued to prohibit the payment of commissions on consolidated shipments. In the Air Freight Association's view, the proposed rule would remove an inequity that continues to exist, namely the discrimination against domestic forwarders and small shippers in international cargo transportation. The Air Freight Association claims that IATA rate agreements are based on the premise that commissions on consolidations are paid everywhere, while Board policy prevents domestic forwarders from accepting commissions on consolidations, resulting in a competitive disadvantage to U.S. forwarders when compared with their foreign counterparts. Comments filed by International Customs Service also supported issuance of this rule, and expressed views similar to those of the Air Freight Association. In the opininon of the International Customs Service, permitting domestic forwarders to accept fees from direct air carriers for shipments, particulary those outbound from the United States will alleviate the competitive inequity that presently exists between U.S. forwarders and foreign forwarders.

The International Airforwarders and Agents Association (IAAA) also supported the proposed rule in principle, but was concerned about the fact that commissions on consolidations are not expressly authorized. In the view of IAAA, should the Board fail to expressly permit air freight forwarders to receive commissions on consolidations, direct air carriers may continue to act cautiously in the payment area, thereby dampening the prospects for increased innovation and competition. IAAA was also concerned that this rule may continue to prohibit the payment of "so-called rebates" to forwarders. In IAAA's view, anti-rebate provisions do not apply to an air freight intermediary that does not own and control its own traffic, and this potential problem can be solved by issuance of a final rule that completely exempts indirect air carriers from the anti-rebate provisions of section 403(b)(2). Similarly, IAAA argued that such an exemption should not apply to indirect air carriers that handle their own traffic or that of an affiliate under the guise of being a forwarder. IAAA agreed with the Air Freight Association and the International Customs Service, however, the adoption of the rule would alleviate competitive inequities between U.S. and foreign air freight forwarders.

Eastern Air Lines generally agreed with the concept of the proposed rule. Eastern also asked that the final rule make it clear that payments to forwarders are contingent upon presentation of a shipment "ready for carriage." In Eastern's view, forwarders should be subject to the same standards for payment of commissions as sales agents who must tender shipments "ready for carriage."

The Board has decided to adopt this rule as proposed. This rule offers greater flexibility to both indirect and direct air carriers, because the payment of fees by direct air carriers to indirect carriers on shipments tendered by the latter will be permitted without regard to their amount or method of payment.

Although this rule eliminates the prohibition on the receipt of commissions by air freight forwarders from direct air carriers, the Board will not adopt the term "commissions" to describe the scope of the exemption, as requested by IAAA. The Board believes that the term "fees" more accurately reflects the general nature of the payments to indirect air carriers that are being authorized by this rule, and is the most appropriate one to be used since the term "fees" includes commissions and other forms of payment. For the same reason, the Board will not adopt Eastern's proposal that forwarders and sales agents be treated identically for purposes of payment.

In Order 82–12–24, the Board permitted forwarders to offer interline service with direct air carriers. As in the case of interline agreements between direct air carriers, such agreements create reciprocal agency relationships between the forwarder and its interline partner, even though the forwarder acts as an air carrier for its leg of the interline transportation. In such a case, the requirement that the forwarder act as an agent of the direct carrier, or as a forwarder, but not both, applies separately to each segment. Thus, the forwarder acts as an indirect air carrier for its segment of the movement and as an agent for the segment of the interlining direct air carrier. A forwarder can therefore consolidate shipments to achieve shipping economies over the segment for which it is taking responsibility, although each shipment must be individually rated under the joint tariff with its interline direct carrier partner.

Finally, the Board cannot adopt Eastern's proposal that payments to indirect air carriers be made contingent upon presentation of a shipment "ready for carriage." This proposal would defeat the purpose of this rule, which is to further relinquish regulatory control over cargo pricing and practices, placing greater emphasis on competition and market forces for regulation of the industry.

Final Regulatory Flexibility Analysis

The discussion above constitutes the Board's final regulatory flexibility analysis of this rule pursuant to 5 U.S.C 604. This rule will eliminate the need of indirect cargo carriers to use reciprocity arrangements or established affiliates to be paid fees on consolidated shipments. Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5432, by referring to the "ER" number at the top of the document.

List of Subjects in 14 CFR Part 296

Air carriers, Antitrust, Freight, Freight forwarders, Insurance, Reporting and recordkeeping requirements.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 296, *Indirect Air Transportation of Property*, as follows:

PART 296—[AMENDED]

1. The authority for 14 CFR Part 296 is:

Authority: Secs. 101, 102, 204, 408, 409, and 416, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 767, 768, 771, 49 U.S.C. 1301, 1302, 1324, 1378, 1379, 1386.

§ 296.7 [Removed]

2. Section 296.7, *Prohibition against receipt of commissions*, is removed.

3. Section 296.10 is amended by revising paragraph (a)(1) and adding a new paragraph (d) to read:

§ 296.10 Exemption from the Act.

(a) * * *

(1) Subsection 403(b)(2) (solicitation of rebates). However, indirect cargo air carriers are exempt from section 403(b)(2) to the extent necessary to permit them to solicit, accept, or receive fees from direct air carriers.

* * * * *

(d) Direct air carriers are exempted from section 403 of the Act to the extent necessary to permit them to pay, directly or indirectly, fees to indirect cargo air carriers.

4. The Table of Contents is amended accordingly.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-13669 Filed 5-19-83; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 297

[Reg. ER-1336; Econ. Reg. Amdt. No. 5 to Part 297; Docket 40320]

Foreign Air Freight Forwarders and Cooperative Shippers Associations

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules governing foreign air freight forwarders to permit direct air carriers to pay fees to foreign forwarders. The CAB makes this change in response to a request by Trans World Airlines, and to remove competitive inequities and to reduce regulatory oversight of cargo pricing polices and practices.

DATES:

Adopted: May 2, 1983.

Effective: May 19, 1983.

FOR FURTHER INFORMATION CONTACT: Joanne Yancey Hitchcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: By ER-1335, issued simultaneously, the Board amended 14 CFR Part 296 to permit the payment of fees by direct air carriers to domestic indirect air carriers. The Board also amends this part to permit such payments to foreign air freight forwarders. A complete discussion is set forth in ER-1335.

List of Subjects in 14 CFR Part 297

Air carriers, Air transportation—foreign, Freight, Freight forwarders, Insurance, Reporting and recordkeeping requirements.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 297, *Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations*, as follows:

1. The authority for 14 CFR Part 297 is:

Authority: Secs. 204, 416, Pub. L. 85-726, as amended, 72 Sat. 743, 771; 49 U.S.C. 1324, 1386.

2. Section 297.10 is revised to read:

§ 297.10 Exemption from the Act.

(a) Foreign indirect air carriers with an effective registration under this part are exempted from the following provisions of the Act only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to arrange their air freight shipments:

(1) Section 402 (Permits);

(2) Section 403(a) and 403(b)(1) (Tariffs);

(3) Section 403(b)(2) (Solicitation of rebates) to the extent necessary to permit them to solicit, accept, or receive fees from direct air carriers;

(4) Subsection 404(a)(2) (Carrier's duty to establish just and reasonable rates, etc.); and

(5) If awarded interstate or overseas air transportation operating rights, any other provision of the Act that would otherwise prohibit them from engaging in the interstate or overseas indirect air transportation of property.

(b) Direct air carriers are exempted from section 403 of the Act to the extent necessary to permit them to pay, directly or indirectly, fees to foreign air freight forwarders and foreign cooperative shippers associations on consolidated shipments.

§ 297.32 [Removed]

2. Section 297.32, *Prohibition against receipt of commissions*, is removed.

3. The table of contents is amended accordingly.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-13670 Filed 5-19-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 83C-0041]

2-[[2,5-Diethoxy-4-[(4-Methylphenyl)Thio]Phenyl]Azo]-1,3,5-Benzenetriol; Listing as a Color Additive for Use in Soft (Hydrophilic) Contact Lenses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of 2-[[2,5-diethoxy-4-[(4-methylphenyl)thio]phenyl]azo]-1,3,5-benzenetriol as a color additive for use in marking soft (hydrophilic) contact lenses with the letter R or the letter L for identification purposes. The agency is taking this action in response to a petition filed by Precision-Cosmet Co., Inc.

DATES: Effective June 21, 1983; objections by June 20, 1983.

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

FOR FURTHER INFORMATION CONTACT: George C. Murray, National Center for Devices and Radiological Health (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 4, 1983 (48 FR 9376), FDA announced that a color additive petition (CAP 3C0159, Docket No. 83C-0041) had been filed by Precision-Cosmet Co., Inc., 11140 Bren Road West, Minnetonka, MN 55343, proposing that the color additive regulations be amended to provide for the safe use of 2-[[2,5-diethoxy-4-[(4-methylphenyl]thio]phenyl]azo]-1,3,5-benzenetriol as a color additive for use in marking soft (hydrophilic) contact lenses. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

The color additive is 2-[[2,5-diethoxy-4-[(4-methylphenyl]thio]phenyl]azo]-1,3,5-benzenetriol. This pigment is formed by chemically reacting one drop of developer solution with one letter (R or L) transferred from a film strip to the contact lens. The chemical reaction results in all the starting materials of the

transferred letter from the film strip being reacted. The unreacted developer solution will be washed off the contact lens during the rinsing procedure.

With the passage of the Medical Device Amendments of 1976 (Pub. L. 94–295), Congress mandated the listing of color additives for use in medical devices where the color additive comes in direct contact with the body for a significant period of time (section 706(a) of the act). The use of this color additive presented in the petition before the agency is subject to this listing requirement. The color additive is added to these soft (hydrophilic) contact lenses in such a way that at least some of the color additive will come in contact with the eye when the lenses are worn. In addition, the lenses are intended to be placed on the eye for several hours each day for 1 year or more. Thus, the color additive will come in direct contact with the body for a significant period of time.

The agency, having evaluated the data in the petition and other relevant material, has concluded that there is no measurable migration of the color additive and that the total level of exposure, if all the color additive were to leach from the lens, would be $1.1X10^{-7}$ grams or less, which will pose no significant risk to humans. FDA finds that 2-[[2,5-diethoxy-4-[(4-methylphenyl)thio]phenyl]azo]-1,3,5-benzenetriol is safe and suitable for use in marking soft (hydrophilic) contact lenses under these conditions. Therefore, the regulation restricts the use of 2-[[2,5-diethoxy-4-[(4-methylphenyl)thio]phenyl]azo]-1,3,5-benzenetriol to an amount not to exceed $1.1X10^{-7}$ grams and to uses for which, when used as specified in the labeling, there is no measurable migration of the color additive from the lens to the surrounding ocular tissue. Further, in accordance with § 71.20(b) (21 CFR 71.20(b)), the agency finds that certification is not necessary for the protection of the public health.

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

This document adds a new Subpart D to 21 CFR Part 73 that provides for listing color additives exempt from certification for use in medical devices. In an future issue of the **Federal Register**, FDA will add to Subpart D medical devices currently listed in Subpart B—Drugs (e.g., sutures, which are now medical devices, but which were regulated as drugs before the passage of the Medical Device Amendments of 1976).

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

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

Subpart D—Medical Devices

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

§ 73.3115 2-[[2,5-Diethoxy-4-[(4-methylphenyl)thio]phenyl]azo]-1,3,5-benzenetriol.

(a) *Identity.* The color additive 2-[[2,5-diethoxy-4-[(4-methylphenyl)thio]phenyl]azo]-1,3,5-benzenetriol is formed in situ in soft (hydrophilic) contact lenses.

(b) *Uses and restrictions.* The color additive 2-[[2,5-diethoxy-4-[(4-methylphenyl)thio]phenyl]azo]-1,3,5-benzenetriol may be safely used to mark soft (hydrophilic) contact lenses with the letter R or the letter L for identification purposes subject to the following restrictions:

(1) The quantity of the color additive does not exceed 1.1×10^{-7} grams in a soft (hydrophilic) contact lens.

(2) When used as specified in the labeling, there is no measurable migration of the color additive from the contact lens to the surrounding ocular tissue.

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

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

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

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 20, 1983, submit to the Dockets Management Branch (address above) written objection thereto. Objections shall show how the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issue for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 21, 1983, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the **Federal Register.**

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

Dated: May 16, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-13556 Filed 5-19-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Furosemide Tablets

Correction

In FR Doc. 83–10160, beginning on page 16657 in the issue of Tuesday, April 19, 1983, the effective date appearing in the next to last line of the first column of

page 16658 should have read, "April 19, 1983."

BILLING CODE 1505-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lasalocid

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Hoffmann-LaRoche, Inc., providing for the use of lasalocid liquid feed supplements in the production of finished cattle feeds. The supplemental application provides for revised specifications, general use mixing directions, and caution statements. The amended regulation also establishes a procedure for the approval of supplemental NADA's providing for positionally stable lasalocid liquid feed supplements, and positionally unstable lasalocid liquid feed supplements which bear special mixing directions.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Hoffmann-LaRoche, Inc., 340 Kingsland St., Nutley, NJ 07110, filed supplemental NADA 96-298 for use of Bovatec® (lasalocid) liquid feed supplements containing 100 to 1,440 grams (g) of lasalocid per ton to make finished cattle feeds containing 10 to 30 g of lasalocid per ton. The liquid feed supplements are made from 15 percent (68 g per pound) lasalocid medicated premixes. The finished feeds are for improved feed efficiency and increased rate of weight gain in beef cattle being fed in confinement for slaughter. The lasalocid liquid feed supplement may be in positionally stable or positionally unstable (thixotropic or conventional) formulations at 100 to 1,440 g of lasalocid per ton. Positionally unstable formulations segregate if not mixed.

The supplement is approved and the regulations are amended accordingly.

The approval of this supplement to NADA 96-298 is subject to the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977). This approval poses no increased human risk from exposure to residues of the new animal drug lasalocid because the number of food-producing animals receiving medication will not increase significantly. The drug will not be administered at higher dosage levels, for longer duration, or for different indications than are already in effect. Accordingly, under the Bureau's supplemental approval policy, these approvals do not constitute a reevaluation of the human safety and effectiveness data supporting the parent application.

Because this approval does not involve the submission of safety and effectiveness data per se, the freedom of information provisions of 21 CFR Part 20 and § 514.11(e)(2)(ii) do not apply.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.311 is amended by revising paragraph (e) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.311 Lasalocid.

* * * * *

(e) *Special considerations.* (1) Finished feeds may be manufactured from lasalocid liquid feed supplements which have a pH of 4.0 to 8.0 and bear appropriate mixing directions and cautions on the labels, specifically as follows:

(i) For liquid supplements stored in recirculating tank systems: Recirculate immediately prior to use for no less than 10 minutes, moving not less than 1 percent of the tank contents per minute from the bottom of the tank to the top. Recirculate daily as directed even when supplement is not used.

(ii) For liquid supplements stored in mechanical, air, or other agitation-type tank systems: Agitate immediately prior to use for not less than 10 minutes, creating a turbulence at the bottom of the tank that is visible at the top. Agitate daily as directed even when the supplement is not used. Mix the liquid supplement thoroughly with grain and/or roughage prior to feeding.

(iii) All labels must bear the following statements: Feeding undiluted, mixing errors, or inadequate mixing (recirculation or agitation), of liquid supplements may result in an excess lasalocid concentration which could be fatal to cattle. Do not allow horses or other equines access to premixes, supplements, or feeds containing lasalocid. Ingestion may be fatal. Lasalocid medicated cattle feed is safe for use in cattle only. Safety of lasalocid for use by unapproved species or breeding cattle has not been established.

(2) A positionally stable lasalocid liquid feed supplement will not be subject to the requirements for mixing directions prescribed in paragraph (e)(1) of this section provided it has a pH of 4.0 to 8.0 and contains a suspending agent(s) sufficient to maintain a viscosity of not less than 300 centipoises per second for 3 months. Form FD-1800 must indicate the pH and centipoises per second for such lasalocid liquid feed supplement.

(3) If a manufacturer is unable to meet the requirements of paragraph (e) (1) or (2) of this section, the manufacturer may secure approval of a positionally stable liquid supplement by (i) either filing an NADA for the product or establishing a master file containing data to support the stability of its product; (ii) authorizing the agency to reference and rely upon the data in the master file to support approval of a supplemental NADA to establish positional stability; and (iii) requesting the sponsor of an approved NADA to file a supplement to provide for use of its lasalocid premix in the manufacture of the liquid feed supplement specified in the appropriate master file. If the data demonstrate the stability of the liquid feed supplement described in the master file, the supplemental NADA will be approved. Approval of the supplement will not be published in the **Federal Register** because such approval will not affect or alter conditions or use of the product in the NADA or the regulation. The approval will, however, provide a basis for the individual liquid feed manufacturer to submit, and for the agency to approve, a medicated feed application under section 512(m) of the act for liquid feed supplement. A manufacturer who seeks to market a positionally unstable lasalocid liquid feed supplement with mixing directions different from the standard directions established in parargraph (e)(1) of this section may also follow this procedure.

(4) Complete cattle feeds manufactured from feed supplements that contain not more than 1,440 grams of lasalocid activity per ton and that comply with the provisions of pragraph (f) (6) or (7) of this section are not required to comply with the requirements of section 512(m) of the act.

(5) If adequate information is submitted to show that a particular liquid feed supplement containing lasalocid is stable outside the pH of 4.0 to 8.0, the pH restriction described in paragraph (e) (1) and (2) of this section may be waived.

* * * * *

Effective date. May 20, 1983.

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

Dated: May 16, 1983.

Richard A. Carnevale,

Acting Deputy Associate Director for Scientific Evaluation.

[FR Doc. 83-13557 Filed 5-19-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 7895]

Collection of Past-due Support From Federal Tax Refunds

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations on procedure and administration relating to the collection of past-due support from Federal tax refunds. These regulations supersede temporary regulations published on the same subject in the **Federal Register** February 8, 1982 (47 FR 5712). Those who owe past-due support and have made overpayments of tax are affected. Also affected are state agencies who have been assigned support obligations under the Social Security Act.

DATE: This document is effective June 20, 1983.

FOR FURTHER INFORMATION CONTACT: Susan K. Thompson 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) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

On February 8, 1982, the **Federal Register** published temporary and proposed amendments to the regulations on procedure and administration under sections 6305 and 6402(c) of the Internal Revenue Code of 1954 (47 FR 4728). These temporary and proposed amendments relate to the collection of past-due support from Federal tax refunds under section 464 of Part D of Title IV of the Social Security Act and section 6402(c) of the Internal Revenue Code of 1954, as added by section 2331(a) of Title 13 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35, 95 Stat. 357). No public hearing was requested or held. After consideration of all comments regarding the proposed amendments, the amendments are adopted as revised by this Treasury decision.

Consideration of Comments

One commenter questioned the wording of the definition of the term "past-due support" found in § 304.6402-1(b)(1) of the proposed regulations. Past-due support is there defined as "the amount of a delinquency, determined under a court order, or an order pursuant to an administrative process established under State law, for support and maintenance of a child or of a child and the parent with whom the child is living." The commenter questioned whether it is the amount of the obligation or the fact of the deliquency that must be determined under a court order or order set by administrative process. These final regulations reword this definition to make clear that it is the amount of the obligation, rather than the fact of the delinquency, that must be determined under a court order or order set by the administrative process.

This commenter also requested that we eliminate the requirement of proposed § 301.6402-1(b)(2)(iii) that support have been delinquent for three months or longer. We cannot eliminate this requirement from these final regulations because the statute requires that support be past-due. Moreover, the three month period is consistent with the requirement of proposed § 301.6402-1(b)(2)(i) that the State make reasonable efforts to collect the amount of the support obligation.

This commenter further suggested that the requirement set forth in proposed § 301.6402-1(c)(1) that a State submit notifications of liability for past-due support to the Department of Health and Human Services by October 1 of each year be changed to require this submission by November 15 or December 1 of each year. Retention of the October 1 deadline is necessary in order to enable the Department of Health and Human Services to consolidate and transmit to the Internal Revenue Service by December 1 the data submitted by the States. Retention of the December 1 date is necessary in order to insure that the Internal Revenue Service receives this data in time to prepare for the beginning of its returns processing in January of each year.

Another commenter objected to the agreement of the Department of Health and Human Services with the Internal Revenue Service to the effect that the Department of Health and Human Services will obtain the home addresses of the taxpayers from whom past-due support has been collected through the Parent Locator Service rather than through direct transmittal of these addresses by the Internal Revenue Service. Because the addresses available through the Parent Locator Service are in fact obtained from the Internal Revenue Service, separate transmittal of these addresses would represent a duplicative and costly effort. Accordingly, the final regulations have not been changed to require a separate transmittal.

Finally, several commenters expressed their belief that a taxpayer whose refund may be subject to offset under section 6402(c) and these regulations should receive notice before the offset is made. A notice concurrent with offset is presently required by these regulations and provided by the Internal Revenue Service. If the Internal Revenue Service were also to provide a prior notice, the offset procedure would become too costly to be utilized by the States which, by law, must reimburse the Internal Revenue Service for the costs of the offset. In addition, the Service would not be able to respond directly to claims of payment or other defenses then asserted by taxpayers because the Service has no direct access to payment information and other facts related to the child support obligation, beyond those facts supplied by the States in their notifications of liability for past-due support. The Office of Child Support Enforcement of the Department of Health and Human Services is presently considering this matter of prior notification. That Office may furnish, or require that participating States furnish, a notice to a delinquent parent that his or her delinquent account is being forwarded to the Internal Revenue Service for collection under section 6402(c) and these regulations. If this notice is furnished, the parent may then assert a claim of payment or other defense directly to the State.

Section 301.6402-1(c)(4) of the final regulations describes the process whereby the notification of liability for past-due support may be corrected by

the participating States. This section has been revised to provide for certain time limitations for submission of corrections of the notification to the Department of Health and Human Services. We expect that Department to specify those time limits.

Regulatory Flexibility Act

Although a notice of proposed rulemaking which solicited public comments was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure requirement of 5 U.S.C 553 did not apply. Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Non-Application of Executive Order 12291

The Commissioner has determined that this regulation is not subject to review under Executive Order 12291.

Drafting Information

The principal author of this regulation is Susan K. Thompson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offfices of the Internal Revenue Service and Trasury Department participated in developing the regulation, both substantively and stylistically.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Adoption of Amendments to the Regulations

Accordingly, § 304.6402–1, relating to offset of past-due support against overpayments, is deleted from Part 304 of Title 26 of the Code of Federal Regulations, and the text of these temporary regulations is added to Part 301 as § 301.6402–5, subject to the revisions set forth below.

PART 301—[AMENDED]

Paragraphs (b)(1) and (c)(4) of New § 301.6402–5 are revised to read as follows:

§ 301.6402–5 Offset of past-due support against overpayments.

* * * * *

(b) *Past-due support*—(1) *Definition.* For purposes of this section, the term "past-due support" means the amount of a delinquent obligation, which amount was determined under a court order, or an order pursuant to an administrative process established under State law, for support and maintenance of a child or of a child and the parent with whom the child is living.

* * * * *

(c) *Notification of liability for past-due support.* * * *

(4) *Correction of notification.* If, after submitting a notification of liability for past-due support, a State determines that an error has been made with respect to the information contained in the notification, or if a State receives a payment or credits a payment to the account of a taxpayer named in this notification, the State shall promptly notify the Office of Child Support Enforcement of the Department of Health and Human Services of these corrections in accordance with any time limitations specified by the Office of Child Support Enforcement. That Office shall promptly transmit these correction to the Internal Revenue Service and the Internal Revenue Service shall make the appropriate correction of the notification of liability for past-due support. However, in no case shall a State notify the Office of Child Support Enforcement under this paragraph (c)(4) of an increased amount of past-due support owed by a taxpayer named in its notification of liability for past-due support. The correction of notification described in this paragraph (c)(4) is to be submitted only for the purpose of completing or correcting the information contained in the notification of liability for past-due support.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: May 5, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

Paragraph 1. Section 304.6402–1, relating to offset of past-due support against overpayments, is removed from Part 304 of Title 26 of the Code of Federal Regulations, and the text of these temporary regulations is added to Part 301 as § 301.6402–5 as follows:

§ 301.6402–5 Offset of past-due support against overpayment.

(a) *Introduction*—(1) *Scope.* Section 6402(c) requires the Secretary of the Treasury or his delegate to reduce the amount of any overpayment to be refunded to a person making an overpayment by the amount of past-due support owed by that person of which the Secretary has been notified in accordance with section 464 of the Social Security Act. Past-due support shall be collected by offset under section 6402(c) and this section in the same manner as if it were a liability for tax imposed by the Internal Revenue Code of 1954 (except that a liability for tax shall be given priority with respect to offset arising under section 6402(a)). Collection by offset under section 6402(c) of this section is a collection procedure separate from the collection procedures provided by section 6305 and § 301.6305–1, relating to assessment and collection of certain child and spousal support liabilities. The sole collection procedure provided by section 6402(c) and this section is that of offset against overpayment. Section 6305 and § 301.6305–1, by contrast, provide for other collection procedures in addition to collection by offset against overpayment. Sections 6305 and 6402(c) have differing procedural requirements and may be used separately or in conjunction with each other.

(2) *General rule.* An amount of past-due support qualifies for offset under this section if it satisfies the requirements of paragraph (b) of this section. A State shall submit to the Department of Health and Human Services a notification of liability for qualifying past-due support containing the information described in paragraph (c) of this section. A qualifying amount of past-due support owed by a taxpayer who has made an overpayment shall be collected in accordance with the procedures set forth in paragraph (d) of this section. Under paragraph (d), the balance of any overpayment remaining after crediting of the overpayment under section 6402(a) to any liability for an internal revenue tax on the part of the taxpayer shall be offset by the amount of past-due support of which the Internal Revenue Service has been notified. The amount of the overpayment not subject to offset for any liability for an internal revenue tax or for past-due support shall be promptly refunded to the taxpayer. Paragraph (e) of this section requires that the Internal Revenue Service notify the taxpayer of the amount of the offset and of the State to which it has been paid. Under procedures set forth in paragraph (f) of this section, amounts collected by offset shall be transferred to a special account maintained by the Bureau of Government Financial Operations for distribution to the States. The Internal Revenue Service shall make monthly collection reports to the Secretary of Health and Human Services or his delegate. The States shall

reimburse the Secretary of the Treasury for the full cost of the refund offset under paragraph (g) of this section.

(b) *Past-due support*—(1) *Definition.* For purposes of this section, the term "past-due support" means the amount of a delinquent obligation, which amount was determined under a court order, or an order pursuant to an administrative process established under State law, for support and maintenance of a child or of a child and the parent with whom the child is living.

(2) *Past-due support qualifying for offset.* Past-due support qualifies for offset under section 6402(c) and this section if—

(i) There has been as assignment of the support obligation to a State pursuant to section 402(a)(26) of the Social Security Act (relating to aid and service to needy families with children) and that State has made reasonable efforts to collect the amount of the obligation;

(ii) The amount of past-due support is not less than $150.00;

(iii) The past-due support has been delinquent for three months or longer; and

(iv) A notificaton of liability for past-due support has been received by the Secretary of the Treasury as prescribed by paragraph (c) of this section.

(c) *Notification of liability for past-due support*—(1) *Form.* A State shall, by October 1 of each year, submit a notification (or notifications) of liability for past-due support on magnetic tape to the Special Collection Activities Unit.

Office of Child Support Enforcement, Department of Health and Human Services, 6110 Executive Boulevard, Suite 900, Rockville, Maryland 20852, Attention: Tax Refund Offset—Tape Processing.

(2) *Content.* The notification of liability for past-due support shall contain with respect to each taxpayer—

(i) The name of the taxpayer who owes the past-due support;

(ii) The social security number of that taxpayer;

(iii) The amount of past-due support owed; and

(iv) The alphabetical designation of the State submitting the notification of liability for past-due support.

The Secretary of Health and Human Services may also require such other information from the State submitting the notification as is necessary for his orderly consolidation of data for transmittal to the Internal Revenue Service.

(3) *Transmittal of notification to Internal Revenue Service.* The Secretary of Health and Human Services shall, by December 1 of each year, consolidate and transmit to the Internal Revenue Service on magnetic tape the data contained in the notifications of liability for past-due support submitted by the participating States.

(4) *Correction of notification.* If, after submitting a notification of liability for past-due support, a State determines that an error has been made with respect to the information contained in the notification, or if a State receives a payment or credits a payment to the account of a taxpayer named in this notification, the State shall promptly notify the Office of Child Support Enforcement of the Department of Health and Human Services of these corrections in accordance with any time limitations specified by the Office of Child Support Enforcement. That Office shall promptly transmit these corrections to the Internal Revenue Service and the Internal Revenue Service shall make the appropriate correction of the notification of liability for past-due support. However, in no case shall a State notify the Internal Revenue Service under this paragraph (c)(4) of an increased amount of past-due support owed by a taxpayer named in its notification of liability for past-due support. The correction notification described in this paragraph (c)(4) is to be submitted only for the purpose of completing or correcting the information contained in the notification of liability for past-due support.

(d) *Collection*—(1) *Priority of offset for outstanding tax liability.* Under section 6402(a) and § 301.6402–1, the Commissoner may credit any overpayment of tax against any outstanding liability for any tax owed by the person making the overpayment. Only the balance remaining after such crediting is available for offset under section 6402(c) of this section. Thus, if a taxpayer making an overpayment has both an outstanding tax liability and a liability for past-due support subject to this section, then the entire amount of the overpayment shall be credited first against the outstanding tax liability under section 6402(a) and § 301.6402–1 and only the remainder, if any, of the overpayment will be offset by the amount of past-due support. However, an overpayment shall be offset by an amount of past-due support under section 6402(c) before any crediting of the overpayment to any future liability for an internal revenue tax. Thus, for example, if no outstanding tax liability is owed and the amount of an overpayment is equal to or less than the amount of past-due support, the Internal Revenue Service shall offset the overpayment by the amount of past-due support before crediting the overpayment against the taxpayer's estimated income tax for the succeeding taxable year under section 6402(b).

(2) *Amounts subject to offset.* The balance of any overpayment remaining after a crediting of the overpayment under section 6402(a) to any outstanding liability for tax on the part of the taxpayer shall be offset by the amount of past-due support of which the Internal Revenue Service has been notified under this section

(3) *Amounts not subject to offset.* The amount of an overpayment not subject to offset for any liability for tax or for past-due support shall be promptly refunded to the taxpayer.

(e) *Notice of offset.* The Internal Revenue Service shall notify the taxpayer in writing of the amount and date of the offset for past-due support and of the State to which this amount of past-due support has been paid.

(f) *Disposition of amounts collected.* Amounts collected under this section shall be transferred to a special account maintained by the Bureau of Government Financial Operations. The Internal Revenue Service shall advise the Secretary of Health and Human Services or his delegate on a monthly basis of the names and social security numbers of the taxpayers from whom the amounts of past-due support were collected, of the amounts collected from each taxpayer, and of the State on whose behalf each collection was made. After authorization by the Division of Finance of the Social Security Administration, the Bureau of Government Financial Operations of the Department of the Treasury shall pay to the participating States amounts equal to the amounts collected under this section.

(g) *Fee.* A refund offset fee in the amount of $17.00 per offset for taxable year 1981, or such greater or smaller amount as the Secretary of the Treasury and the Secretary of Health and Human Services have agreed to be sufficient to reimburse the Internal Revenue Service for the full cost of the offset procedure, shall be billed and collected from the participating States by the Secretary of Health and Human Services or his delegate and deposited in the United States Treasury and credited to the appropriation accounts of the Internal Revenue Service which bore all or part of the costs involved in making the collection.

[FR Doc. 83-13694 Filed 5-19-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Partial Satisfaction of Condition; Approval of the Kentucky Permanent Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 917 by: (1) Partially satisfying a condition of approval of the Kentucky permanent program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), regarding rules of civil procedure in administrative hearings; (2) approving additional amendments to the Kentucky program, relating to changing department names, the definition of "existing structure", the definition of "incidental boundary revision", citizen participation in inspection and enforcement activities, effluent limitations, buffer zone requirements, sediment storage volume, ponds designed with single spillways, monitoring for water discharges, alternative materials used in underdrains, water diversion for coal waste banks, bridge and approach fills, and petitions to designate lands unsuitable for surface coal mining; and (3) creating two new conditions of approval, relating to recharge capacity of ground water and water diversion for coal waste banks.

EFFECTIVE DATE: The partial satisfaction of this condition, the imposition of these conditions, and the approval of these program amendments are effective on May 20, 1983.

FOR FURTHER INFORMATION CONTACT: W. H. Tipton, Director, Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504, Telephone (606) 233-7327.

SUPPLEMENTARY INFORMATION:

Background on the Kentucky Program Submission and Conditional Approval

On December 30, 1981, Kentucky resubmitted its proposed regulatory program to OSM. On April 13, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of twelve minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the May 18, 1982 **Federal Register** (47 FR 21404-21435).

Information pertinent to the general background, revisions, and modifications to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Kentucky program can be found in the May 18, 1982 **Federal Register.**

Deficiency (d) for which the Secretary required correction as a condition of approval was that Kentucky failed to specify what rules of civil procedure apply to hearings before the Kentucky Department for Natural Resources and Environmental Protection (DNREP). By December 31, 1982, Kentucky was to submit copies of guidelines of civil procedure for use in administrative hearings which are no less effective than those at 43 CFR Part 4. By October 31, 1983, Kentucky is to submit copies of regulations or otherwise amend its program to provide for civil procedures in administrative hearings which are no less effective than those at 43 CFR Part 4.

Submission of Material to Partially Satisfy Condition and Additional Program Amendments

On December 29, 1982, OSM received from the Commonwealth of Kentucky material intended to partially satisfy condition (d). On January 7, 1983, OSM received from the Commonwealth of Kentucky material intended to partially satisfy condition (i). On January 11, 1983, OSM also received pursuant to the 30 CFR 732.17 State program amendment procedures, certain revisions to the State regulations. OSM published a notice in the **Federal Register** on January 27, 1983, announcing receipt of these provisions and inviting public comment on whether the proposed program amendments partially corrected these deficiencies, and whether the Secretary should approve the additional amendments to the State program (48 FR 3779-3780). The public comment period ended February 28, 1983. A public hearing scheduled on February 9, 1983, was not held because no one expressed a desire to present testimony. OSM published a notice in the **Federal Register** on March 28, 1983 (48 FR 12713-12715), which amended 30 CFR Part 917 by partially satisfying condition (i).

Secretary's Findings

1. The Secretary finds that the material submitted on December 29, 1982, partially satisfies condition (d). The guidelines for civil procedures in administrative proceedings are no less effective than those at 43 CFR 4.1109, 4.1130 *et seq.*, 4.1155, and 4.1171. The guidelines contain rules for service, discovery and burden of proof, all of which are no less effective than the comparable Federal regulations.

2. The Secretary finds the following program amendments submitted by Kentucky on January 11, 1983, to be consistent with SMCRA and hereby approves them:

a. Revisions to 405 KAR 7:020 Section 1 (13) and (27), changing the names of the Department for Natural Resources and Environmental Protection and the Bureau of Surface Mining Reclamation and Enforcement to the Natural Resources and Environmental Protection Cabinet and the Department for Surface Mining Reclamation and Enforcement (DSMRE), respectively.

These changes are of a minor nature, and are no less effective than the Federal regulations.

b. A revision to 405 KAR 7:020 Section 1(34), modifying the definition of "existing structure" to include only those structures for which construction began prior to January 18, 1983.

This change deleted a reference to a non-existent section of the regulations, and substituted January 18, 1983, as the date defining existing structures because such structures may be legally constructed under interim program permits and regulations up to that date.

c. The addition of a definition of "incidental boundary revision" at 405 KAR 7:020 Section 1(57) to specify under what circumstances an extension to a permit area would be allowed as a permit revision rather than as an amendment or a new permit.

This change codifies Kentucky's interpretation of "incidental boundary revision" which was approved in the April 13, 1983, **Federal Register** (48 FR 21574).

d. A revision to 405 KAR 12:010 Section 6, allowing any person the opportunity to request an inspection and to participate in DSMRE enforcement actions as provided in 405 KAR 12:030.

This change is no less effective than 30 CFR 840.15.

e. Revisions to 405 KAR 16:060 Section 9(2) and 18:060 Section 7(3) adding the words, "or settleable solids", after, "total suspended solids." Kentucky states that these revisions are required because of recent changes to the U.S. Environmental Protection Agency's effluent limitations.

This change conforms the State's rules to those of the U.S. Environmental Protection Agency at 40 CFR 434 (47 FR 45382, October 31, 1982), which require that specific total suspended solids or settleable solids limitations be met for

any precipitation event up to a 10-year, 24-hour event. This change is no less effective than 30 CFR 816.55(b) and 817.55(e).

f. Revisions to 405 KAR 16:060 Section 11(1) and 18:060 Section 9(1) so that buffer zone requirements now apply to perennial and intermittent streams. Under the revised rule, no land within 100 feet of an intermittent as well as a perennial stream may be disturbed by surface mining activities except in certain circumstances. The new State rule eliminates the 100 foot buffer zone requirement for streams with a "biological community," and substitutes such requirement for intermittent streams. Also, 405 KAR 16:060 Section 1(3) and 18:060 Section 9(3), which define a "biologic community", have been deleted.

The Secretary believes that the biological community standard is confusing to apply since almost all intermittent and many ephemeral streams in the Appalachian region contain a "biological community," as defined by the previous State rules, at some time of the year. Although the "biological community" was not difficult to measure, much confusion arose when operators attempted to apply the previous rule's standards to springs, seeps, and ephemeral streams with biological communities. While many small biological communities which contribute to the overall production of downstream ecosystems will be excluded from protection under the new State rules, the purposes of Section 515(b)(24) of the Act will best be achieved by protecting those streams with more significant environmental resource values. Those streams not covered by the new State rules will still be subject to the general requirements for protection of water quality and hydrologic balance under 405 KAR 16:060 Section 1. It is impossible to conduct surface mining without causing destruction to a number of minor natural streams, including some which contain biota. For this reason, surface coal mining operations are permissible so long as a reasonable level of environmental protection is afforded to streams. On these bases, the Secretary finds 405 KAR 16:060 Section 11(1) and 18:060 Section 9(1) to be no less effective than 30 CFR 816.57(a) and 817.57(a).

g. Revisions to 405 KAR 16:090 Section 2 and 18:090 Section 2 to delete the specific numerical design standard for sediment storage volume and to replace it with a site-specific standard.

The Secretary finds the new State rules to be no less effective than 30 CFR 816.46(b) and 817.46(b) because the State rules require a minimum sediment storage volume based on the anticipated volume of sediment to be collected and a feasible time schedule for clean out operations. These requirements ensure that sedimentation ponds are designed to provide both a water and sediment storage capacity sufficient to meet the effluent requirements. In this case, the sediment storage volume could be larger or smaller than 0.125 acre-feet per acre of disturbed area. The effect of the State provisions, however, should be equivalent or superior to that in the Federal regulations.

h. Revisions to 405 KAR 16:090 Section 5(5) and 18:090 Section 5(5) to provide for ponds designed with a single spillway, rather than ponds designed with a principal spillway but no emergency spillway.

The Kentucky rules are comparable to 30 CFR 816.46(i) and 817.46(i), which require an appropriate combination of principal and emergency spillways to safely discharge the runoff from a 25-year, 24-hour precipitation event. The revised rules are to be read in conjunction with Kentucky Technical Reclamation Memorandum (TRM) No. 7, dated January 7, 1983. TRM No. 7 was approved as partially satisfying condition (i) of approval of the Kentucky program, relating to ponds designed with a single spillway, in the March 28, 1983, **Federal Register** (48 FR 12713–12715).

The change in 405 KAR 16:090 Section 5(5) and 18:090 Section 5(5) is to substitute the term, "single spillway" for "principal spillway, but not emergency spillway." While the revised rule does not specifically state under what pond size criteria a single spillway shall be approved, TRM No. 7 describes the design and construction criteria for a single spillway pond. Under TRM No. 7, single spillways would be permitted to be constructed on only those ponds which are either entirely excavated or that have a small levee or spur dike to control outflow. These ponds would have no permanent impoundment above ground level, and will pose no danger to human life or property in the event of overflow. Likewise, no damage to the environment could be expected from such an overflow resulting from a storm event. For other ponds, Kentucky still must meet the strictures of condition (i), by either submitting criteria acceptable to the Secretary for single spillway ponds or by continuing to require emergency spillways. On this basis, the Secretary finds the State revisions to be no less effective than 30 CFR 816.46(i) and 817.46(i).

i. Revisions to 405 KAR 16:110 Section 2(2) and 18:110 Section 2(2) to delete the requirement that monitoring for water discharges be continued for such period as is necessary to demonstrate achievement of the postmining land use.

Specifically, the State proposes to delete the language in this rule requiring the monitoring of surface water flow and quality for "such additional period as is necessary to demonstrate compliance with applicable water quality standards and achievement of the postmining land use capability." This "additional period" is in addition to such monitoring for as long as the effluent limitations are applicable. The State proposes to include in this rule such monitoring for as long as the water quality standards are applicable.

The Federal rule at 30 CFR 816.52(b)(2) states:

> After disturbed areas have been regraded and stabilized according to this part, the person who conducts surface mining activities shall monitor surface water flow and quality. Data from this monitoring may be used to demonstrate that the quality and quantity of runoff without treatment is consistent with the requirements of this part to minimize disturbance to the prevailing hydrologic balance and attain the approved postmining land use. These data may also provide a basis for approval by the regulatory authority for removal of water quality or flow control systems.

The revised State rule replaces the broad language requiring monitoring "as necessary" with the requirement that water quantity and quality monitoring comply with: (1) effluent limitations in the case of point-source discharges, and (2) water quality standards in the case of non-point source runoff. On this basis, the Secretary finds the State revisions to be no less effective than 30 CFR 816.52(b)(2).

j. Revisions to 405 KAR 16:130 Section 2(2) and 18:130 Section 2(2) to include the requirement that alternative materials to be used in underdrains be nondegradable and non-acid or toxic forming.

The Federal rules at 30 CFR 816.72(b)(4) and 817.72(b)(4) state that:

Underdrains shall consist of non-degradable, non-acid or toxic forming rock such as natural sand and gravel, sandstone, limestone, or other durable rock that will not slake in water and will be free of coal, clay or shale.

Kentucky had previously allowed the use of alternative materials in the construction of underdrains for valley and head of hollow fills without requiring these alternative materials to be nondegradable and non-acid and toxic forming. The addition of the sentence requiring all alternative materials to be nondegradable and non-acid and toxic forming clarifies that

alternative materials such as synthetics and/or pipe drains must meet the same standards as natural stone. It also clarifies the valley and head of hollow fill regulations with respect to alternative materials in the underdrains. The Secretary, therefore, finds the State revisions to be no less effective than 30 CFR 816.72(b)(4) and 817.72(b)(4).

k. Revisions to 405 KAR 16:220 Section 4 and 18:230 Section 4 to require bridge and approach fills to pass the 100-year flood event or, where appropriate, the 100-year, 24-hour precipitation event.

These changes are to Kentucky's road regulations for which OSM has no counterpart because its rules were suspended on August 4, 1980 (45 FR 51549). Therefore, the Secretary finds the State revisions to be no less effective than the Federal regulations. Pursuant to 30 CFR 732.17, the Director of OSM will notify Kentucky if any changes are necessary to the State's permanent program regulations when OSM issues final rules on this subject.

l. A revision to 405 KAR 24:030 Section 3, regarding designation of lands unsuitable for surface coal mining, to add the following sentence: "A petition shall be deemed incomplete if the department finds the petition does not contain all information required by 405 KAR 24:020, Sections 3 and 4."

The Secretary finds this revision to be no less effective than 30 CFR 764.15(a), by defining more specifically what constitutes an incomplete petition to designate lands unsuitable for surface coal mining.

3. The Secretary finds that the following program amendments submitted by Kentucky on January 11, 1983, are not fully consistent with SMCRA and hereby imposes additional conditions of program approval related thereto:

a. A revision to 405 KAR 16:060 Section 6(2)(c) allowing the recharge capacity of ground water to be increased or decreased, when warranted by actual conditions, if approved by the Cabinet.

The previous State rule required that the recharge capacity be restored to a condition which provides a rate of recharge that approximates the premining recharge rate. The proposed amendment would allow exception to be made in this provision when approved by the Cabinet. Kentucky believes that this would allow a decrease in recharge capacity when the decrease would not have a significant effect on the ground water system or to protect ground water from migration of acid or toxic substances. The amendment would also allow an increase in recharge capacity.

SMCRA Section 515(b)(10) requires mining operations to:

> minimize the disturbances to the prevailing hydrologic balance at the mine-site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining operations and during reclamation by * * * (D) restoring recharge capacity of the mined area to approximate premining conditions * * *.

The Secretary finds that SMCRA Section 515(b)(10)(D) is clear in not allowing an exception to the requirement to minimize disturbances by restoring recharge capacity of the mined area to approximate premining conditions. The Secretary believes that there is sufficient flexibility in the phrase, "approximate premining conditions." No more flexibility is permitted.

In its explanation of the change, Kentucky states that, "when the postmining recharge rate should be diminished in order to protect groundwater from migration of acid or other pollutants into groundwater from acid or toxic forming overburden material, the revised language allows the department to restrict recharge capacities." The Secretary believes, however, that the reason for this requirement is to protect groundwater quantity and quality so as to minimize acidic, toxic or other harmful infiltrations. On these bases, the Secretary finds the State revisions to be inconsistent with SMCRA Section 515(b)(10)(D).

On April 12, 1983, the State was advised of the need to amend 405 KAR 16:060 Section 6(2)(c) so that this provision is consistent with SMCRA Section 515(b)(10)(D). By letter dated April 14, 1983, the State agreed to so amend its program by October 31, 1983. In the interim, Kentucky agreed to require operators to minimize disturbances by restoring recharge capacity of the mined area to approximate premining conditions in a manner consistent with SMCRA Section 515(b)(10)(D).

b. Revisions to 405 KAR 16:140 Section 3(2) and 18:140 Section 3(2) to allow flexibility in the method for water diversion for coal waste banks during construction by means of the approval of designs for temporary diversions utilized during the construction phase.

The Secretary finds that these revisions are less effective than 30 CFR 816.83(b) and 817.83(b) because the minimum requirements for diversions must be met during construction as well as after completion of the waste disposal facility. The State provision is unacceptable because it would allow the use of diversions during the construction phase that do not meet the minimum size and construction requirements for safe diversion structures. The stability and safety of a fill and the protection from the adverse effects of excessive surface drainage into the fill are as important during the construction of the fill as upon completion.

On April 12, 1983, the State was advised of the need to amend 405 KAR 16:140 Section 3(2) and 18:140 Section 3(2) so that these provisions are no less effective than 30 CFR 816.83(b) and 817.83(b). By letter dated April 14, 1983, the State agreed to so amend its program by October 31, 1983. In the interim, Kentucky agreed to require that all surface drainage from the area above the coal processing waste bank and from the crest and face of the waste area be diverted in accordance with 405 KAR 16:130 Section 2(4).

Public Comments

1. The Appalachian Research and Defense Fund of Kentucky, Inc. (ARDFK) objects to the revisions to 405 KAR 16:060 Section 11(1) and 18:060 Section 9(1) as follows:

a. The revisions substitute a standard which is logically unrelated to the values sought to be protected under SMCRA Section 515(b)(24). That section of SMCRA requires operators, "to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable * * *."

Since SMCRA Section 515(b)(24) fails to make any mention of it, the use of the "biological community" standard is not mandated by the Act. For the reasons set forth above in Finding 2(f), the Secretary finds these revisions to be no less effective than 30 CFR 816.57(a) and 817.57(a).

b. The revisions create an under-inclusive class of streams unrelated to the goal of the provision.

The Secretary disagrees with this comment. As quoted above, the applicable section of SMCRA makes no specific mention of streams. Further, the commenter presents no proof that these revisions create an under-inclusive class of streams or that the revisions are unrelated to the goals of the provision. While the revisions do create different classifications of streams, they are not under-inclusive.

The Secretary believes that the explanations provided in Finding 2(f) above, and the response to the following public comment, below, adequately

demonstrate that these revisions do not create an under-inclusive class of streams unrelated to the goal of the provision.

c. The impact of these revisions is to arbitrarily exclude many streams at the smaller end of the spectrum that drain a watershed of less than one square mile.

The Secretary believes that the commenter has misread the definition of "intermittent stream" at 30 CFR 701.5 and 405 KAR 7:020 Section 1(59). The latter defines "intermittent stream" as:

(a) A stream or reach of a stream that drains a watershed of one (1) square mile or more but does not flow continuously during the calendar year, *or* (b) a stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and groundwater discharge. (Emphasis added.)

The commenter has not considered sub-section (b) of the definition. It includes streams that drain a watershed of less than one square mile. In terms of volume of flow, there can be no streams smaller than those included in the Kentucky definition.

d. The biological community standard is not difficult to apply, and is the best and quickest manner to measure the impact of mining on water quality. Further, linking water quality determinations to a biotic assay is the most certain method of determining the impact of an operation on water quality.

The Secretary disagrees with the comment. As stated above in Finding 2(f), the biological community standard has proven difficult to apply. Second, the quickest method to measure the impact of mining on water quality is by a water sample. Third, a biotic assay is not necessary because the quality of the water is directly related to the effect on the organisms in a biological community.

e. The buffer zone "sediment trapping" effect, which is critical to both stream and biota health later in the stream chain should be geared toward protection of biotic communities irrespective of stream length or size.

The Secretary believes that there has been no changes in the "sediment trapping" effect as related to the protection of biological communities. Further, for the reasons stated above in response to this public comment and in Finding 2(f), the Secretary believes the Kentucky revisions are consistent with SMCRA Section 515(b)(24).

2. ARDFK objects to Kentucky's definition of "incidental boundary revision" at 405 KAR 7:020 Section 1(57).

This amendment is a codification of Kentucky's interpretation of this phrase which was approved in the April 13, 1983, **Federal Register** (48 FR 21574). The commenter restates the arguments made against this definition. For the reasons set forth in the April 13, 1983, notice, the Secretary finds the Kentucky amendment consistent with SMCRA Section 511.

3. ARDFK states its concern, regarding the amendments to 405 KAR 16:060 Section 6(2)(c), relating to recharge capacity, that the operation be designed so as not to diminish groundwater recharge for current or future use.

For the reasons stated above in Finding 3(a), the Secretary finds the Kentucky revisions to be inconsistent with SMCRA Section 515(b)(10)(D), and has conditioned his approval upon the State's removing this amendment.

4. ARDFK states, regarding the revisions to 405 KAR 16:090 Section 2 and 18:090 Section 2, that the .125 acre-foot per acre calculation has no Federal counterpart, and cautions the Commonwealth that deletion of design standards requires heightened scrutiny during the permit review phase with respect to calculations of adequacy of sediment storage volume and clean-out schedules.

For the reasons stated above in Finding 2(g), the Secretary finds these revisions to be no less effective than 30 CFR 816.46(b) and 817.46(b).

5. ARDFK objects to the revisions to 405 KAR 16:140 Section 3(2) and 18:140 Section 3(2), regarding diversion for coal waste banks, because proper placement, compaction and diversion of runoff is particularly critical during the construction phase and should not be waived. The State must require that the temporary diversion during fill construction meets the 100 year, 24 hour design capacity. The commenter disagrees with Kentucky's statement that the Federal or State regulations could be interpreted not to apply at the construction phase. 30 CFR 816.85, as referenced by § 816.81(a)(1), governs design and construction as well as maintenance.

For the reasons set forth above in Finding 3(b), the Secretary finds that these revisions are less effective than 30 CFR 816.83(b) and 817.83(b), and has conditioned his approval upon the State's removing these amendments.

Approval of Amendment to Partially Satisfy Condition and Additional Program Amendments

Accordingly, condition (d) is hereby amended. Revisions to the following Kentucky regulations are hereby approved pursuant to 30 CFR 732.17: 405 KAR 7:020 Section 1(13), (27), (34) and (57), 12:010 Section 6, 16:060 Section 9(2), 18:060 Section 7(3), 16:060 Section 11(1), 18:060 Section 9(1), 16:060 Section 1(3), 18:060 Section 9(3), 16:090 Section 2, 18:090, Section 2, 16:090 Section 5(5), 18:090 Section 5(5), 16:110 Section 2(2), 18:110 Section 2(2), 16:130 Section 2(2), 18:130 Section 2(2), 16:220 Section 4, 18:230 Section 4, and 24:030 Section 3.

30 CFR 917.11 is amended to indicate approval of the program amendments, partial satisfaction of condition (d), and to impose two new program conditions, regarding recharge capacity of ground water and water diversion for coal waste banks. 30 CFR 917.10 incorporates these changes. The partial satisfaction of this condition, the approval of the additional amendments, and the imposition of the two additional conditions to the Kentucky program are effective May 20, 1983.

Additional Findings

1. *Compliance with the National Environmental Policy Act:* Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental document need be prepared on this rulemaking as State program decisions are exempt from compliance with the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule 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.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMRCA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 917 of Title 30 is amended as set forth herein.

Dated: May 13, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 917—KENTUCKY

Part 917 of Title 30 is amended as follows:

1. Section 917.11 is amended by revising paragraph (d) and adding paragraphs (o) and (p) as follows:

§ 917.11 Conditions of State regulatory program approval.

* * * * *

(d) Termination of the approval found in § 917.10 will be initiated on October 31, 1983 unless Kentucky submits to the Secretary by that date, copies of promulgated regulations or otherwise amends its program to provide for civil procedures which are no less effective than those at 43 CFR Part 4.

* * * * *

(o) Termination of the approval found in Section 917.10 will be initiated on October 31, 1983, unless Kentucky submits to the Secretary by that date, copies of promulgated regulations, amending 405 KAR 16:060 Section 6(2)(c), to provide for recharge capacity to ground water, consistent with SMCRA Section 515(b)(10)(D). In the interim, the State will, as a matter of policy, require operators to minimize disturbances by restoring recharge capacity of the mined area to approximate premining conditions in a manner consistent with SMCRA Section 515(b)(10)(D).

* * * * *

(p) Termination of the approval found in § 917.10 will be initiated on October 31, 1983, unless Kentucky submits to the Secretary by that date, copies of promulgated regulations, amending 405 KAR 16:140 Section 3(2) and 18:140 Section 3(2) to provide for water diversion for coal waste banks, which are no less effective than 30 CFR 816.83(b) and 817.83(b). In the interim, the State will, as a matter of policy, require that all surface drainage from the area above the coal processing waste bank and from the crest and face of the waste area be diverted in accordance with 405 KAR 16:130 Section 2(4) in a manner which is no less effective than 30 CFR 816.83(b) and 817.83(b).

2. Section 917.15 is amended to add the following paragraph (c):

§ 917.15 Approval of amendments to State regulatory program.

* * * * *

(c) The following amendments are approved effective on May 20, 1983: Revisions submitted on January 11, 1983, to 405 KAR 7:020 Section 1 (13), (27), (34) and (57), 12:010 Section 6, 16:060 Section 9(2), 18:060 Section 7(3), 16:060 Section 11(1), 18:060 Section 9(1), 16:060 Section 1(3), 18:060 Section 9(3), 16:090 Section 2, 18:090 Section 2, 16:090 Section 5(5), 18:090 Section 5(5), 16:110, Section 2(2), 18:110 Section 2(2), 16:130 Section 2(2), 18:130 Section 2(2), 16:220 Section 4, 18:230 Section 4, and 24:030 Section 3.

[FR Doc. 83-13677 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 815

Persons Authorized Medical Care

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 815—Persons Authorized Medical Care, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 168-6 has been revised. It is intended for internal guidance and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Mlynarczyk, Department of the Air Force, AF/SGHA, Bolling AFB, Washington, DC 20332, telephone (202) 767-5066.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 815

Armed forces reserves, Foreign Service, Government Employees, Health care, Military personnel, Retirement, Veterans, Foreign persons, and Prisoners of war.

PART 815—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 815.

(10 U.S.C. 8012)

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-13565 Filed 5-19-83; 8:45 am]

BILLING CODE 3910-01-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 304

1982 Adjustment of Royalty Schedule for Use of Certain Copyrighted Works in Connection With Noncommercial Broadcasting; Terms and Rates of Royalty Payments.

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: At a public meeting on May 12, 1983, the Copyright Royalty Tribunal (Tribunal) adopted an amendment to its noncommercial broadcasting rule to provide for the payment of the required copyright royalty to the performing rights societies by certain public broadcasting entities not later than January 31 of each calendar year rather than by December 31 of each year as is required under the Tribunal's current rule.

EFFECTIVE DATE: June 18, 1983.

FOR FURTHER INFORMATION CONTACT: Edward W. Ray, Chairman, Copyright Royalty Tribunal, (202) 653-5175.

SUPPLEMENTARY INFORMATION: 17 U.S.C. 118 establishes a noncommercial broadcasting copyright compulsory license for the use of certain copyrighted works by noncommercial broadcasting, and authorizes the Tribunal to establish the rates and terms for such uses. The Tribunal published in the **Federal Register** of December 29, 1982 (47 FR 57923-29) its Final Rule establishing such rates and terms through December 31, 1987. Part 304.6(d) of this rule provides that the royalty fee for the performance of certain musical compositions by certain public broadcasting entities shall be paid to the performing rights societies not later than December 31 for performances during that calendar year.

The Tribunal determined to reconsider *sua sponte* that portion of its regulation fixing the date of the required copyright payment (48 FR 12400). As directed by the Tribunal's notice of March 24, 1983 (48 FR 12400), interested parties submitted comments on the proposed rule amendment by April 19, 1983. Reply comments, if any, were to be received by April 26 1983 (48 FR 12400).

The only comments received by the Tribunal was a joint submission by the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and SESAC, Inc. (SESAC) which was in support of the proposed amendment.

In the **Federal Register** of May 3, 1983 (48 FR 19978), the Tribunal issued notice of a public meeting to be held on May

12, 1983 to consider the proposed amendment to § 304.6. At that public meeting, the Tribunal adopted the amendment to its noncommercial broadcasting rule to provide for the payment of the required copyright royalty to the performing rights societies by certain public broadcasting entities not later than January 31 of each calendar year rather than by December 31 of each year.

List of Subjects in 37 CFR Part 304

Copyright, Radio, Television.

PART 304—[AMENDED]

37 CFR Part 304.6 is amended by revising paragraph (d) to read as follows:

§ 304.6 [Amended]

* * * * *

(d) *Payment of royalty rate.* The public broadcasting entity shall pay the required royalty rate to ASCAP, BMI, and SESAC not later than July 31, 1983, for the calendar year 1983, and not later than January 31 for each calendar year thereafter.

* * * * *

(17 U.S.C 118)

Commissioner Edward W. Ray,
Chairman, Copyright Royalty Tribunal.
May 13, 1983

[FR Doc. 83-13574 Filed 5-19-83; 8:45 am]
BILLING CODE 1410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[A-10-FRL 2364-7]

Approval and Promulgation of Implementation Plans: Washington Designation of Areas for Air Quality Planning Purposes: Attainment Status Designation: Washington; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction notice

SUMMARY: EPA is issuing corrections to three documents published previously in the Federal Register (December 18, 1981, 46 FR 61655; February 28, 1983, 48 FR 8273; June 5, 1980, 45 FR 37821) pertaining to carbon monoxide (CO) nonattainment areas and State Implementation Plans (SIP). The corrections are as follows.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Laurie Kral, telephone 909-399-1089.

SUPPLEMENTARY INFORMATION: 1. On December 18, 1981 EPA approved revisions to the boundaries of the Seattle-Tacoma carbon monoxide (CO) nonattainment area. However, in revising the status designation table for CO nonattainment areas in Washinton, the listings for "Spokane," "Yakima," and "Remainder of State" were inadvertently omitted. Therefore, in FR Docket 81-38186 appearing on page 61657 in the issue dated Friday, December 18, 1981, the following correction is to be made:

SUBCHAPTER C—SECTION 107 ATTAINMENT STATUS DESIGNATION

In § 81.348 Washington, the status designation table for carbon monoxide is revised to read as follows:

WASHINGTON—CO

Designated area	Does not meet national primary standards	Cannot be classified	Better than national standards
Puget Sound Intrastate AQCR:			
Seattle-Central Business District (CBD)	X		*
Seattle-Dearborn Street and Rainier Avenue Corridor	X	X	
Seattle-University District	X		
Remainder of Seattle		X	
Bellevue-CBD	X		
Remainder of Bellevue		X	
Tacoma-CBD	X		
Remainder of Tacoma		X	
Everett		X	
Puyallup		X	
Auburn		X	
Remainder of AQCR			X
City of Spokane [1]	X		
Yakima—portion of the CBD	X		
Remainder of State			X

[1] EPA designation replaces State designation.

2. On February 28, 1983 EPA revised paragraph (c) of § 52.2472 Extensions to make it consistent with the redesignated CO nonattainment areas and the SIP revisions which were approved on that date. However, the revision inadvertently included a listing for a "Northgate" CO area instead of a "Dearborn Street and Rainier Ave. Corridor" CO area and omitted the correct extension date for the "University District" CO area. Therefore, in FR Docket 83-4974 appearing on page 8274 in the issue dated Monday, February 28, 1983, the following corrections are to be made:

Subpart WW—Washington

In § 52.2472 paragraph (c) is revised to read as follows:

§ 52.2472 Extensions.

* * * * *

(c) The Administrator hereby extends to November 1, 1985 the attainment date for carbon monoxide in the University District (Seattle) nonattainment area, and extends to January 1, 1986 the attainment dates for carbon monoxide in the Seattle Central Business District, Dearborn Street and Rainier Ave. Corridor (Seattle), and Bellevue nonattainment area (40 CFR 81.348).

* * * * *

In § 52.2472 the second paragraph designated (d) is redesignated (e).

3. On June 5, 1980 EPA revised the Table in § 52.2478 which presents the attainment dates for national standards to make it consistent with the 1977 Clean Air Act Amendments and the SIP revisions which were approved on that date. However, the Table inadvertently included a listing for the "Auburn" area rather than the "Renton" area and contained an incorrect footnote in the "Tacoma" area listing for CO. On February 28, 1983 EPA again revised the Table to make it consistent with the SIP revisions for the redesignated CO nonattainment areas which were approved on that date. However, the Table inadvertently included a listing for a "Northgate" CO area instead of a "Dearborn Street and Rainier Ave. Corridor" CO area and an incorrect footnote for the "University District" CO area. Therefore, in FR Docket 83-4974 and 80-17086 appearing on page 8275 and 37836 in the issue dated Monday, February 28, 1983 and Thursday, June 5, 1980, respectively, the following correction is to be made:

Subpart WW—Washington

§ 52.2478 [Amended]

In § 52.2478 the table for attainment dates for national standards is revised to read as follows:

Air quality control region and nonattainment area	Pollutant						
	TSP		SO_2		NO_2	CO	O_3
	1st	2nd	1st	2nd			
Eastern WA-Northern Idaho Interstate AQCR (WA portion):							
1. Spokane area	c	h	b	b	b	c	b
2. Clarkston area	c	h	b	b	b	b	b
3. Remainder of AQCR	b	b	b	b	b	b	b
Olympic-Northwest Intrastate:							
1. Port Angeles area	a	c	b	b	b	b	b
2. Remainder of AQCR	b	b	b	b	b	b	b
Portland, Oregon-Vancouver, WA Interstate AQCR (WA portion):							
1. Vancouver area	c	h	b	b	b	b	g
2. Longview area	a	h	b	b	b	b	b
3. Remainder of AQCR	b	b	b	b	b	b	b
Puget Sound Intrastate AQCR:							
1. Seattle area:							
Duwamish area	c	h	b	b	b	b	d
Central Business District	b	b	b	b	b	f	d
University District	b	b	b	b	b	e	d
Dearborn Street and Rainier Ave. Corridor	b	b	b	b	b	f	d
Remaindor of Seattle area	b	b	b	b	b	b	d
2. Bellevue CBD	b	b	b	b	b	f	d
2. Kent area	a	h	b	b	b	b	d
3. Renton area	a	h	b	b	b	b	d
3. Tacoma area	c	h	b	b	b	c	d
4. Seattle-Tacoma O_3 area							d
5. Remainder of AQCR	b	b	b	b	b	b	b
South Central Washington Intrastate AQCR:							
1. Yakima area	b	b	b	b	b	c	b
2. Remainder of AQCR	b	b	b	b	b	b	b

1st—Primary
2nd—Secondary
a. Air quality levels presently below primary standards
b. Air quality levels presently below secondary standards or area is unclassifiable
c. December 31, 1982
d. July 31, 1984
e. November 1, 1985
f. January 1, 1986
g. December 31, 1987
h. Attainment date not established

Dated: May 3, 1983.

L. Edwin Coate

Regional Administrator.

[FR Doc. 83-13296 Filed 5-19-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Decatur, Illinois, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Amendment.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Decatur, Illinois. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review to the Flood Insurance Rate Map for Decatur, Illinois, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal of federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Anderson, Regional Director, Federal Emergency Management Agency, 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606, (312) 353-1500.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agree to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a): Map Number 170429, Panel 0020C published on October 6, 1980, in 45 FR 66073 indicates that Lots 74 and 75, Lake Beach Addition, according to the plat thereof, recorded in Book 300, Page 110, of records, in the Office of the Recorder of Macon County, Illinois, is located within the Special Flood Hazard Area.

Map Number 170429, Panel 0020C is hereby corrected to reflect that the residential structure located on the above-mentioned property is not located within the Special Flood Hazard Area identified on August 1, 1979. The structure is located in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routing legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70.

Flood insurance—floodplains.

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

Issued: April 27, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13592 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Sarasota County, Florida, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Sarasota County, Florida. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Sarasota County, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 125144B, Panel H & I 09, published on October 6, 1980, in 45 FR 66061, indicates that the existing structures located on Lots 39 through 42, Unit No. 1; Lots 148 through 154, and Lots 181 through 188, Unit No. 3; Lots 324 through 344, Unit No. 5; and Lots 687 and 716, Unit No. 8, of the Lake Sarasota Subdivision, as per the plats thereof recorded in Plat Book 8, page 50; Plat Book 8, page 65; Plat Book 8, page 67; and Plat Book 8, page 89, respectively, in the Public Records of Sarasota County, Florida, are located within the Special Flood Hazard Area.

Map No. 125144B, Panel H & I 09 is hereby corrected to reflect that the existing structures located on Lots 39 through 42, 148 through 154, 181, 185, 324 through 328, 330 through 344, 687, and 716 are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone D.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

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

Issued: May 5, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13591 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6188]

Letter of Map Amendment for Dorchester County, Maryland, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Dorchester County, Maryland. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for Dorchester County, Maryland, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map number FIRM 240026, Panel Number 0150A, published on November 24, 1981, in FR Volume 46, No. 226, Page 57506, indicates that Lot 30, Twin Points Subdivision, as described in Plat Book 1, Folio 3, of the Deed and Plat Records of Dorchester County, Maryland, is located within the Special Flood Hazard Area.

Map Number FIRM 240026, Panel Number 0150A, is hereby corrected to reflect that existing structure located at Lot 30 of the above-mentioned property is not within the Special Flood Hazard Area identified on October 15, 1981. This structure is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency

Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

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

Issued: May 5, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13593 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6116]

Letter of Map Amendment for Somerset County, Maryland, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Somerset County, Maryland. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for Somerset County, Maryland, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 240061, Panel Number 0275A, published on July 22, 1981, in FR Volume 46, No. 140, Page 37654, indicates that Parcel 667 on Somerset County, Maryland Tax Map Number 64, as described in Liber 336, Page 330, of the Land Records of Somerset County, Maryland, is located within the Special Flood Hazard Area.

Map Number FIRM 240061, Panel Number 0275A, is hereby corrected to reflect that existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on June 15, 1981. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, 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 of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

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

Issued: May 5, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13594 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Lowell, Massachusetts, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Lowell, Massachusetts. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Lowell, Massachusetts, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 250201, Panel Number 0010B, published on October 6, 1980, in FR Volume 45 No. 195, page 66021, indicates that Lot B, as described in Deed Book 2488, page 479, of the Middlesex North District Registry of Deeds, is located within the Special Flood Hazard Area.

Map Number FIRM 250201, Panel Number 0010B, is hereby corrected to reflect that existing structure located at 29 Stockbridge Avenue of the above-mentioned property is not within the Special Flood Hazard Area identified on April 16, 1979. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

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

Issued April 29, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–13595 Filed 5–19–83; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the Town of Tewksbury, Massachusetts, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Tewksbury, Massachusetts. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Tewksbury, Massachusetts, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 250218, Panel Numbers 0003B and 0006B, published on October 6, 1980, in FR Volume 45 No. 195, page 66022, indicates that Lot 3, as described in Deed Book 2447, page 726, of North Middlesex Registry of Deeds, is located within the Special Flood Hazard Area.

Map Number FIRM 250218, Panel Numbers 0003B and 0006B, is hereby corrected to reflect that existing structure located at 874 South Street of the above-mentioned property is not within the Special Flood Hazard Area, identified on July 18, 1977. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

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

Issued: April 29, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–13596 Filed 5–19–83; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the Borough of Dumont, New Jersey, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Dumont, New Jersey. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Dumont, New Jersey, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 340026, Panel Number 0001B, published on October 6, 1980, in FR Volume 45 No. 195, page 66028, indicates that Lots 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 203, as described in Deed Book Volume 5167, page 475, of the Bergen County Clerk's Office, is located within the Special Flood Hazard Area.

Map Number FIRM 340026, Panel Number 0001B, is hereby corrected to reflect that existing structure located at 75 Armour Place of the above-mentioned property is not within the Special Flood Hazard Area identified on May 5, 1978. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to 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. 83-13635 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6048]

Letter of Map Amendment for the Borough of Harrington Park, New Jersey Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Harrington Park, New Jersey. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Harrington Park, New Jersey, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 340040, Panel Number 0001B, published on May 12, 1981, in FR Volume 46 No. 91, page 26307, indicates that Lots 3, 6, 7, 8, 9, and 10, Block 108, as described in subdivision final plat Map No. 7756, of Bergen County Clerk's Office, is located within the Special Flood Hazard Area.

Map Number FIRM 340040, Panel Number 0001B, is hereby corrected to reflect that existing structure located at Dorotockey Drive, Lots 3, 6, 7, 8, 9, and 10, Block 108, of the above-mentioned property is not within the Special Flood Hazard Area identified on April 15, 1981. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

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

Issued: April 21, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13634 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6058]

Letter of Map Amendment for the Township of East Pikeland, Pennsylvania Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Township of East Pikeland, Pennsylvania. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for the Township of East Pikeland, Pennsylvania, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 421483, Panel Number 0005B, published on May 15, 1981, in FR Volume 46, No. 94, Page 26775, indicates that Lot 2 of the proposed subdivision of French & Pickering Creeks Conservation Trust, Inc., as described in Deed Book D, Number 57, Page 301, of Chester County, Pennsylvania, is located within the Special Flood Hazard Area.

Map Number FIRM 421483, Panel Number 0005B, is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on March 16, 1981. This lot is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, 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 of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

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

Issued: May 2, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13597 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the Town of Clinton, New Jersey Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, Map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Clinton, New Jersey. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Clinton, New Jersey, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 340233, Panel Number H&I 01A, published on October 6, 1980, in FR Volume 45 No. 195, page 66027, indicates that Lots 14 and 15 of Block 13, as described in Deed Book 887, page 879, of Hunterdon County Clerk's Office, is located within the Special Flood Hazard Area.

Map Number FIRM 340233, Panel Number H&I 01A, is hereby corrected to reflect that existing structure located at East Main Street, Lots 14 and 15, Block 13 of the above-mentioned property is not within the Special Flood Hazard Area identified on the Flood Insurance Rate Map. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; 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. 83-13637 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Abilene, Texas Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Abilene, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for the City of Abilene, Texas, that certain properties are not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject properties are not within the special Flood Hazard Area, removes the requirement to purchase flood insurance for those properties as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natual Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 485450, Panel Number 0020B, published on October 6, 1980, in FR Volume 45, No. 195, Page 66097, indicates that Lots 10–14, 17–25, and 33, Block G, Quail Park Addition, as described in Deed Book Volume 1283, Pages 315–317, of the Deed Records for the City of Abilene, Texas, are located within the Special Flood Hazard Area.

Map Number FIRM 485450, Panel Number 0020B, is hereby corrected to reflect that the proposed structures located on Lots 10–14, 17–25, and 33, Block G of the above-mentioned properties are not within the Special Flood Hazard Area identified on August 23, 1979.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, 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 of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

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

Issued: May 5, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13614 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Arlington, Texas Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Arlington, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for the City of Arlington, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natual Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 485454, Panel Number 0015B, published on October 6, 1980, in FR Volume 45, No. 195, Page 66097, indicates that Site 1, Block 5, Section 3, Brookhollow/Arlington, as described in Deed Book Volume 388–1421, Page 77, of Deed and Plat Records of Tarrant County, Texas, is located within the Special Flood Hazard Area.

Map Number FIRM 485454, Panel Number 0015B, is hereby corrected to reflect that existing structure located at Site 1, Block 5, Section 3 of the above-mentioned property is not within the Special Flood Hazard Area identified on June 20, 1980. This structure is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated, will not have a signficant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

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

Issued: April 29, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13615 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6452]

Letter of Map Amendment for the City of El Paso, Texas Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of El Paso, Texas. It has been determined by the Associate Director, State and Local Progams and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of El Paso, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject properties are not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for those properties as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 480214, Panel Number 0048B, published on November 19, 1982, in FR Volume 47 No. 224, page 52162, indicates that Lot 6, Block 35 and Lot 7, Block 36, Colonia Del Valle, City of El Paso, Texas, as described in Deed Book Volume 57, page 22, of the Land Records for El Paso County, Texas, are located within the Special Flood Hazard Area.

Map Number FIRM 480214, Panel Number 0048B, is hereby corrected to reflect that existing structures located at the above-mentioned properties are not within the Special Flood Hazard Area identified on October 15, 1982.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

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

Issued: May 5, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13617 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6379]

Letter of Map Amendment for the City of South Lake, Texas Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of South Lake, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of South Lake, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards

Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 480612, Panel Number 0010B, published on August 9, 1982, in FR Volume 47 No. 153, page 34396, indicates that Lot 9, Block 1, Twin Creeks Addition, as described in Deep Book Volume 388–150, page 74, of Tarrant County, Texas, in located within the Special Flood Hazard Area.

Map Number FIRM 480612, Panel Number 0010B, is hereby corrected to reflect that existing structure located at Lot 9, Block 1 of the above-mentioned property is not within the Special Flood Hazard Area identified on July 5, 1982. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to 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. 83-13613 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6379]

Letter of Map Amendment for the City of South Lake, Texas Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of South Lake, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of South Lake, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 480612, Panel Number 0010B, published on August 9, 1982, in FR Volume 47 No. 153, page 34396, indicates that Lot 11, Block 1, Twin Creeks Addition, as described in Deed Book Volume 388–150, page 74, of Tarrant County, Texas, is located within the Special Flood Hazard Area.

Map Number FIRM 480612, Panel Number 0010B, is hereby corrected to reflect that existing structure located at Lot 11, Block 1 of the above-mentioned property is not within the Special Flood Hazard Area identified on July 5, 1982. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to 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. 83-13636 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6354]

Letter of Map Amendment for the City of Watauga, Texas Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps

identifying Special Flood Hazard Areas have been published. This list included the City of Watauga, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Watauga, Texas, that a certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for this property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 480613, Panel Number 0005B, published on July 13, 1982, in FR Volume 47 No. 134, page 30250, indicates that Lot 5, Block 10, as described in Deed Book Volume 388, pages 27 and 52, of the land records for the City of Watauga, Texas, is located within the Special Flood Hazard Area.

Map Number FIRM 480613, Panel Number 0005B, is hereby corrected to reflect the existing structure located at the above-mentioned property is not within the Special Flood Hazard Area identified on June 4, 1982.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

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

Issued: May 5, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13616 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5957]

Letter of Map Amendment for Stafford County, Virginia Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Stafford County, Virginia. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Stafford County, Virginia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 510154, Panel Number 0135B, published on December 23,1980, in FR Volume 45, No. 248, page 84790, indicates that Lot 1027, Section 3, Aquia Harbour, as described in Plat Book 4, page 173, of the Circuit Court of Stafford County, is located within the Special Flood Hazard Area.

Map Number FIRM 510154, Panel Number 0135B, is hereby corrected to reflect that existing structure located on Lot 1027, Section 3, Aquia Harbour of the above-mentioned property is not within the Special Flood Hazard Area identified on November 19, 1980. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

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

Issued: May 5, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13618 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6459]

Letter of Map Amendment for the City of Cosmopolis, Washington Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Cosmopolis, Washington. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Cosmopolis, Washington, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquistion purposes.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 530059, Panel 0001B, published on December 6, 1982, in 47 FR 54217, indicates that any existing structures located on Lots 16 to 19 inclusive, Block 37 of Corrected Plat of the City of Cosmopolis, as per plat recorded in Volume 1 of Plats, page 35, records of Grays Harbor County; situate in the County of Grays Harbor, State of Washington, are located within the Special Flood Hazard Area.

Map No. 530059, Panel 0001B is hereby corrected to reflect that the existing structure located on Lots 16 and 17 is not within the Special Flood Hazard Area identified on December 6, 1982. The structure is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 USC 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: April 29, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13619 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 48, No. 99
Friday, May 20, 1983

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 230 and 250

Personnel Management in Agencies

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management is proposing to reorganize regulations regarding agency authorities for taking personnel actions and OPM oversight of agency actions. The changes are part of OPM's effort to streamline and update its regulations and guidance materials. Regulations covering the same topics that now appear in separate parts of Title 5 of the Code of Federal Regulations (5 CFR) would be combined and redundancies eliminated. The substance and coverage of the regulations would be unchanged.

DATE: Comments must be submitted on or before July 19, 1983.

ADDRESS: Send or deliver written comments to: Special Policies Division, Office of Planning and Evaluation, U.S. Office of Personnel Management, Room 7685, 1900 E Street, NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Anne Gavin, 202–254–6486.

SUPPLEMENTARY INFORMATION: This proposed rule is designed to improve the technical integrity of 5 CFR by (1) removing Part 230—Organization of the Government for Personnel Management, and (2) transferring regulations from Part 230—Personnel Management in Agencies, and reorganizing Part 250 to combine related regulations and to accommodate the added material.

The proposed changes are necessary to continue OPM's practice of paralleling the organization of its regulations and guidance materials with the subject matter of title 5 of the United States Code (5 U.S.C.). The Civil Service Reform Act of 1978 added a new Chapter 23 to 5 U.S.C. which does not parallel the subject matter in 5 CFR Part 230.

These revisions would make no changes in the coverage or substance of the regulations from Part 230. Because the two affected parts of the regulations cover closely related topics, i.e., the general personnel management authorities exercised by agencies (Part 230) and the authorities agencies receive through delegated agreements with OPM (Part 250), the regulations to be transferred to Part 250 overlap to some extent with the existing regulations in that part. The amended regulations would eliminate these redundancies and streamline OPM's regulations by presenting all material relating to agencies' authorities for personnel management in a single part of 5 CFR.

Accordingly, the reserved Subparts A and C of Part 230 would be removed. The regulations in Subpart B of Part 230 relating to the exercise of agency authority to take personnel actions would be transferred to Subpart A of Part 250 and would be retitled "Authority for Personnel Actions in Agencies."

Section 230.201 which lays out the standards and requirements for agency personnel actions in general would be redesignated as § 250.101 with no text changes. The former § 250.101 covering delegation agreements would be redesignated as § 250.102 since this section covers specific circumstances under which agencies may take personnel actions and logically follows the material inserted at § 250.101. The text of this section would be unchanged. Sections 230.202 and 250.102 would be combined into § 250.103 which covers OPM's authority to take corrective action, suspend, or withdraw agency authority, including withdrawals effected by revoking a delegated agreement. The text would include editorial changes to combine material from the two source sections.

Subpart D of Part 230, entitled "Agency Authority to Take Personnel Actions in a National Emergency" would be redesignated Part 250, Subpart B. Cross-references to other regulations in 5 CFR would be updated; the text would otherwise be unchanged.

The entire text of the revised Part 250 is set forth below.

These revisions are not intended to change the coverage or substance of the affected regulations. Agencies and other interested parties are requested to submit comments regarding any potential substantive effect of these revisions on agencies' exercise of personnel authorities. As noted above, these changes are proposed to improve the technical integrity of 5 CFR and to streamline OPM's regulations.

Related guidance in Chapters 230 and 250 of the Federal Personnel Manual will also be revised and updated as part of this effort. Comments and suggestions for improving this FPM guidance are also welcome.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains only to the internal management of Federal agencies and does not substantively change existing regulations.

List of Subjects in 5 CFR Part 250

Authority delegations (Government agencies), Civil Defense, Government employees.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM proposes to amend 5 CFR as follows:

PART 230—ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT

1. Part 230 is removed from 5 CFR.

2. Part 250 is amended by revising Subpart A and by adding Subpart B to read as follows:

PART 250—PERSONNEL MANAGEMENT IN AGENCIES

Subpart A—Authority for Personnel Actions in Agencies

Sec.

Subpart B—Agency Authority To Take Personnel Actions in a National Emergency

Sec.
250.201 Agency authority to take personnel actions in a national emergency disaster.
250.202 Agency authority to make emergency-indefinite appointments in a national emergency.

Authority: 5 U.S.C. 1104, 1302, 3301, 3302; E.O. 10577, 12 FR 1259, 3 CFR, 1954–1958 Comp., p. 218; unless otherwise noted.

Subpart A—Authority for Personnel Actions in Agencies

§ 250.101 Standards and requirements for agency personnel actions.

In taking a personnel action authorized by this chapter, each Agency shall comply with the qualification standards and regulations issued by the Office of Personnel Management, the instructions published by the Office of Personnel Management in the Federal Personnel Manual, and the provisions of any agreement developed between the Office and the agency in connection with delegation of a specific authority. When a personnel action is being taken as a result of (a) an order of a Court or a settlement agreement, or (b) a decision or order of or a settlement agreement or an arbitral award reached under the rules and regulations of the Merit Systems Protection Board, the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Office of Personnel Management, the agency shall follow the instructions in Federal Personnel Manual Chapter 296.

250.102 Delegation agreements.

In certain circumstances, an agency will receive authorities through a delegation agreement developed between the agency headquarters and OPM. The agreement will set forth the conditions for application of a particular authority (or authorities). The agreement will include a description of performance standards and the system of oversight to the used in agency and OPM monitoring of authority use. An agreement will be for an initial period not to exceed two years. Renewals may be for an indefinite period unless modified, suspended or revoked for abuse.

§ 250.103 Taking corrective action, suspending, or withdrawing agency authority.

If OPM finds that an agency has taken a personnel action contrary to law, rule, regulation or standard, it may require the agency to take corrective action. OPM may suspend or withdraw any authority granted by this chapter to an agency, including any authority granted by delegated agreement, when it finds that the agency has not complied with the qualification standards issued by OPM, the instructions published by OPM in the Federal Personnel Manual, or the regulations in this chapter, or that the suspension or withdrawal is in the interest of the service for any other reason. Where a delegation agreement developed as set forth in § 250.102 of this part contains additional conditions for application of a particular authority or authorities, OPM may suspend or revoke the agreement at any time if it judges that the agency is not adhering to the provisions of the agreement.

Subpart B—Agency Authority To Take Personnel Actions in a National Emergency

§ 250.201 Agency authority to take personnel actions in a national emergency disaster.

(a) Upon an attack on the United States, agencies are authorized to carry out whatever personnel activities may be necessary to the effective functioning of their organizations during a period of disaster without regard to any regulation or instruction of OPM, except those which become effective upon or following an attack on the United States. This authority applies only to actions under OPM jurisdiction.

(b) Actions taken under this section shall be consistent with affected regulations and instructions as far as possible under the circumstances and shall be discontinued as soon as conditions permit the reapplication of the affected regulations and instructions.

(c) An employee may not acquire a competitive civil service status by virtue of any action taken under this section.

(d) Actions taken, and authority to take actions, under this section may be adjusted or terminated in whole or in part by OPM.

(e) Agencies shall maintain records of the actions taken under this section.

(5 U.S.C. 1302, 3301, 3302; E.O. 10577, 12 FR 1259, 3 CFR, 1954–1958 Comp., p. 218)

§ 250.202 Agency authority to make emergency-indefinite appointments in a national emergency.

(a) *Basic authority.* In a national emergency, as defined in the Federal Personnel Manual, an agency may make emergency-indefinite appointments to continuing positions (normally those expected to last longer than a year) when it is not in the public interest to make career or career-conditional appointments. Except as provided by paragraphs (b) and (c) of this section, the agency shall make appointments under this authority from appropriate registers of eligibles as long as there are available eligibles.

(b) *Appointment outside the register.* An agency may make emergency-indefinite appointments under this section outside registers of eligibles when all the following conditions are met: (1) A number of vacancies must be filled immediately as a result of conditions created by the national emergency;

(2) Either the number of vacancies to be filled exceeds the number of immediately available eligibles or emergency conditions do not allow sufficient time to make this determination; and

(3) Available eligibles on registers are given prior or concurrent consideration for appointment to the extent possible within emergency time considerations.

(c) *Appointment noncompetitively.* An agency may give emergency-indefinite appointments under this section to the following classes of persons without regard to registers of eligibles and the provisions in § 333.102 of this chapter: (1) Persons who were recruited on a standby basis prior to the national emergency in accordance with applicable requirements published in the Federal Personnel Manual;

(2) Members of the National Defense Executive Reserve, designated in accordance with section 710(e) of the Defense Production Act of 1950, Executive Order 11179 of September 22, 1964, and applications issued by the agency authorized to implement the law and Executive Order; and

(3) Former Federal employees eligible for reinstatement.

(d) *Tenure of emergency-indefinite employees.* (1) Emergency-indefinite employees do not acquire a competitive status on the basis of their emergency-indefinite appointments.

(2) An emergency-indefinite appointment may be continued for the duration of the emergency for which it is made.

(e) *Trial period.* (1) The first year of service of an emergency-indefinite employee is a trial period.

(2) The agency may terminate the appointment of an emergency-indefinite employee at any time during the trial period. The employee is entitled to the procedures set forth in § 315.804 or § 315.805 of this chapter as appropriate

(f) *Eligibility for within-grade and merit pay increases.* For purposes of determining eligibility for within-grade and merit pay increases, employees serving under emergency-indefinite appointments are considered to occupy permanent positions.

(g) *Applications of other regulations.* (1) The term "indefinite employee" as used in the following includes an emergency-indefinite employee: Section 316.801, Part 351, and Subpart G of Part 550 of this chapter.

(2) The selection procedures of part 333 of this chapter apply to emergency-indefinite employees appointed outside the register under paragraph (b) of this section.

(3) Despite the provisions in § 831.201(a)(11) of this chapter, an employee serving under an emergency-indefinite appointment under authority of this section is excluded from retirement coverage, except as provided in paragraph (b) of § 831.201 of this chapter.

(h) *Promotion, demotion, or reassignment.* An agency may promote, demote, or reassign an emergency-indefinite employee to any position for which it is making emergency-indefinite appointments.

[FR Doc. 83-13445 Filed 5-19-83; 8:45 am]
BILLING CODE 6325-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 51

Requirements for Licensee Actions Regarding the Disposition of Spent Fuel Upon Expiration of the Reactors' Operating Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has determined, in a separate proceeding known as the "Waste Confidence" rulemaking proceeding that there is reasonable assurance that one or more mined geologic repositories for commercial high-level radioactive waste and spent fuel will be available by 2007–2009. However, the Commission recognizes that there are circumstances under which spent fuel generated prior to that time may remain at reactor sites after the expiration of reactor operating licenses. Some reactor operating licenses will expire or the permanent shutdown of some reactors could occur prior to the 2007–2009 period. Also, since there are not expected to be any safety or environmental problems which would create a need to move fuel offsite, there is some possibility that an election of onsite spent fuel storage after reactor operating license operation may be appropriate. The Commission has considered the safety and environmental impacts of such extended spent fuel storage in the "Waste Confidence" proceeding and for the reasons discussed therein and highlighted below, finds that extended storage for up to 30 years after the expiration of an operating license will result in no significant safety or environmental impacts. The Commission believes there is reasonable assurance that no later than 30 years after the expiration date of the operating license for any commercial power reactor, sufficient repository capacity will have been made available to dispose of all commercial high-level radioactive waste and spent fuel in existence. Thus there is no reasonable probability that spent fuel will unavoidably remain at a reactor site at the end of that 30-year period. Accordingly, the Commission hereby proposes a rule providing that the environmental and safety implications of spent fuel storage after the termination of reactor operating licenses need not be considered further in Commission proceedings for the issuance of an operating license or licensee amendment for a nuclear power plant, despite some probability that such storage may be elected or necessary. The proposed rule also applies to proceedings for licensing spent fuel storage in independent spent fuel storage installations under Part 72, since the same safety and environmental considerations apply as for storage in reactor basins.

The Commission hereby proposes a rule whereby in proceedings for licensing of facilities at which spent fuel will be stored, or proceedings for licensing the expansion of storage capacity at existing facilities, the NRC will continue to require consideration of reasonable foreseeable safety and environmental impacts of spent fuel storage for the period of the license or amendment applied for but will not require consideration of the safety and environmental impacts of storage of spent fuel beyond the expiration of the license or amendment applied for. However, the Commission's proposed rule would require reactor licensees to submit their plans for NRC review and approval 5 years before their operating licenses expire on specifically how spent fuel at these sites will be managed.

Accordingly, the Commission hereby proposes amendments to the Code of Federal Regulations which define procedures to be followed by the licensee to ensure the continued safe management of spent fuel beyond the expiration date of reactor operating licenses and which address the environmental aspects of extended spent fuel storage past the expiration of reactor operating licenses or license for storage in an independent spent fuel storage installation. The amendments are set forth here to complement and complete the Commission findings resulting from the Waste Confidence rulemaking proceeding.

DATES: Comments should be filed with the Commission's Secretary not later than July 5, 1983. Comments received after this date will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments received on or before that date.

ADDRESSES: Send comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attn.: Docketing and Service Branch.

Hand deliver comments to: Room 1121, 1717 H St., N.W., Washington, D.C. between 8:15 a.m. and 5:00 p.m.

Examine comments received at: The NRC Public Document Room, 1717 H St., N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dennis Rathbun or Clyde Jupiter, Office of Policy Evaluation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (202) 634–3295.

SUPPLEMENTARY INFORMATION:

Background

By a Notice of Proposed Rulemaking dated October 18, 1979, 44 FR 61372 (October 25, 1979), the Nuclear Regulatory Commission ("Commission" or "NRC") began a generic rulemaking proceeding "to reassess its degree of confidence that radioactive wastes produced by nuclear facilities will be safely disposed of, to determine when any such disposal will be available, and whether such wastes can be safely stored until they are safely disposed of." This proceeding became known as the "Waste Confidence" rulemaking proceeding, and was conducted partially in response to a remand by the United States Court of Appeals for the D.C. Circuit. *State of Minnesota* v. *NRC*, 602 F.2d 412 (1979). *State of Minnesota* involved a challenge to license amendments to permit the expansion of spent fuel pool storage capacities at two nuclear powerplants. It was contended that uncertainty regarding ultimate disposal of commercial nuclear wastes required the Commission to consider the safety and environmental implications of storing spent fuel in the pools for an indefinite period following expiration of the plants' operating licenses. The Commission had excluded consideration of such long-term on-site storage from the license amendment proceedings, relying on its earlier finding that safe

permanent disposal of reactor wastes would be available when needed.

The Court of Appeals agreed with the Commission that, in accordance with the "rule of reason" implicit in the National Environmental Policy Act (NEPA), impacts of extended on-side storage of spent fuel need not be considered in licensing proceedings unless such storage was reasonably foreseeable and not merely a theoretical possibility. The Court held, however, that the Commission's statement of reasonable confidence in the timely availability of waste disposal solutions was "not the product of a rulemaking record devoted expressly to considering the question" and furthermore did not address the particular problem whether disposal solutions would be available before the expiration of plant operating licenses. *Id.* at 417. Accordingly, the D.C. Circuit remanded to the Commission for determination "whether there is reasonable assurance that an off-site storage solution will be available by the years 2007–09, the expiration of the plants operating licenses, and if not, whether there is reasonable assurance that the fuel can be stored safely at the site beyond those dates." *Id.* at 418. The Court noted that "the breadth of the questions involved and the fact that the ultimate determination can never rise above a prediction suggest that the determination may be a kind of legislative judgment for which rulemaking would suffice." *Id.* at 417. The Court agreed that the Commission "may proceed in these matters by generic determinations." *Id.* at 419. *Accord, Potomac Alliance* v. *NRC*, 682 F.2d 1030 (D.C. Cir. 1982).

Amendment to Part 51

The Commission announced the conclusions it reached in the Waste Confidence rulemaking proceeding. The Commission found that there is reasonable assurance that one or more mined geologic repositories for commercial high-level radioactive waste and spent fuel will be available by 2007–09. However, some reactor operating licenses may expire without being renewed or some reactors may be permanently shut down prior to this period. Since independent spent fuel storage installations have not yet been extensively developed, there is then a probability that some onsite spent fuel storage after license expiration may be necessary or appropriate. In addition, the Commission also realizes that some spent fuel may be stored in existing or new storage installations for some period beyond 2007–2009. The Commission hereby proposes a rule providing that the environmental and safety implications of such storage after the termination of reactor operating licenses need not be considered in Commission proceedings related to issuance or amendment of a reactor operating license. This rule has the effect of continuing the Commission's practice, employed in the proceedings reviewed in *State of Minnesota*, of limiting considerations of safety and environmental impacts of spent fuel storage in licensing proceedings to the period of the license in question and not requiring the NRC staff or the applicant to address the impacts of extended storage past expiration of the license applied for. The rule relies on the Commission's generic determination in the Waste Confidence proceeding that the licensed storage of spent fuel for 30 years beyond the reactor operating license expiration either at or away from the reactor site is feasible, safe, and would not result in a significant impact on the environment. For the reasons discussed in the Waste Confidence decision, the Commission believes there is reasonable assurance that adequate disposal facilities will become available during this 30-year period. Thus, there is no reasonable probability that storage will be unavoidable past the 30-year period in which the Commission had determined that storage impacts will be insignificant. The same safety and environmental considerations apply to fuel storage installations licensed under Part 72 as for storage in reactor basins. Accordingly, in licensing actions involving (a) the storage of spent fuel in new or existing facilities, or (b) the expansion of storage capacity at existing facilities, the NRC will continue to require consideration of reasonably foreseeable safety and environmental impacts of spent fuel storage only for the period of the license applied for. The amendment to 10 CFR Part 51 confirms that the environmental consequences of spent fuel storage in reactor facility storage pools or independent spent fuel storage installations for the period following expiration of the reactor or facility license or amendment applied for need not be addressed in any environmental report, impact statement, impact assessment, safety analysis report, or other analysis prepared in connection with the reactor operating license or amendment to the operating license, or initial license for an independent spent fuel storage installation, or amendment thereto.

The Commission's conclusions with respect to safety and environmental impacts of extended storage beyond expiration of current operating licenses are supported by the record in NRC's waste confidence proceeding and by NRC's experience in more than 80 individual safety and environmental evaluations conducted in storage licensing proceedings. The record of the Waste Confidence proceeding indicates that significant release of radioactivity from spent fuel under licensed storage conditions is highly unlikely because of the resistance of the spent fuel cladding against corrosive mechanisms and the absence of any conditions that would provide a driving force for dispersal of radioactive material. The non-radiological environmental impacts associated with site preparation and construction of storage facilities are and will continue to be considered by the NRC at the time applications are received to construct these facilities, which are licensed under NRC's regulations in either 10 CFR Part 50 for reactors or 10 CFR Part 72 for independent spent fuel storage installations. There are no significant additional non-radiological consequences which could adversely affect the environment for storage past the expiration of operating licenses at reactors and independent spent fuel storage installations.

The amendment to Part 51 published here consists of two parts: paragraph (e)(1) and paragraph (e)(2). Paragraph (e)(1) is a restatement of a final generic Commission determination based on the Waste Confidence rulemaking proceeding, while paragraph (e)(2) establishes the procedures for implementing that generic determination in individual licensing cases. The Commission requests public comment on paragraph (e)(2).

Amendment to Part 50

The Commission is also proposing an amendment to 10 CFR Part 50 as set forth here, concerning the management of spent fuel from nuclear power reactors whose operating licenses may expire prior to the availability of a repository. The procedures established by this amendment are intended to confirm that there will be adequate lead time for whatever actions may be needed at individual reactor sites to assure that the management of spent fuel following the expiration of the reactor operating license will be accomplished in a safe and environmentally acceptable manner.

The Commission proposes that Part 50, § 50.54 be amended to establish requirements that the licensee for an operating nuclear power reactor shall no later than 5 years prior to expiration of the reactor operating license submit

plans for NRC review and approval of the actions which the licensee proposes for management of all irradiated fuel at the reactor upon expiration of its operating license. No specific course of action is required of the licensee by the NRC. Licensee actions could include, but are not necessarily limited to, continued storage of spent fuel in the reactor spent fuel storage basin; storage in an independent spent fuel storage installation (refer to 10 CFR § 72.3(m)) located at the reactor site or at another site; transshipment to and storage of the fuel at another operating reactor site in that reactor's basin; reprocessing of the fuel if it appears that licensed reprocessing facilities will be available; or disposal of the fuel in a repository. The proposed actions must be consistent with NRC requirements for licensed possession of irradiated or spent fuel (as defined in §72.3(v)) and must be capable of being authorized by the NRC and implemented by the licensee on a timely basis. The licensee's plans must specify how the financial costs of extended storage or other disposition of spent fuel will be funded. Further, the licensee's plans must describe the proposed disposition of all irradiated fuel from the reactor. The licensee shall notify the NRC of any significant changes to these plans; changes are not precluded provided that the licensee maintains the capability to manage the spent fuel safely.

The Commission notes that extended storage of spent fuel at a reactor beyond the expiration date of the operating license will require an amendment to the Part 50 license to cover possession only of the reactor and spent fuel under the requisite provisions of Parts 30, 50 and 70, or an athorization pursuant to Part 72, "Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation" (ISFSI). This rulemaking does not alter the requirements and provisions of Part 72 with respect to environmental considerations (§ 72.20), nor provisions of Part 51 (§ 51.5(a)(10) and §51.5(b)(4)(iv)) with respect to the performance of environmental assessments of the impacts of spent fuel storage in an independent spent fuel storage installation or extended storage in a reactor spent fuel pool. This means that the NRC staff will continue to perform environmental reviews before issuing a license under 10 CFR Part 72 or an amendment for extend storage under 10 CFR Part 50. Notice of the receipt of a license application for storage of spent fuel pursuant to Part 72 will be published in the **Federal Register.**

Related Commission Actions

On March 13, 1978, an Advance Notice of Proposed Rulemaking was published by NRC in the **Federal Register** (43 FR 10370) that indicated that the NRC was reevaluating its decommissioning policy and considering amending its regulations to provide more specific guidance on decommissioning of nuclear facilities. In January 1981, NRC published a "Draft Generic Environmental Impact Statement on Decommissioning Nuclear Facilities" (NUREG-0586). Proposed amendments to 10 CFR Parts 30, 40, 50, 70, and 72 are being prepared by the NRC staff for Commission consideration. The proposed amendments for decommissioning would allow unrestricted use of a reactor or independent spent fuel storage installation site and would permit termination of the license. However, the storage of irradiated fuel either in a reactor basin or in an independent spent fuel storage installation would require restricted access and management of the storage facility to protect public health and safety. Thus, any continued storage of spent fuel beyond expiration of an operating license would be licensed under either Parts 50 or 72 and could preclude final decommissioning of the site.

Amendments

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, Section 301 of Public Law 96-295, and Section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Parts 50 and 51 of Title 10, Chapter 1, of the Code of Federal Regulations is contemplated.

The Commission requests public comment on the proposed new paragraph, 10 CFR 50.54(x), to be added to 10 CFR Part 50. The Commission also requests public comment on the proposed new paragraph 10 CFR 51.5(e)(2), to be added to 10 CFR Part 51. The Commission does not request comment on the proposed paragraph, 10 CFR 51.5(e)(1), which restates a conclusion of the Commission's "Waste Confidence" proceeding.

List of Subjects

10 CFR Part 50

Administrative practice and procedure, Antitrust, Classified information, Emergency medical services, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statement, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. In § 50.34 immediately following paragraph (w), a new paragraph (x) is added to read as follows:

§ 50.54 Conditions of licenses.

Whether stated therein or not, the following shall be deemed conditions in every license issued.

* * * * *

(x) For operating nuclear power reactors, the licensee shall, no later than 5 year before expiration of the reactor operating license, submit written notification to the Commission for its review and approval of the program by which the licensee intends to manage and provide funding for the management of all irradiated fuel at the reactor upon expiration of the reactor operating license until ultimate disposal of the spent fuel in a repository. The licensee must demonstrate to NRC that the elected actions will be consistent with NRC requirements for licensed possession of irradiated nuclear fuel and that the actions will be implemented on a timely basis. Where implementation of such actions require NRC authorizations, the licensee shall verify in the notification that submittals for such actions have been made to NRC and shall identify them. A copy of the notification shall be retained by the licensee as a record until expiration of the reactor operating license. The licensee shall notify the NRC of any significant changes in the proposed waste management program as described in the initial notification.

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

1. The authority citation for Part 51 is revised to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); secs. 201, as amended, 202, 88 Stat. 1242 as amended, 1244 (42 U.S.C. 5841, 5842); National Environmental Policy Act of 1969, secs. 102, 104, 105, 83 Stat. 853, 854, as amended (42 U.S.C. 4332, 4334, 4335).

2. In § 51.5 immediately following paragraph (d)(4) a new paragraph (e) is added to read as follows:

§ 51.5 Actions requiring preparation of environmental impact statements, negative declarations, environmental impact appraisals; actions excluded.

* * * * *

(e)(1) The Commission has made a generic determination that no significant environmental impacts will result from the storage of spent fuel for up to 30 years or more beyond the expiration of reactor operating licenses in onsite reactor facility storage pools or independent spent fuel storage installations located at reactor or away-from-reactor sites. Further, the Commission believes there is reasonable assurance that one or more mined geologic repositories for commercial high-level radioactive waste and spent fuel will be available by the years 2007–09, and that sufficient repository capacity will be available within 30 years beyond expiration of any reactor operating license to dispose of commercial high-level radioactive waste and spent fuel originating in such reactor and generated up to that time.

(2) Accordingly, the environmental consequences of spent fuel storage in reactor facility storage pools or independent spent fuel storage installations for the period following expiration of the reactor or storage installation license applied for need not be addressed in any environmental report, impact statement, impact assessment, safety analysis report, or other analysis prepared in connection with a reactor operating license or amendment to the operating license or initial license for an independent spent fuel storage installation, or amendment thereto. This rule does not alter any pre-existing regulatory requirements for consideration in licensing proceedings of safety or environmental consequences of spent fuel storage for the term of the license or amendment applied for.

Dated at Washington, D.C. this 16th day of May 1983.

For the Commission.[1]

Samuel J. Chilk,

Secretary of the Commission.

Commissioner Gilinsky's Separate Views Regarding Proposed Amendments to 10 CFR Parts 50 and 51 (Waste Confidence Proceeding)

May 13, 1983.

The current generation of nuclear power plants was licensed on the assumption that spent fuel would be retained on site for a brief period, prior to being sent away for reprocessing. It has now become obvious that the spent fuel will, in fact, be kept on-site for an extended period of time, in many cases beyond the operating life of the plants.

The Commission apparently recognizes that its past assumptions on the disposition of spent fuel no longer hold true but is doing nothing about this beyond making a broad finding that extended on-site storage is acceptable from the point of view of safety. While I agree that there is no obstacle in principle to extended on-site storage, I think it is clear that each power reactor site will have to be examined in detail. The rule proposed by the Commission puts off addressing the practical aspects of this problem for many years, and in some cases, decades.

In the case of new reactors which are applying for operating licenses, the rule should require the utility to show that there will be no impediment to storing on-site the spent fuel which will be generated during the plant's useful life. In view of the uncertainties about the availability of off-site disposal capacity, the Commission should, in addition, require a showing that there is no impediment to continuing such storage for some reasonable period of time after the likely end of operation. The utilities should also be required to commit themselves formally to financing on-site fuel storage until the fuel can be moved off-site. In the case of reactors which are already in operation, the utilities should be asked to make similar showings within a few years.

[1] Commissioner Gilinsky dissented from this action and his separate views are attached.

[FR Doc. 83-13801 Filed 5-19-83; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL TRADE COMMISSION

16 CFR PART 423

Amendment to Trade Regulation Rule Concerning Care Labeling of Textile Wearing Apparel and Certain Piece Goods

AGENCY: Federal Trade Commission.

ACTION: Final amendments to trade regulation rule.

SUMMARY: The Federal Trade Commission issues a final amendment to 16 CFR Part 423, which is retitled Care Labeling of Textile Wearing Apparel and Certain Piece Goods, as amended. The trade regulation rule, as amended, requires manufacturers and importers of textile wearing apparel and certain piece goods to provide labels for their products which disclose information for cleaning and care of the product. The rule is intended to assist consumers in making informed purchase decisions concerning the care characteristics of competing products, and to enable consumers and cleaners to avoid product damage caused by the use of improper cleaning procedures.

This notice contains the Statement of Basis and Purpose for the amendments to the Rule and the text of the Rule as amended.

EFFECTIVE DATE: These amendments to the Rule are being submitted to the Congress for review in accordance with Section 21 of the Federal Trade Commission Improvements Act of 1980, 15 U.S.C. 57a–1. Under that section, a rule becomes effective unless both Houses of Congress disapprove the rule within 90 calendar days of continuous session after the rule is submitted. Because computation of the 90 day period is not possible in advance (see section 21(g) of the Improvements Act), the Commission cannot specify an effective date for this Rule. The Commission intends that it become effective 90 days after the conclusion of congressional review and will publish a further notice of effective date in the **Federal Register** as soon as possible thereafter.

ADDRESS: Requests for copies of the Rule and Statement of Basis and Purpose should be sent to Public Reference Branch, Room 130, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Earl Johnson, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580, (202) 376–2891.

SUPPLEMENTARY INFORMATION:

Statement of Basis and Purpose

Statement of Basis and Purpose

I. Introduction

A. *Overview of the Amended Rule*

The current care labeling rule, adopted in 1971, reflects the Commission's determination that it is unfair and deceptive to sell textile clothing without providing basic care information to consumers.[1] The Commission found that absent such care information, consumers suffer substantial economic injury by being unable to shop for clothing on the basis of care characteristics, and by using improper care procedures that damage clothing. Consequently, the care labeling rule mandates disclosures which "fully inform the purchasers how to effect such regular care and maintenance as is necessary to the ordinary use and enjoyment of the article." [2]

In the time since the rule was issued, clothing care labels have become commonplace, and consumers, as well as professional cleaners, have come to rely upon them routinely as aids in making economical purchase decisions and avoiding improper care procedures. Nevertheless, the current rule has not been as effective as it could be because it does not clearly state what information should be on care labels. As a result some labels are incomplete, inconsistent, or inaccurate. The lack of clarity also poses an obstacle to the enforcement of the rule.

The amended rule is being adopted by the Commission in order to clarify existing obligations under the current rule by identifying in greater detail the washing or drycleaning information which should be included on care labels. The amended rule requires manufacturers and importers to attach a permanent care label to all textile wearing apparel covered by the rule. Manufacturers [3] of certain piece goods must provide the same care information as that for textile wearing apparel on the end of each bolt or roll of fabric. This information must fully disclose either washing or drycleaning instructions. If washing instructions are given, the label must also disclose a drying procedure and, in some circumstances, bleaching and ironing care. If drycleaning instructions are given, the appropriate solvent(s) must be disclosed if all solvents cannot be used. Use of standardized terminology is urged for all care instructions.

B. *Background of This Proceeding*

The Commission promulgated the current rule on December 16, 1971, giving it an effective date of July 3, 1972.[4] The current rule prohibits the unfair or deceptive practice of failing to attach a label to finished textile products "which clearly discloses instructions for the care and maintenance of such article." [5] The note to the current rule specifically defines instructions which are not unfair or deceptive. They are instructions which:

1. Fully inform the purchaser how to effect such regular care and maintenance as is necessary to the ordinary use and enjoyment of the article, *e.g.*, washing, drying, ironing, bleaching, drycleaning and any other procedures regularly used to maintain or care for a particular article;

2. Warn the purchaser as to any regular care and maintenance procedures which may usually be considered as applying to such article but which, in fact, if applied, would substantially diminish the ordinary use and enjoyment of such article;

3. Are provided in such a manner that they will remain legible for the useful life of the article;

4. Are made readily accessible to the user.[6]

The current rule does not, however, clearly define under what circumstances particular care procedures (*e.g.*, ironing or bleaching) must be included, or explain what actual wording on a label would "clearly disclose" care instructions. Instead, the rule leaves the task of determining the content and wording of care labels almost entirely to manufacturers.[7]

After the current rule was promulgated, Commission staff received numerous requests from manufacturers seeking clarification of the rule's provisions. Staff also received consumer complaints about the care information on products. Accordingly, on April 3, 1974, the Commission issued a Request for Comment to help evaluate the extent of compliance with the current rule and the possible need for extensions of the rule.[8] After analyzing over 9,000 reponses, the staff recommended proposed amendments to extend the current rule's product coverage and to make more specific its instructions about the content of care labels.[9]

On January 26, 1976, the Commission published a proposed amended rule in the **Fedral Register** and requested comment.[10] The Commission also appointed a Presiding Officer. Drawing on the responses to the January 26, 1976 notice, the Presiding Officer published designated issues[11] pursuant to Section 1.13(d) of the Commission's Rules of Practice. Hearings were held in Washington, D.C. beginning November 8, 1976, for two weeks and in Los Angeles, California beginning January 10, 1977, for one week.[12] The record

[1] Trade Regulation Rule Relating to the Case Labeling of Textile Wearing Apparel, 16 CFR 423 (1982) (hereinafter referred to as the "current rule").

[2] 16 CFR 423.1 (Note) (1982).

[3] As used in this Statement of Basis and Purpose, the term "manufacturers" includes importers who would be covered by the amended rule.

[4] 36 FR 32883 (1971).

[5] 16 CFR 423.1(a) (1982).

[6] 16 CFR 423.1 (Note) (1982).

[7] Four examples of care labels accompany the text of the current rule. However, these examples do not provide manufacturers with generally applicable guidance as to the content or working of care labels.

[8] Notice of Opportunity to Submit Written Comments and Data Regarding Specific Questions Related to the Care Labeling Rule, 39 FR 12036 (1974).

[9] Report on Request for Comment on Care Labeling Rule (June, 1975) (hereinafter cited as Comment Report); *see* rulemaking record volume 215-22-1-22 at pages 1-62.

[10] 41 FR 3747 (1976). The comments received were placed in the rulemaking record at volumes 215-22-1-17, 18, 19 and 20. Hereinafter, references to this portion of the record will be "R." followed by the last two digits of the volume numbers (*e.g.*, R. 17, R. 18).

[11] Final Notice of Proposed Trade Regulation Rulemaking Proceeding and Public Hearings, 41 FR 35863 (1976).

[12] Designated group representatives were appointed by the Commission to participate at those hearings and allowed cross-examination and other rights in accordance with Magnuson-Moss rulemaking procedures, 15 U.S.C. 57a. Transcripts of the procedings and exhibits received during the proceedings were placed in the rulemaking record at volumes 215-22-1-24. Hereinafter, references to the transcript will be "Tr." followed by the page number and references to exhibits will be "HX"

remained open for rebuttal of oral testimony until March 1, 1977.[13] After reviewing the record, the Presiding Officer published a report in July 1977 containing his findings and conclusions and recommending that the Commission promulgate a revised rule.[14] A staff report analyzing the record and making recommendations was published in May 1978.[15]

After a public comment period on these two reports, the Commission held an oral presentation during which representatives of major interested parties to this proceeding directly presented their views to the Commissioners.[16] The Commission thereafter held a mark-up session at which it approved in substance an amended care labeling rule. In January 1981, the Commission published its proposed final amended rule for technical comments.[17] Finally, in June 1982, after reviewing the rulemaking record as a whole, the Commission found there was sufficient evidence to support the amendments that clarify the requirements of the current rule. However, the Commission did not extend coverage of the rule to other products.

II. Basis for Amended Rule

A. *Existing Care Labeling Practices*

1. *Introduction.* The Commission is adopting an amended care labeling rule better to address the unfair and deceptive practices prohibited by the current rule. When the current rule was issued in 1971, evidence before the Commission showed that manufacturers of textile products were not providing consumers with care labels, despite voluntary programs encouraging them to do so.[18] The evidence also showed that it was almost impossible for consumers, absent such care labels, to knows what specific care techniques to use when cleaning fabrics given vast array of fibers, constructions, and finishes available.[19]

To correct the problems demonstrated by the record before it, the Commission adopted the current rule, requiring manufacturers to attach permanent care labels to textile products. From the record in this proceeding it appears that adoption of the current rule has, in fact, helped reduce the unfair and deceptive practices which the current rule prohibits. In particular, the record suggests that most textile products now have care labels attached to them.[20]

However, the Commission also decided in 1971 not to specify in detail what information should be provided on care labels. The evidence in this proceeding suggests that greater specificity is appropriate. The rulemaking record shows that some existing care labels provide inadequate care instructions.[21] It further suggests that one cause of this problem is the failure of the current rule clearly to spell out what care information labels should contain. There are three specific problems that appear traceable to the inadequacies of the current rule and are the basis for adopting an amended rule. These are: (1) insufficient care labeling; (2) inconsistent care labeling by different manufacturers; and (3) inaccurate care labeling. Each of these is discussed separately below.

2. *Improper Labeling.* a. *Insufficient care Labeling.* Some care labels fail to provide sufficient information to enable the buyers to effect the regular care necessary for the ordinary use and enjoyment of textile wearing apparel. Although the care instructions may be clear in what they do state, crucial steps are omitted. For example, some consumers complained that washing instructions are not accompanied by drying or ironing instructions. Others complained that there is not enough information given about the proper temperatures for washing, drying and ironing.[22] In some cases, instructions failed to warn against harmful procedures, or even to warn that *no* care was possible.[23]

b. *Inconsistent care labeling.* Inconsistent care instructions is a second problem. Inconsistency is attributable primarily to the variety of terms used by manufacturers to convey similar meanings,[24] and by the use of the same terms to convey different meanings.[25] This inevitably creates confusion among consumers as to the meaning of care instructions.[26]

An additional problem involves the inconsistent meaning of silence (*i.e.*, lack of specific instructions on a particular care procedure) in labels prepared by different manufacturers. The record indicates that on some labels silence as to a particular procedure (for example, bleaching) may mean that the procedure is improper or unsafe. In other cases, silence may signal that the procedure is safe. In yet other cases, silence may mean that the manufacturer does not know whether the procedure can safely be used on the product. Such inconsistency has led to consumer confusion and product damage.[27]

c. *In accurate care labeling.* A third problem is care labels that specify a care procedure which either is harmful to or ineffective for the textile wearing apparel to which it applies. The existence of such inaccurate care labeling has been noted by commenters from within the textile manufacturing

followed by the exhibit number and the page number.

[13] Rebuttal material was placed in volume 215-22-1-15 of the rulemaking record. References to rebuttal material herein will be "R. 25" followed by the page number.

[14] Report of the Presiding Officer on Proposed Revised Trade Regulation Rule Regarding Care Labeling of Textile Products and Leather Wearing Apparel (July 11, 1977) (hereinafter Presiding Officer's Report). The Presiding Officer's Report was placed on the public record at volume 215-22-1-26.

[15] Staff Report and Proposed Revised Trade Regulation Rule, (May, 1978) at 10-28 (hereinafter, Staff Report). The Staff Report was placed on the public record in volume 215-22-1-26. *See, also,* Release of Staff Report and Proposed Revised Trade Regulation Rule; Invitation to Comment, 43 FR 28334 (1978).

[16] Notice of Oral Presentation Before the Commission, 44 FR 30570 (1979). The transcript of the presentation was placed in volume 215-22-1-24.

[17] Notice of Opportunity for Technical Comment on Proposed Rule, 46 FR 935 (1981). Comments were placed in volume 215-22-1-27.

[18] 36 FR 23883, 23886 (1971).

[19] *Id.*, at 23885.

[20] For example, when the Commission asked in 1974 "are care labels presently affixed to all finished articles of wearing apparel made of textiles?", 3464 of 3811 comments (90%) indicated compliance insofar as presence of the label is concerned. Comment Report, R. 22 at 8.

[21] The record does not show what percentage of care labels fail to provide clear and complete care instructions. *See* discussion in Section V.A below.

[22] *E.g.* R. 18 at 724, consumer; R. 20 at 345, textile specialist; R. 20 at 479, extension agent; R. 20 at 254, Headquarters, Army and Air Force Exchange Service, Dallas; R. 18 at 637, consumer; R. 18 at 330, consumer.

[23] *See, e.g.*, Staff Report at 49-51. There also is evidence in the record suggesting the reverse of insufficient care labeling, namely labeling which is unnecessarily detailed. For example, the preparers of a survey which sampled over 2,500 apparel items from 122 different manufacturers concluded that some major suppliers and retailers ". . . have provided lengthy, detailed, and sometimes confusing care instructions of twenty to thirty words." R. 17 at 1505, Kurt Salmon Associates, "Analysis of the Care Labeling Practices of the Apparel and Textile Industries in the U.S." (October 1975-January 1976). It may be that such manufacturers, who provide more care information than is reasonably necessary, do so because they do not accurately understand their compliance obligations under the current rule.

[24] R. 18 at 828A, consumer; R. 20 at 344-45, extension specialist; R. 20 at 627-31, M. Dana.

[25] Tr. 1995-96, V. White, Chairman, ASTM Committee D-13. The New York Cooperative Extension Agents, on surveying their consumer constituency, found that the word "wash" had 56 different meanings, the word "ironing" had 22 meanings and the word "dryclean" had 13 different connotations. "One word has to be meaningful to many people and we have to make it clear . . . what these words mean."

[26] R. 17 at 124, Celanese (especially with variations in temperature descriptions); R. 17 at 421, American Home Appliance Association (overly-technical language); R. 18 at 110, consumer (many different ways of saying the same thing); R. 18 at 200, 830, 777, 822, consumers; R. 20 at 5, extension agent.

[27] Staff Report at 139-41.

industry[28] and by clothing retailers.[29] Consumers also have cited instances in which textile wearing apparel was damaged due to inaccurate instructions.[30] In addition, drycleaners have expressed concern about harm to fabrics from inaccurate labeling,[31] and bleach manufacturers have noted inaccurate bleaching instructions.[32]

The problem of inaccurate labeling may not be entirely attributable to manufactures' uncertainties over the current rule. Some commenters have suggested that inaccurate labeling results when manufacturers have no actual concern for accuracy and put labels on garments merely to appear in compliance with the current rule.[33] If some manufacturers are, in fact, deliberately ignoring their obligations under the current rule, they may ignore their obligations under the amended rule as well. The amended rule will, however, make it easier for the Commission to enforce the rule against such manufacturers by more clearly defining their obligations, thereby making it easier to demonstrate that rule violations have occurred. The amended rule therefore can be expected to deter deliberately inaccurate labeling more effectively than the current rule. Moreover, some inaccurate labeling may result because manufacturers misunderstand their obligations under the current rule. For example, some manufacturers may be unaware that they are required to have a reasonable basis for their care instructions. This requirement is implicit but not directly stated in the current rule. The amended rule expressly requires a reasonable basis for care instructions and explains what kinds of information may be relied upon as a reasonable basis for care instructions. The amended rule will therefore reduce inaccuracies by specifying more clearly manufacturer's compliance obligations under the rule.

B. *Unfair and Deceptive Acts and Practices—§ 423.5*

1. *Introduction.* The statement of basis and purpose accompanying the current rule explained why the acts and practices prohibited by its Sections 423.1 (a) and (b) violate Section 5 of the FTC Act. Essentially the same practices are prohibited by Section 423.5 of the amended rule. The Commission, therefore, intends here only to summarize the legal analysis which supported adoption of the current rule and to amplify it insofar as necessary to explain the amended rule. Accordingly, the discussion below presents, first, the legal basis for the current rule and, second, the basis for those changes from the current rule's Section 423.1 (a) and (b) reflected in Section 423.5 of the amended rule. Third, the Commission separately explains why Section 423.5 of the amended rule includes an explicit reasonable basis requirement.

2. *Legal basis of the current rule.* Sections 423.1 (a) and (b) of the current rule define as an unfair method of competition[34] and an unfair or deceptive act or practice the fast use of manufacturers of finished textile apparel to affix labels ". . . which clearly disclose instructions for the care and maintenance of such article[s]." The note to the rule specifies in more detail the content of labeling which is not unfair or deceptive.

In adopting the current rule, the Commission found the failure to provide care instructions to be deceptive in violation of Section 5 of the FTC Act. In doing so, the Commission relied on the established principle that the failure to disclose facts is deceptive where silence has the effect of misleading the public, concluding:

> It is deceptive not to reveal care instructions when silence on this subject can either mislead the public into using a care procedure which is harmful, or frustrate a basic assumption inherent in the initial purchase—that no special and costly maintenance will be required, and that the consumer will be able to distinguish between the whole range of possible care procedures and use the procedure which is both most effective and most economical.[35]

Various Commission actions since adoption of the current rule have affirmed the underlying principle.[36] Accordingly, the Commission here restates its 1971 determination that a failure to provide care instructions is deceptive.

The Commission also found in 1971 that it was an unfair practice in violation of Section 5 of the FTC Act for manufacturers to fail to provide care instructions. The Commission's finding of unfairness was derived from the substantial injury caused to consumers by the failure to provide care information. The Commission stated:

> The record indicates that many consumers do experience substantial economic loss because of erroneous assumptions about care of clothes, assumptions which are quite normal in the absence of contrary instructions from the manufacturer. Still another source of serious consumer loss derives from the fact that, without this essential information, consumers are unable to distinguish between apparel which may cheaply be maintained, and those which are expensive because of the care procedure involved. The courts have recognized the Commission's broad authority to prohibit practices as unfair (even though not deceptive) where the record proof shows substantial economic injury to a significant number of consumers. [Citations omitted.][37]

This finding was made before the Commission's 1980 statement articulating the three part test to determine whether a practice is unfair under Section 5.[38] However, the Commission concludes here that the finding of unfairness in the current rule's statement of basis and purpose is consistent with this test.

To violate Section 5, the injury created by an unfair practice ". . . must be substantial; it must not be outweighed by any countervailing benefits to consumers or competition that the practice produces; and it must be an injury that consumers themselves could not reasonably have avoided."[39] Each of these factors was considered by the Commission, albeit not necessarily as parts of an unfairness test, when adopting the current rule. The passage cited above from the 1971 statement of basis and purpose contains a finding of substantial economic injury to consumers due to lack of care labeling. Elsewhere, the Commission found that

[28] *See, e.g.*, R. 17 at 130, Director of Research and Development, Phillips-Van Heusen Co. (inaccurate labeling is extensive and often results when manufacturers use information supplied by mills without verifying it); Tr. 1727, American Apparel Manufacturers Association (there is no question but that many garments are mislabeled).

[29] *See, e.g.*, R. 17 at 92, The Colonial, Seattle, Washington (washable labels on jackets when inner construction not washable).

[30] Staff Report at 44–48. (Instances of items damaged when washed or drycleaned by consumers according to instructions). *See also*, Staff Report at 137–39 (washable items "low labeled" as being only drycleanable).

[31] *See, e.g.*, Tr. 1298, J. Schapiro, Dixo Company (many care labels carry information which bears no relation to truth); TR. 1387, International Fabricare Institute; R. 17 at 145 ("dryclean only" lables on garments which cannot be drycleaned properly).

[32] R. 17 at 473, Clorox Co. (negative bleaching instructions on items that can be bleached safely).

[33] *See, e.g.*, R. 17 at 179, drycleaner (some manufacturers are not testing garments and just "putting on the labels" to be in compliance with the care labeling rule).

[34] The amended rule does not define the failure to provide care labels as an "unfair method of competition." The amended care labeling rule is intended to prevent injury to consumers and only incidentally to prevent harm to competitors. Moreover, the amended rule is promulgated under Section 18 of the FTC Act, which applies only to rules that define unfair or deceptive acts or practices.

[35] 36 FR 23889 (1971).

[36] *See, e.g.*, Statement of Basis and Purpose, Trade Regulation Rule, Labeling and Advertising of Home Insulation, 44 FR 50217, 50223 (1979); *Simeon Management Corp. v. FTC*, 579 F. 2d 1137 (9th Cir. 1978).

[37] 36 FR 23889 (1971).

[38] *See* letter from the Commission, to the Honorable Wendell H. Ford and the Honorable John C. Danforth (December 17, 1980).

[39] *Id.*

there was a countervailing benefit to not labeling textile garments—the savings to consumers of the costs associated with a care labeling program—but concluded that this benefit did not outweigh the injury resulting from damaged fabrics.[40] The Commission also considered whether it was possible for consumers to avoid the injury caused by inadequate care labeling and concluded that the variations in appropriate care procedures and the large number of products on the market precluded consumers from obtaining necessary care information unless it was provided by the manufacturer.[41] Accordingly, the Commission now concludes that its 1980 unfairness statement does not require a modification of its 1971 finding that the failure to provide care labels is an unfair practice.

3. *Legal basis of the amended rule.* Section 423.5 of the amended rule is essentially a restatement of Section 423.1 (a) and (b) and the note to the current rule. In revising the rule, the Commission has clarified the rule's requirements and simplified and streamlined the language. The Commission also has made three changes.

First, the Commission has incorporated the provisions of the note into the text of the rule. The note described more specifically the unfair and deceptive acts or practices prohibited in general terms in Section 423.1 (a) and (b). In the amended rule, however, the Commission has integrated these provisions in Section 423.5(a).

A second change is made in response to the Second Circuit's decision in *Katharine Gibbs School Inc.* v. *FTC*, 612 F. 2d 658 (1979). That case held that the Magnuson-Moss Act requires that Commission rules define with specificity the unfair or deceptive acts or practices prohibited. Those acts or practices are defined in Section 423.5(a) of the amended rule. Sections 423.2 and 423.6 through 423.8 of the amended rule set forth remedial requirements prescribed for the purpose of preventing such acts or practices. Section 423.5(b) provides that a manufacturer who complies with the amended rule's remedial requirements is not engaged in the unfair and deceptive acts and practices defined by Section 423.5(a). The revised definitions in Section 423.5(a) are intended neither to increase nor to decrease the compliance obligations specified in the rule's remedial requirements.

Third and finally, Section 423.5(a) contains a few changes to the language used in the note to the current rule. For example, the fourth element in the note, the requirement that care instructions by "made readily accessible to the user" is deleted. To accomplish the same purpose, the Commission has added language to the other parts of amended Section 423.5(a) clarifying that care information must be disclosed to purchasers "prior to sale."

4. *Reasonable basis requirement.* Section 423.5(a)(5) defines it as unfair or deceptive for manufacturers to fail to have a reasonable basis for all regular care information disclosed to a purchaser. There is no comparable language in the current rule. Nevertheless, the inclusion of such language in the amended rule does not materially extend the current rule.

The statements on the care labels required by the current rule are governed by established Commission precedent requiring sellers to have a reasonable basis for material claims they make to consumers.[42] Because care instructions are material claims,[43] all manufacturers currently are required to have a reasonable basis for the care information they put on their labels. Section 423.5(a)(5) sets out this obligation explicitly. The Commission's purpose in placing such a requirement in the amended rule is to ensure that all manufacturers understand the existing need for a reasonable basis and to clarify what constitutes a reasonable basis in this context.[44]

C. *Remedial Requirements—§§ 423.2, .6–.8*

1. *Introduction.* As the discussion above shows, the Commission's major purpose in amending the care labeling rule is to eliminate improper labeling caused by a lack of specific guidance in the current rule. The amended rule contains remedial requirements providing a comprehensive and consistent framework for care information disclosures, which should result in a greater number of clear, comparable, and complete care labels than under the current rule. Any remedial requirements adopted by the Commission must bear a reasonable relationship to the unfair and deceptive practices they are designed to cure.[45] Based upon experience gained under the current rule and the rulemaking record in this proceeding, the Commission has determined that the remedial requirements in the amended rule do bear such a reasonable relationship to the unfair and deceptive acts and practices identified in Section 423.5(a). In fact, the information expressly required by the amended rule already should appear on care labels to comply with the current rule. The amended rule requires that manufacturers provide either washing or drycleaning instructions on a permanent care label for textile wearing apparel. The instructions must identify a proper procedure for each necessary step in the washing or drycleaning process, with additional warnings where applicable. The same information must appear at the end of the bolt or roll of fabric for certain piece goods. These requirements and their intended operation are described below individually, by sections.

2. *Section 423.6—Textile Wearing Apparel.* Section 423.6 contains the provisions of the amended rule which specify the washing or drycleaning instructions which must be on the care labels for textile wearing apparel, and the requirement that the care label of an item which cannot be washed or drycleaned disclose this information. Section 423.6 also identifies how the information should be displayed. This discussion of Section 423.6 describes each of its four parts: (1) Section 423.6(a), attachment of care labels; (2) Section 423.6(b)(1), washing instructions; (3) Section 423.6(b)(2), drycleaning instructions; and (4) Section 423.6(c), reasonable basis.

a. *Section 423.6(a)—Attachment of care labels.* Section 423.6(a) of the amended rule states that "care labels"[46] must be attached to textile products in such a manner that they can be seen or easily found when the product is offered for sale to customers. However, if manufacturers wish to package a garment in such a manner that the care label is not visible, they may do so as long as the care instructions are displayed on the outside of the package

[40] 36 FR 23883, 23888 (1971).

[41] *Id.* at 23885–86.

[42] *See, e.g., Pfizer, Inc.*, 81 FTC 23 (1972). *See also National Dynamics Corp.*, 82 FTC 488 (1973), *mod. on other gds.*, 492 F. 2d 1333 (2nd Cir. 1974), *cert. denied*, 419 U.S. 933 (1974); *Crown Central Petroleum Corp.*, 84 FTC 1493 (1974), *aff'd per curiam*, No. 75–1124 (D.C. Cir., March 4, 1976); *Fedders Corp.*, 85 FTC 38 (1975), *aff'd* 529 F. 2d 1398 (2d Cir. 1976).

[43] *Pfizer, Inc.*, 81 FTC 23, 62 (1972).

[44] Section 423.6(c) of the amended rule clarifies what constitutes a reasonable basis by listing five specific categories of evidence which can be used to comply with the rule, as well as permitting use of other reliable evidence for the same purpose.

[45] This standard has been applied to the Commission's adjudicative orders in a number of cases, including *Jacob Siegel Co. v. FTC*, 327 U.S. 608 (1946), *FTC v. National Lead Co.*, 352 U.S. 419 (1956), and *FTC v. Colgate-Palmolive Co.*, 380 U.S. 374 (1965).

[46] The term "care label" is defined in section 423.1(a) as a "permanent label or tag . . . that is attached or affixed in such a manner that it will not become separated from the product and will remain legible during the useful life of the product."

or on a hang tag. Section 423.6(a) thus permits merchandising flexibility for manufacturers while ensuring that consumers can determine a textile garment's care both at the point of purchase and at the point of care.

b. *Section 423.6(b)(1)—Washing instructions.* As noted above, Section 423.6 requires manufacturers to place on care labels either a set of washing or a set of drycleaning instructions. For products that can be cleaned by either method, manufacturers may select which of these two sets of instructions to place on the label. Section 423.6(b)(1) describes the information necessary if the label describes a washing procedure.

(1) *Washing method and temperature description*—If a washing procedure is described, Section 423.6(b)(1)(i) of the amended rule states that care labels must specify whether an item should be washed by hand or by machine. This basic information always must appear on the label. In addition, the label ordinarily must say what water temperature should be used. However, if the regular use of hot water will not harm the product, the label need not mention any water temperature. For example, "machine wash" means hot, warm, or cold water can be used.

The amended rule requires information about washing method and temperature to help consumers guard against the most frequent types of damage to textiles.[47] These are excessive shrinkage, color fading or bleeding and general deterioration of a component when washed improperly. Such damage generally is caused by water contact and excessive heat or agitation. It also may be caused by various adverse reactions to detergents, soaps, or softening agents.[48] The amended rule will help prevent application of excessive heat or agitation in washing by specifying that care labels always provide washing method instructions and provide temperature instructions if regular use of hot water will harm the products.[49]

(2) *Drying instructions*—Because drying usually is necessary after washing textile wearing apparel, § 423.6(b)(1)(ii) of the amended rule requires care labels state whether an item should be dried by machine or by some other method. If machine drying is specified, the label also must say what drying temperature should be used. However, if the highest temperature setting will not harm the product, the label need not indicate a drying temperature.[50]

This information will prevent the damage to fabrics during drying, which usually is the result of excessive heat in machine dryers. Use of such improper drying methods can result in shrinkage, permanent wrinkling, scorching or melting.[51]

(3) *Ironing instructions*—The current rule states that purchasers of textile products should be "fully informed" of ironing instructions when such instructions are "necessary to the ordinary use and enjoyment of the article."[52] Section 423.6(b)(1)(iii) of the amended rule clarifies that ironing instructions must be given if ironing is needed regularly to preserve the product's appearance, and that, if ironing is mentioned, the care label also must say what temperature should be used, unless the regular use of a hot iron will not harm the garment.[53] If ironing is not regularly necessary for the care of a particular item, ironing instructions do not have to be put on its care label.[54] However, if ironing would damage the product, a warning is required.[55]

The record in this proceeding supports the need for ironing instructions on the labels of products which require regular ironing. For example, the lack of, or inadequacy of, ironing instructions has caused scorching, burning, or melting which renders items totally unusable.[56] In addition, the fact that a garment does not need ironing on a regular basis, which would be shown by the lack of ironing instructions on its label, may be important to consumers when deciding whether or not to purchase it.[57]

(4) *Bleaching instructions*—The current rule requires bleaching instructions be provided when "necessary to the ordinary use and enjoyment of the article".[58] The rule does not further specify when and what sort of bleaching instructions must be provided.

The apparent result has been the emergence of several conflicting disclosure approaches by manufacturers. For example, some manufacturers overcautiously and misleadingly include "Do Not Bleach" instructions on items which are bleachable.[59] Others simply omit bleaching instructions, leaving the decision whether to bleach to purchasers.[60] These manufactures may not intend the absence of bleaching instructions to imply anything about whether the product may be bleached, but others use silence on a label to imply the article may be bleached.[61] Still others, however, affirmatively state bleaching instructions if bleaching can or should be done.[62] This lack of uniformity in labeling is mirrored by a lack of uniformity in consumer interpretation of labels. For example, 21% of the respondents in one survey believed "machine wash" implies bleachability, while 66% assumed no bleach should be used.[63]

The amended rule clarifies the existing obligation by establishing a uniform disclosure scheme for bleaching instructions. If all available bleaches can safely be used on a regular basis, the label need not mention bleaching.[64]

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[47] The current rule requires washing instructions where "necessary to the ordinary use and enjoyment of the article." 16 CFR 423.1 (Note) (1982). This includes information about washing method and temperature. (*See e.g.*, the second example given of acceptable care instructions under the current rule, 16 CFR 423 (Note) (Example 2) (1982): "Machine wash warm. Gentle Cycle. Do not use chlorine bleach.") The amended rule, however, clarifies this requirement.

[48] Staff Report at 55–59.

[49] The Commission has rejected a proposal by its staff to require care labels always state a washing temperature. As noted in the text, damage to textiles ordinarily results from water that is too hot. Where a product could be damaged by such water, the amended rule requires the label disclose an appropriate washing temperature. Silence as to water temperature would mean even the harshest (hottest) temperature can be used.

[50] As with the washing instructions, the Commission has decided that it is unnecessary to include a drying temperature on a care label unless excessive heat will cause product damage. *See* Staff Report at 59–64.

[51] *Id.* the current rule requires information about drying where it "is necessary to the ordinary use and enjoyment of the article", 16 CFR 423.1 (Note) (1982), but the amended rule clarifies this obligation.

[52] 16 CFR 423.1 (Note) (1982).

[53] This is consistent with the approach adopted by the Commission for disclosure of temperature instructions for washing and drying.

[54] Some commenters favored a requirement that ironing instructions be disclosed in all instances to let consumers know whether or not ironing was necessary. *See* Staff Report at 65–67. The Commission shares the view of other commenters and its staff, however, that ironing instructions need not be included where the owner can obtain full use of an item without ironing. *See* Staff Report at 65–68. Under this disclosure system, a consumer can infer from a label's lack of ironing instructions that a garment does not need ironing as part of its regular care.

[55] *See* Section 423.6(b)(1)(v).

[56] *See* R.18 at 238–291, Students, University of Wisconsin; R.18 at 428, 433, 732, 754, 776, 792, 841, 905, 922, consumers; R. 20 at 239, Home Economist, Univ. of Arizona; Tr. 2519, K. Bourdeau, Dept. of Consumer Affairs, Los Angeles County.

[57] *See* R. 18 at 2403, Consumer Staff Report at 67.

[58] 16 CFR 423.1 (Note) (1982).

[59] Staff Report at 81.

[60] Staff Report at 86.

[61] Staff Report at 89, 100.

[62] R. 17 at 1263, Walker Survey.

[63] R. 17 at 1461, Marketing and Research Counselors, Inc., "Bleachability Terminology Study" (April 1976).

[64] Some commenters, including members of the bleach industry, advocated affirmative bleaching instructions in cases where all bleaches can be used safely. Those commenters felt affirmative instructions were necessary to overcome existing consumer confusion as to the bleachability of garments whose labels are silent with respect to bleaching. However, bleaching is a procedure which, like ironing, is not necessary on a regular

On the other hand, if bleach would harm a product when used on a regular basis the label must so warn purchasers. If all bleaches would be harmful, it must include a phrase such as "No bleach." If bleaches other than chlorine can be used, the label must say "Only non-chlorine bleach, when needed."[65]

The amended rule also prohibits placing a "No bleach" warning on bleachable products.[66] First, the amended rule specifies that such a warning may only be included on a label if regular use of bleach would harm a product. Second, Section 423.5(b)(5) of the rule explicity requires manufacturers to have a reasonable basis for the information they place on care labels. Thus, the amended rule makes clear that a "No bleach" warning may only be placed on a care label if a manufacturer has a reasonable basis for concluding that *all* available bleaches would harm a product in regular use.

(5) *Warnings*—Under the current rule, manufacturers should warn purchasers if any care procedure normally thought of as applying to a product would, in fact, diminish the product's usability.[67] The amended rule imposes a similar obligation. Section 423.6(b)(1)(v) requires warnings about harmful washing procedures. Section 423.6(b)(2)(ii) requires equivalent warnings about harmful drycleaning procedures.

The amended rule does, however, reflect two principal changes from the current rule. First, Section 423.6(b)(1)(v) of the amended rule requires a warning where use of a normal washing method might cause damage not just to the product itself, but also to other items being washed with it. The current rule, by contrast, only indicated the need for a warning if the product itself might be harmed. The second change in the amended rule is to place two limits on this obligation to warn against harmful care methods. First, a care label does not have to warn against washing methods which are alternatives to those stated on the label. For example, a label which states "Hand wash" does not have to warn "Do not machine wash." Second, a label which contains washing instructions does not have to warn against drycleaning procedures. In other words, the care label need not read "Machine wash warm, tumble dry. Do not dryclean." (The reverse also is true.) This approach is consistent with the Commission's view that care labels need only provide instructions for one type of care precedure—washing or drycleaning—rather than for both.[68]

c. *Section 423.6(b)(2)—drycleaning instructions.* Drycleaning, as defined in the amended rule,[69] is a process by which organic solvents are used in machines to remove soil from textile wearing apparel. In addition to organic solvents, drycleaning may involve use of moisture by addition to solvent (up to 75% relative humidity), tumble drying (up to 160° F) and restoration by steam press or steam-air finishing. While the current rule requires drycleaning instructions if "necessary to the ordinary use and enjoyment of the article," the rule does not indicate what information must be set forth in drycleaning instructions.[70] In consequence, some care labels which mention drycleaning provide no specific guidance to consumers and drycleaners as to what type of drycleaning solvent should be used, and as to any modifications to the normal drycleaning process which may be needed. When this happens, professional drycleaners may be unable to determine the combination and nature of fibers and finishes used in a particular fabric and thus may not be able to determine the appropriate solvent and drycleaning procedure to be followed.[71] This may result in improper drycleaning with resulting damage to the garment involved.[72]

To better ensure that care labels fully inform purchasers about drycleaning procedures, Section 423.6(b)(2) of the amended rule requires labels that include drycleaning instructions to disclose the type(s) of solvent(s) that should be used, except where any commercially available solvent can be used. Considering that only three types of solvents generally are used, and that the manufacturer should know the fiber content and appropriate care traits of a given item, the Commission has concluded that the manufacturer is in the best position to provide solvent information.[73]

The amended rule also prohibits the use of the terms "Drycleanable" or "Commercially dryclean" in drycleaning instructions because of evidence that these terms do not have a clear meaning for consumers and drycleaners. The term "commercial" technically refers to all types of drycleaning establishments, including facilities where consumers use coin-operated automatic machines and facilities where trained professionals operate machines with variable cycles.[74] The term "drycleanable" has been commonly used where special procedures, *e.g.*, mild solvents or low temperatures, must be used if an item is drycleaned. However, it also has been used where no special procedures are necessary.[75] Thus, to prevent confusion and encourage uniformity in terminology, the Commission has eliminated the further usage of the terms "Drycleanable" and "Commercially Dryclean" in care label instructions.

Finally, Section 423.6(b)(2)(ii) of the amended rule requires warning disclosures if any regular step of the drycleaning procedure which consumers or drycleaners reasonably can be expected to use would harm the product or other items being cleaned with it. Some products must be drycleaned using modified procedures, such as lower heat and moisture levels than specified in the amended rule, or adjusted pressing methods. Failure to

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basis for the ordinary use of all washables. *See* Staff Report at 92. The Commission has chosen a disclosure scheme to minimize the length and complexity of care labels by mandating disclosure of instructions only for washing and drying, which are required for the care of all washables. Moreover, the Commission's disclosure scheme should assist those consumers who are confused as to whether or not a product may be bleached if the label is silent. In the future, such silence will have only one meaning: a product is bleachable using all available bleaches.

[65] Until a few years ago, the only bleaches available were chlorine. Now consumers also can use milder oxygen bleaches based on monopersulfate and perborate compounds. *See* Staff Report at 74.

[66] Manufacturers give several explanations for this practice. One is the fear that consumers will misuse bleach and thereby damage products which would not be harmed by regular, proper use of bleach. Another is that some products were labeled "No bleach" before milder, nonchlorine bleaches were developed. These products have yet to be relabeled. A third explanation is that it is cheaper to use the same label for both bleachable and nonbleachable products. *See* Staff Report at 83. None of these reasons would justify a "No bleach" warning under the amended rule.

[67] 16 CFR 423.1 (Note) (1982).

[68] *See* Section IVB, *infra*, for a discussion of the Commission's reasons for taking this approach.

[69] *See* Section 423.1(c).

[70] 16 CFR 423.1 (Note) (1982).

[71] Staff Report at 109.

[72] Staff Report at 116–20.

[73] Some manufacturers argued that consumers may erroneously interpret solvent disclosures to mean that all solvents are equally available to all drycleaners. Staff Report at 130–31. These claims were unsupported by empirical evidence. Moreover, consumers who erroneously believe, for example, that their usual drycleaner can clean a jacket labeled "Professionally dryclean: petroleum" when, in fact, the drycleaner cannot use a petroleum solvent are better off than if the jacket were labeled "Dryclean only." By consulting the label, the drycleaner can quickly establish that it cannot clean the jacket and so advise the consumer. In addition, of course, the label reduces the likelihood that the drycleaner will mistakenly apply the wrong solvent, damaging the product. The Commission also rejects the argument that the rule should treat textile products as incapable of being drycleaned if they cannot be cleaned with the solvent perchlorethylene. While perchlorethylene is the most widely used solvent, others are available such as petroleum, which can safely clean products that would be harmed by perchlorethylene.

[74] Staff Report at 109–110.

[75] Staff Report at 132.

use such procedures can cause product damage, including shrinkage, stretching or color loss.[76] While the current rule requires warnings in certain situations,[77] the amended rule provides more specific guidance as to when warnings are necessary and what information they should contain.[78]

d. *Section 423.6(c)—reasonable basis.* Section 423.6(c) sets forth the requirement that manufacturers have a reasonable basis for care instructions and identifies the types of evidence which can be used to provide such a reasonable basis.[79] The Commission believes that this provision may benefit consumers to the extent that manufacturers are not already aware of their obligation to have a reasonable basis for care instructions. By clarifying the obligation it may also reduce the costs of complying with the rule. For example, Section 423.6(c) makes clear that a reasonable basis for care instructions includes not only evidence from tests simulating ordinary care, but also information from current technical literature, and past experience. This will enable manufacturers to adopt efficient, as well as effective methods of obtaining a reasonable basis for care instructions.

3. *Section 423.7—Certain Piece Goods.* To help ensure that consumers are provided with care instructions for all wearing apparel, including clothing they make themselves, the current rule requires care labels be provided for piece goods sold to consumers for the purpose of making home sewn wearing apparel.[80] The Commission required manufacturers to provide such labels to retailers, so retailers could provide them to consumers, and consumers could sew them into homemade garments. The rulemaking record of this proceeding suggests, however, the requirement has not operated as intended. Manufacturers of piece goods are supplying care labels to retailers.[81] Retailers, however, usually do not distribute them to purchasers,[82] and it appears consumers do not sew them into the garments they make.[83]

The Commission has considered a variety of ways to better ensure purchasers of piece goods are provided with care instructions, and, at the same time, to eliminate any unnecessary burden the current rule might impose on manufacturers and retailers of piece goods. The Commission has concluded the most efficient way to achieve these goals is to require care information be provided on the end of each bolt or roll of certain piece goods [84], rather than on separate care labels. Section 423.7 of the amended rule so provides. This requirement will enable consumers to compare the care requirements of different piece goods in the store prior to purchase and will help ensure that the fabrics they purchase fit their care needs. It will not provide them with a label for use on the finished garment, but the evidence in this proceeding suggests that such labels are not often used. At the same time, retailers will not have to distribute care labels under the amended rule. Moreover, manufacturers will have only the simplified burden of providing care instructions at the end of a bolt or roll of certain piece goods, rather than having to ensure that individual care labels are provided with each sale of fabric from that bolt or roll.

4. *Section 423.8—Exemptions.* Section 423.8 of the amended rule sets out exemptions from the general remedial requirements in Sections 423.6 and 423.7. The exemptions apply in four specific instances.

Two exemptions apply where it would be impractical for manufacturers to use a permanent care label. First, Section 423.8(a) automatically exempts any garment that is totally reversible and has no pockets in which the label can be sewn from the permanent label requirement. Second, Section 423.8(b) permits manufacturers of any other garment to request an exemption from the permanent label requirement if the label would harm the appearance or usefulness of the product. The Commission will then determine whether an exemption is appropriate. The Commission's rationale from permitting this exemption is that the physical characteristics of some apparel, *e.g.*, shape, size, fragility or sheerness, might make permanent label attachment impossible or undesirable.

If an exemption is granted under Section 423.8 (a) or (b), Section 423.8(c) still requires that the care information be placed on a hang tag or in some other conspicuous place at the point of retail sale. Without such a temporary label, consumers would have no way of knowing what care was safe for the unlabeled garment.

The other two exemptions are for instances where the Commission deems a permanent care label to be unnecessary. One exemption, contained in Section 423.8(e) is for sales of textile products to institutional buyers for commercial use.[85] The exemption has been included in the rule because institutional buyers, unlike individual consumers, are in a position to bargain for and obtain care information from manufacturers if they desire it. The second exemption is for textile wearing apparel which can be cleaned safely under the harshest washing and drycleaning procedures. Section 453.8(d) sets out the exemption and specifies the care procedures which a product must withstand to be entitled to it.[86] It also requires manufacturers of such products to place the statement "wash or dry clean, any normal method" on a hang tag or in some other conspicuous place at the point of sale. Absent such a temporary label, consumers would not be able to tell whether the lack of a permanent label meant a product was "totally cleanable", or the manufacturer simply was not complying with the rule's requirement to provide care information.

In addition to these specific exemptions, Section 423.8(f) states that all exemptions previously granted will remain in effect so long as the products exempted still meet the criteria upon which the exemptions were based. Otherwise, the exemptions are automatically revoked. The purpose of this provision is to prevent the confusion and delay that would result if the Commission staff were required to reexamine all previously granted exemptions.[87]

5. *Section 423.2—Terminology.* When adopting the current rule, the Commission did not designate

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[76] *Id.* at 119. *See* Tr. 1400–01. International Fabricare Institute.

[77] 16 CFR 423.1 (Note) (1982).

[78] For a more detailed explanation of the differences between the current rule and the amended rule, see the discussion, *supra*, of Section 423.6(a)(1)(v), the amended rule's warning provision for washing procedures.

[79] The Commission has considered a proposal that it limit the types of evidence sufficient to establish a reasonable basis for care instructions to evidence derived from designated testing methods. The Commission has determined, however, that such a limitation could place a substantial compliance burden on manufacturers without producing corresponding benefits. *See* Staff Report at 425–28. For similar reasons, the Commission has rejected a proposal that manufacturers be required to keep records substantiating their compliance with the reasonable basis requirement.

[80] 16 CFR 423.1(b) (182).

[81] Staff Report at 155–56.

[82] *Id.* at 156–159.

[83] *Id.* at 162.

[84] The term "certain piece goods" is defined in Section 423.1(b).

[85] This exemption is similar to Commission interpretation of the current rule permitting unlabeled products to be sold to institutions. *See* Staff Report at 355.

[86] Section 453.8(d) is similar to the current rule's exemption for those articles costing $3 or less which are completely washable. *See* 16 CFR 423.1(c)(2) (1982). However, the Commission has removed any price ceiling from the amended rule in light of the fact that both expensive and inexpensive articles subject to the exemption would not be damaged by normal cleaning procedures.

[87] Staff Report at 352.

terminology for care instructions. The only requirement specified in the rule was that care labels use words and phrases to describe care procedures, rather than merely symbols.[88]

Section 423.2 of the amended rule similary permits manufacturers to use any terms[89] they prefer as long a these terms clearly and accurately describe regular care procedures. This may result in some variation among the care labels used by different manufacturers. The Commission has concluded, however, that the remedial requirements in Sections 423.6 and 423.7 provide sufficient guidance for manufacturers to ensure adequately against inconsistent or confusing care labels.

In order to provide additional guidance for manufacturers and to further minimize consumer confusion, the Commission also has provided a glossary of standardized terms, appended to the Rule as Appendix A, which may be used to meet the requirements of the rule.

For the most part, Appendix A consists of terms developed by the American Society for Testing and Meterials (ASTM), a private standards-setting group. However, the record reveals discrepancies between consumer understanding of some terms listed in the ASTM glossary and the manner in which the glossary defined these terms.[90] The glossary adopted by the Commission includes the terms and definitions from the ASTM glossary which were found clear and meaningful to consumers. The unclear terms in the ASTM glossary have been replaced and definitions reconstructed based upon the evidence in the record.[91]

D. *Other Rule Provisions*

1. *Section 423.1—Definitions.* In section 423.1 the Commission defines terms that are considered of particular importance in the rule. Most of these terms were defined under the current rule.[92] Terms such as "Textile Product" and "Textile Wearing Apparel" still have the same definition. The term "Care Label" under the amended rule encompasses the older definition for "a label or tag permanently affixed or attached hereto", but the new definition also makes it clear that such a label must remain legible during the useful life of the product.

The term "Certain Piece Goods" is a claification of the older definition for "Piece Goods". Under the amended rule, the definition not only explains that piece goods are textile products sold by the piece from bolts or rolls, but further explains that the rule only covers piece goods for the purpose of making home sewn textile wearing apparel. Finally, the definition exlcludes some manufacturers remnants and trim up to 5 inches wide. These exclusions have been granted by interpretation under the current rule.

The term "Regular Care" has been included in the definition section of the amended rule to make it clear that the Commission does not require instructions for "spot" care under this rule.[93]

Two new terms are added under the amended rule for the primary purpose of clarifying and standardizing their meaning when used in care instructions. "Machine Wash" is now defined to include only removal of soil from products in a specially designed machine using water, detergent or soap and agitation. This precise limitation is necessary because previously used definitions included in this single term implications that the product could also be safely bleached, dried, and pressed by any customary commercial or home method.[94] The term "Dryclean" also has been defined elsewhere in several ways. Temperature and moisture level, and solvent are implicit in any definition of "Dryclean." The Commission has, therefore, defined the term "Dryclean" as a soil removing process using a machine and any common drycleaning solvent and including moisture addition up to 75% relative humidy, tumble drying up to 160° F, and steam press or steam air finishing.[95]

2. *Section 423.3—What this regulation does.* In Section 423.3 the Commission outlines the overall purpose of the amended rule which is to provide regular care instructions on textile wearing apparel and certain piece goods at the time the products are sold. Care instructions must be provided on care labels or by some other method described in this rule.

3. *Section 423.4—Who is covered.* Manufacturers and importers are not specifically named in the current rule as responsible for compliance. Section 423.4 now clarifies this matter and further states that the term manufacturer and importer also includes any person or organization that directs or controls the manufacture or importation of covered products.

4. *Section 423.9—Conflict with flammability standards.* Section 423.9 of the rule states that in the event of any conflict with the rules issued under the Flammable Fabrics Act, the Flammable Fabrics regulations will govern over this rule. There are no known conflicts to date, but this provision recognizes the policy that, in the case of conflict, safety rules predominate over rules to prevent economic injury.[96]

The Commission also notes that it is unaware of any state or local laws which conflict with the amended rule. Any such laws are preempted to the minimum extent necessary to resolve the conflict.[97]

5. *Section 423.10—Stayed or Invalid Parts.* The amended rule imposes several different labeling requirments *e.g.*, specific label content, warnings, a reasonable basis for care instructions. To the extent possible, each particular requirement has been included in a single specific provision of the rule. To make clear its intent, the Commission has included a provision stating that if any section of this rule is stayed or held invalid, the rest of the rule will remain in force.

III. Impact of Amended Rule Upon Small Business and Consumers

A. *Introduction*

The Commission has concluded that the amended rule will not have a significant impact either upon the businesses subject to the rule or upon consumers. The Commission also has concluded that the amendments will not have an annual effect on the national economy of $100,000,000 or more and will not cause a substantial rise in the cost or price of goods or services. Based upon these conclusions, the Commission

[88] Current Rule Statement of Basis and Purpose, 36 FR 23883, 23892 (1971) Manufacturers were permitted to use symbols in combination with words and phrases.

[89] They may use symbols in combination with words if they desire.

[90] Staff Report at 385. For example, the ASTM glossary defined "Machine Wash" to include the capability of bleaching, drying and ironing. This was inconsistent with the understanding of consumers and some industry members. It is also inconsistent with the provisions of the amended rule.

[91] The terms that have been replaced include "Machine wash","Hand wash", "Home launder", "Wash separately", as well as all bleaching instructions and all drycleaning instructions. *See* Staff Report at 411

[92] 16 CFR 423.1(d) (1982).

[93] *See* Current Rule Statement of Basis and Purpose, 36 FR 23883, 23891 (1971).

[94] *See e.g.*, Staff Report 385–389

[95] *Id.* at 395–397.

[96] To date, the Consumer Product Safety Commission has issued labeling requirements under the Flammable Fabrics Act for children's sleepwear in the wearing apparel area. *See* 16 CFR 1602–1632 (1982). None of the regulations governing the labeling of these products conflicts with the provisions of the amended rule.

[97] For a discussion of the Commission's authority to preempt state law, *see* the Statement of Basis and Purpose and Regulatory Analysis, Trade Regulation Rule, Funeral Industry Practices, 47 FR 42260, 42287 (1982).

has determined that it is not required to issue a final regulatory analysis to accompany this amended rule.[98] The Commission's estimates of the amended rule's costs and benefits are described below.

B. *Impact of Rule on Small Business*

1. *Costs.* Since the principal effect of the amended rule is to clarify care labeling obligations already imposed by the current rule, there should be no significant new compliance costs attributable to it. For example, while the amended rule expressly requires a reasonable basis for care instructions, that obligation is implicit in the current rule. The amended rule may result in some reduction in compliance costs, however, due to the clarification of the rule's requirements.

2. *Benefits.* The amended rule should provide modest benefits to small manufacturers and importers. By clarifying the broad range of information that may afford a reasonable basis for care instructions, the rule may reduce the costs incurred by all manufacturers and particularly benefit small manufacturers that lack testing facilities. Similarly, clarifying the labeling requirements may reduce costs associated with unnecessarily detailed labeling. In addition, because the rule will enable consumers to compare all brands for care characteristics, small manufacturers without a substantial market reputation enhanced by national promotion and advertising may be able better to penetrate markets with quality goods at lower prices.[99]

The amended rule also may provide some benefits to small retailers. Better care instructions should reduce the quantity of consumer complaints and customer returns of goods damaged by improper care procedures. In addition, where care problems do occur, the responsibility for the problem can be clearly assigned. Small retailers noted that the amended rule also would help them compete with larger businesses by equalizing the care information that consumers receive. This is particularly important to small businesses whose personnel receive less training about the care characteristics of the items being sold than personnel in larger stores.[100]

Finally, it may be somewhat easier for smaller retailers to make purchase decisions because manufacturers will offer products with clearly described care characteristics. Overall, the effect of the rule on small retailers should be to increase consumer satisfaction with their merchandise.[101]

C. *Impact of Amended Rule Upon Consumers*

1. *Costs.* There should be no costs to the consumer attributable to the amendments. Under the current rule the costs of determining appropriate care and preparing and affixing care labels probably is passed on to consumers. The amended rule, however, does not significantly affect these costs, except that, by clarifying the reasonable basis requirement, it may actually reduce costs somewhat.

2. *Benefits.* The amended rule will provide several benefits to consumers. At the point of purchase, clearer and more comparable care instructions will enable consumers better to consider care costs in making purchase decisions. Items which requires expensive or special care can be avoided, if the consumer so desires.

Better care information also will be beneficial to consumers at the point of care. By helping them better to avoid incorrect and damaging care, it will help then prolong the life of their textiie wearing apparel.

IV. Other Alternatives Considered

A. *Extension of the Current Rule to Other Products*

When the Commission promulgated the current rule in 1971, it expressly envisioned the possibility of extending the rule's coverage to other products if the need for coverage was demonstrated.[102] Thus, in 1974, when the Commission issued the Request for Comment to evaluate the current rule, questions were included concerning the need for such extensions. After analyzing the comments, the staff recommended extending the current rule's coverage to draperies, curtains, slipcovers, linens, piece goods sold for covering furniture or making slipcovers, leather and suede apparel, yarn, carpets and rugs, and upholstered furniture. In 1982, however, the Director of the Bureau of Consumer Protection recommended against adoption of the extensions, based upon an evaluation of the rulemaking record.

The Commission has determined not to extend the rule to additional products. The rulemaking record does not establish that the proposed extensions are needed to correct systematic injury to consumers or others; that the extensions, if adopted, would alleviate such injury as may occur; or that the benefits flowing from the extensions would exceed the costs imposed. Consequently, the Commission did not approve any of the proposed amendments extending the rule's coverage to additional products.

B. *Alternative Care Labeling*

Some care labels currently fail to disclose care procedures that are both safe and effective for the product and easier or less expensive to use than those recommended on the label. For example some items with care labels reading "Dryclean Only" are, in fact, washable.[103] The Commission considered adopting an "alternative care requirement" to remedy this problem. For example, where an item could be cleaned safety either by washing or drycleaning, the alternative care requirement would have required that both methods be disclosed on the care label. However, the Commission has declined to adopt such a requirement for several reasons.

First, an alternative care requirement is unnecessary to meet the basic goal of the care labeling rule. This is to provide consumers with a set of instructions for a care procedure normal use of which will not harm the product. If a product labeled "Dryclean" can, in fact, be safety cleaned that way, consumers have the basic information they need to care for the product. Moreover, if manufacturers label items "Dryclean Only", they violate the rule's reasonable basis provision unless they can substantiate the implicit representation that the product cannot be washed.

Second, the record in this proceeding did not show that the benefits of an alternative care requirement would exceed its costs. An alternative care labeling requirement would impose significant testing and substantiation costs on manufacturers. For example, it would require them to give drycleaning instructions, and to have a reasonable basis for those instructions, for all items they already label as washable. The benefits of the requirement are, however, speculative. For example, the record does not show how many washable garments are labeled "Dryclean," what percentage of consumers owning such garments actually follow these instructions, or what percentage of such consumers would choose to wash rather than dryclean if told they could do so. Thus,

[98] *See* 15 U.S.C. 57b–3.

[99] *See., eg.*, Tr. 2190–92, E. Kennedy, small retailer.

[100] *See, e.g.*, R. 20 at 34, Extension Specialist, CES, North Dakota.

[101] *See, e.g.*, R. 18 at 756, department store employee; R. 17 at 225, consumer; R. 23 at 548, E. Bilezikian; R. 17, at 157–8, Applebaum Tag and Label; and Tr. 2190–92, E. Kennedy small retailer.

[102] Current Rule Statement of Basis and Purpose, 36 FR at 23890. Textile clothing was the focus of the current rule because it needed care on a more frequent basis than other textile products.

[103] Staff Report at 137–39.

the Commission cannot conclude that the requirement would be warranted.

Third the Commission believes such a requirement is unnecessary due to the existence of market forces prompting manufacturers not to engage in such labeling. Manufacturers who label washable items with only drycleaning instructions forego sales to consumers unwilling to go to the effort and expense of drycleaning.[104] Some manufacturers may choose to do so, for reasons, they consider valid.[105] The decision on this point is one the Commission believes is best left to them.

V. Other Matters

A. Statement as to Prevalence

The rulemaking record does not permit a determination of how widespread improper care labeling of textile wearing apparel may be. It does show, however, that incomplete, confusing and inaccurate labeling occurs and is due, in part, to ambiguities in manufacturer's obligations under the current rule. Therefore, the rulemaking record does permit a determination that the amended rule will reduce improper labeling and that its remedial requirements are reasonably related to the prevention of the defined unfair and deceptive practices. Because the amended rule will not impose significant incremental costs, the Commission has concluded that this is sufficient to justify the amendments.

B. Effective Date

According to Section 21 of the Federal Trade Commission Improvements Act of 1980, the Commission, after promulgating any trade regulation rule, must submit it to Congress for review.[106] Congress then has ninety calendar days of continuous session for considering the rule before the rule can take effect. Because the amended rule does not require a significant change from the existing care labeling practices of manufacturers and does not involve a lengthy start-up time, the Commission has determined to make the amended rule effective ninety days after the completion of congressional review. The Commission will publish an announcement of the rule's effective date in the **Federal Register** following completion of the congressional review process. All products manufactured or imported after this date must comply with the amended rule.

[104] *See, e.g.*, R. 17 at 385 Levi-Strauss & Co.; R. 17 at 124, Celanese Fibers Marketing Co.; R. 17 at 226–27, Cranston Printing Works; R. 20 at 194, Extension Agent, CES, Oregon.

[105] For example, they may conclude that an item is delicate and likely to be damaged by consumers who fail to follow precisely the washing instructions on its care label. They may fear loss of good will should this occur.

[106] 15 U.S.C. 57a–1.

List of Subjects in 16 CFR Part 423

Clothing, Labeling, Textiles, Trade practices.

Accordingly, Chapter I of 16 CFR is amended by revising Part 423 to read as follows:

PART 423—CARE LABELING OF TEXTILE WEARING APPAREL AND CERTAIN PIECE GOODS AS AMENDED

Sec.

Authority: 38 Stat. 717, as amended; (15 U.S.C. 41, et seq.)

§ 423.1 Definitions.

(a) "Care label" means a permanent label or tag, containing regular care information and instructions, that is attached or affixed in such a manner that it will not become separated from the product and will remain legible during the useful life of the product.

(b) "Certain Piece Goods" means textile products sold by the piece from bolts or rolls for the purpose of making home sewn textile wearing apparel. This includes remnants, the fiber content of which is known, that are cut by or for a retailer but does not include manufacturers' remnants, up to ten yards long, that are clearly and conspicuously marked "pound goods" or "fabrics of undetermined origin" (i.e., fiber content is not known and cannot be easily ascertained) and trim, up to five inches wide.

(c) "Dryclean" means a commercial process by which soil is removed from products or specimens in a machine which uses any common organic solvent (e.g. petroleum, perchlorethylene, fluorocarbon). The process may also include adding moisture to the solvent, up to 75% relative humidity, hot tumble drying up to 160 degrees F (71 degrees C) and restoration by steam press or steam-air finishing.

(d) "Machine Wash" means a process by which soil is removed from products in a specially designed machine using water, detergent or soap and agitation. When no temperature is given, e.g., "warm" or "cold," hot water up to 150 degrees F (66 degrees C) can be regularly used.

(e) "Regular Care" means customary and routine care, not spot care.

(f) "Textile Product" means any commodity, woven, knit or otherwise made primarily of fiber, yarn or fabric and intended for sale or resale, requiring care and maintenance to effectuate ordinary use and enjoyment.

(g) "Textile Wearing Apparel" means any finished garment or article of clothing made from a textile product that is customarily used to cover or protect any part of the body, including hosiery, excluding footwear, gloves, hats or other articles used exclusively to cover or protect the head or hands.

§ 423.2 Terminology.

(a) Any appropriate terms may be used on care labels or care instructions so long as they clearly and accurately describe regular care procedures and otherwise fulfill the requirements of this regulation.

(b) Any appropriate symbols may be used on care labels or care instructions, in addition to the required appropriate terms so long as the terms fulfill the requirements of this regulation.

(c) The terminology set forth in Appendix A may be used to fulfill the requirements of this regulation.

§ 423.3 What this regulation does.

This regulation requires manufacturers and importers of textile wearing apparel and certain piece goods, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, to provide regular care instructions at the time such products are sold to purchasers through the use of care labels or other methods described in this Rule.

§ 423.4 Who is covered.

Manufacturers and importers of textile wearing apparel and certain piece goods are covered by this regulation. This includes any person or organization that directs or controls the manufacture or importation of covered products.

§ 423.5 Unfair or deceptive acts or practices.

(a) *Textile wearing apparel and certain piece goods.* In connection with the sale, in or affecting commerce, of textile wearing apparel and certain piece goods, it is an unfair or deceptive act or practice for a manufacturer or importer:

(1) To fail to disclose to a purchaser, prior to sale, instructions which prescribe a regular care procedure

necessary for the ordinary use and enjoyment of the product;

(2) To fail to warn a purchaser, prior to sale, when the product cannot be cleaned by any cleaning procedure, without being harmed;

(3) To fail to warn a purchaser, prior to sale, when any part of the prescribed regular care procedure, which a consumer or professional cleaner could reasonably be expected to use, would harm the product or others being cleaned with it;

(4) To fail to provide regular care instructions and warnings, except as to piece goods, in a form that can be referred to by the consumer throughout the useful life of the product;

(5) To fail to possess, prior to sale, a reasonable basis for all regular care information disclosed to the purchaser.

(b) *Violations of this regulation.* The Commission has adopted this regulation to prevent the unfair or deceptive acts or practices, defined in paragraph (a) of this Section. Each manufacturer or importer covered by this regulation must comply with the requirements in §§ 423.2 and 423.6 through 423.8 of this regulation. Any manufacturer or importer who complies with the requirements of §§ 423.2 and 423.6 through 423.8 does not violate this regulation.

§ 423.6 Textile wearing apparel.

This section applies to textile wearing apparel.

(a) Manufacturers and importers must attach care labels so that they can be seen or easily found when the product is offered for sale to consumers. If the product is packaged, displayed, or folded so that customers cannot see or easily find the label, the care information must also appear on the outside of the package or on a hang tag fastened to the product.

(b) Care labels must state what regular care is needed for the ordinary use of the product. In general, labels for textile wearing apparel must have either a washing instruction or a drycleaning instruction. If a washing instruction is included, it must comply with the requirements set forth in paragraph (b)(1) of this section. If a drycleaning instruction is included, it must comply with the requirements set forth in paragraph (b)(2) of this section. If either washing or drycleaning can be used on the product, the label need have only one of these instructions. If the product cannot be cleaned by any available cleaning method without being harmed, the label must so state. [For example, if a product would be harmed both by washing and by drycleaning, the label might say "Do not wash—do not dryclean," or "Cannot be successfully cleaned."] The instructions for washing and drycleaning are as follows:

(1) Washing, drying, ironing, bleaching and warning instructions must follow these requirements:

(i) *Washing.* The label must state whether the product should be washed by hand or machine. The label must also state a water temperature that may be used. However, if the regular use of hot water will not harm the product, the label need not mention any water temperature. [For example, "Machine wash" means hot, warm or cold water can be used.]

(ii) *Drying.* The label must state whether the product should be dried by machine or by some other method. If machine drying is called for, the label must also state a drying temperature that may be used. However, if the regular use of a high temperature will not harm the product, the label need not mention any drying temperature. [For example, "Tumble dry" means that a high, medium, or low temperature setting can be used.]

(iii) *Ironing.* Ironing must be mentioned on a label only if it will be needed on a regular basis to preserve the appearance of the product, or if it is required under paragraph (b)(1)(v) of this section, *Warnings.* If ironing is mentioned, the label must also state an ironing temperature that may be used. However, if the regular use of a hot iron will not harm the product, the label need not mention any ironing temperature.

(iv) *Bleaching.* (A) If all commercially available bleaches can safely be used on a regular basis, the label need not mention bleaching.

(B) If all commercially available bleaches would harm the product when used on a regular basis, the label must say "No bleach" or "Do not bleach."

(C) If regular use of chlorine bleach would harm the product, but regular use of a non-chlorine bleach would not, the label must say "Only non-chlorine bleach, when needed."

(v) *Warnings.* (A) If there is any part of the prescribed washing procedure which consumers can reasonable be expected to use that would harm the product or others being washed with it in one or more washings, the label must contain a warning to this effect. The warning must use words "Do not," "No," "Only," or some other clear wording. [For example, if a shirt is not colorfast, its label should state "Wash with like colors" or "Wash separately." If a pair of pants will be harmed by ironing, its label should state "Do not iron."]

(B) Warnings are not necessary for any procedure that is an alternative to the procedure prescribed on the label. [For example, if an instruction states "Dry flat," it is not necessary to give the warning "Do not tumble dry."]

(2) *Drycleaning.*—(i) *General.* If a drycleaning instruction is included on the label, it must also state at least one type of solvent that may be used. However, if all commercially available types of solvent can be used, the label need not mention any types of solvent. The terms "Drycleanable" or "Commercially Dryclean" may not be used in an instruction. [For example, if drycleaning in perchlorethylene would harm a coat, the label might say "Professionally dryclean: fluorocarbon or petroleum."]

(ii) *Warnings.* (A) If there is any part of the drycleaning procedure which consumers or drycleaners can reasonably be expected to use that would harm the product or others being cleaned with it, the label must contain a warning to this effect. The warning must use the words "Do not," "No," "Only," or some other clear wording. [For example, the drycleaning process normally includes moisture addition to solvent up to 75% relative humidity, hot tumble drying up to 160 degrees F and restoration by steam press or steam-air finish. If a product can be drycleaned in all solvents but steam should not be used, its label should state "Professionally dryclean. No steam."]

(B) Warnings are not necessary to any procedure which is an alternative to the procedure prescribed on the label. [For example, if an instruction states "Professionally dryclean, fluorocarbon," it is not necessary to give the warning "Do not use perchlorethylene."]

(c) A manufacturer or importer must establish a reasonable basis for care information by processing prior to sale:

(1) Reliable evidence that the product was not harmed when cleaned reasonably often according to the instructions on the label, including instructions when silence has a meaning. [For example, if a shirt is labeled "Machine wash. Tumble dry. Cool iron.," the manufacturer or importer must have reliable proof that the shirt is not harmed when cleaned by machine washing (in hot water), with any type of bleach, tumble dried (at a high setting), and ironed with a cool iron]; or

(2) Reliable evidence that the product or a fair sample of the product was harmed when cleaned by methods warned against on the label. However, the manufacturer or importer need not have proof of harm when silence does not constitute a warning. [For example, if a shirt is labeled "Machine wash warm. Tumble dry medium", the

manufacturer need not have proof that the shirt would be harmed if washed in hot water or dried on high setting]; or

(3) Reliable evidence, like that described in paragraph (c) (1) or (2) of this section, for each component part of the product; or

(4) Reliable evidence that the product or a fair sample of the product was successfully tested. The tests may simulate the care suggested or warned against on the label; or

(5) Reliable evidence of current technical literature, past experience, or the industry expertise supporting the care information on the label; or

(6) Other reliable evidence.

§ 423.7 Certain piece goods.

This section applies to certain piece goods.

(a) Manufacturers and importers of certain piece goods must provide care information clearly and conspicuously on the end of each bolt or roll.

(b) Care information must say what regular care is needed for the ordinary use of the product, pursuant to the instructions set forth in § 423.6. Care information on the end of the bolt need only address information applicable to the fabric.

§ 423.8 Exemptions.

(a) Any item of textile wearing apparel, without pockets, that is totally reversible (i.e., the product is designed to be used with either side as the outer part or face) is exempt from the care label requirement.

(b) Manufacturers or importers can ask for an exemption from the care label requirement for any other textile wearing apparel product or product line, if the label would harm the appearance or usefulness of the product. The request must be made in writing to the Secretary of the Commission. The request must be accompanied by a labeled sample of the product and a full statement explaining why the request should be granted.

(c) If an item is exempt from care labeling under paragraph (a) or (b), of this section the consumers still must be given the required care information for the product. However, the care information can be put on a hang tag, on the package, or in some other conspicuous place, so that consumers will be able to see the care information before buying the product.

(d) Manufacturers and importers of products covered by § 423.5 are exempt from the requirement for a permanent care label if the product can be cleaned safely under the harshest procedures. This exemption is available only if there is reliable proof that all of the following washing and drycleaning procedures can safely be used on a product:

(1) Machine washing in hot water;

(2) Machine drying at a high setting;

(3) Ironing at a hot setting;

(4) Bleaching with all commercially available bleaches;

(5) Drycleaning with all commercially available solvents. In such case, the statement "wash or dry clean, any normal method" must appear on a hang tag, on the package, or in some other conspicuous place, so that consumers will be able to see the statement before buying the product.

If a product meets the requirements outlined above, it is automatically exempt from the care label requirement. It is not necessary to file request for this exemption.

(e) Manufacturers and importers need not provide care information with products sold to institutional buyers for commercial use.

(f) All exemption granted under § 423.1(c) (1) or (2) of the Care Labeling Rule issued on December 9, 1971, will continue to be in effect if the product still meets the standards on which the original exemption was based. Otherwise, the exemption is automatically revoke.

§ 423.9 Conflict with flammability standards.

If there is a conflict between this regulation and any regulations issued under the Flammable Fabrics Act, the Flammable Fabrics regulation govern over this one.

§ 423.10 Stayed or invalid parts.

If any part of this regulation is stayed or held invalid, the rest of it will stay in force.

Appendix A—Glossary of Standard Terms

1. *Washing, Machine Methods:*

a. "Machine wash"—a process by which soil may be removed from products or specimens through the use of water, detergent or soap, agitation and a machine designed for this purpose. When no temperature is given, e.g., "warm" or "cold", hot water up to 150° F (66° C) can be regularly used.

b. "Warm"—initial water temperature setting 90° to 110° F (32° to 43° C) (hand comfortable).

c. "Cold"—initial water temperature setting same as cold water tap up to 85° C).

d. "Do not have commercially laundered"—do not employ a laundry which uses special formulations, sour rinses, extermely large loads or extermely high temperatures or which otherwise is employed for commercial, industrial or institutional use. Employ laundering methods designed for residential use or use in a self-service establishment.

e. "Small load"—smaller than normal washing load.

f. "Delicate cycle" or "gentle cycle"—slow agitation and reduced time.

g. "Durable press cycle" or "permanent press cycle"—cool down rinse or cold rinse before reduced spinning.

h. "Separately"—alone.

i. "With like colors"—with colors of similar hue and intensity.

j. "Wash inside out"—turn product inside out to protect face of fabric.

k. "Warm rinse"—initial water temperature setting 90° to 110° F (32° to 43° C).

l. "Cold rinse"—initial water temperature setting same as cold water tap up to 85° F (29° C).

m. "Rinse thoroughly"—rinse several times to remove detergent, soap, and bleach.

n. "No spin" or "Do not spin"—remove material start of final spin cycle.

o. "No wring" or "Do not wring"—do not use roller wringer, nor wring by hand.

2. *Washing, Hand Methods:*

a. "Hand wash"—a process by which soil may be manually removed from products or specimens through the use of water, detergent or soap, and gentle squeezing action. When no temperature is given, e.g., "warm" or "cold", hot water up to 150° F (66° C) can be regularly used.

b. "Warm"—initial water temperature 90° to 110° F (32° to 43° C) (hand comfortable).

c. "Cold"—initial water temperature same as cold water tap up to 85° F (29° C).

d. "Separately"—alone.

e. "With like colors"—with colors of similar hue and intensity.

f. "No wring or twist"—handle to avoid wrinkles and distortion.

g. "Rinse thoroughly"—rinse several times to remove detergent, soap, and bleach.

h. "Damp wipe only"—surface clean with damp cloth or sponge.

3. *Drying, All Methods:*

a. "Tumbel dry"—use machine dryer. When no temperature setting is given, machine drying at a hot setting may be regularly used.

b. "Medium"—set dryer at medium heat.

c. "Low"—set dryer at low heat.

d. "Durable press" or "Permanent press"—set dryer at premanent press setting.

e. "No heat"—set dryer to operate without heat.

f. "Remove promptly"—when items are dry, remove immediately to prevent wrinkling.

g. "Drip dry"—hang dripping wet with or without hand shaping and smoothing.

h. "Line dry"—hang damp from line or bar in or out of doors.

i. "Line dry in shade"—dry away from sun.

j. "Line dry away from heat"—dry away from heat.

k. "Dry flat"—lay out horizontally for drying.

l. "Block to dry"—reshape to original dimensions while drying.

m. "Smooth by hand"—by hand, while wet, remove wrinkles, straighten seams and facings.

4. *Ironing and Pressing:*

a. "Iron"—Ironing is needed. When no temperature is given iron at the highest temperature setting may be regularly used.

b. "Warm iron"—medium temperature setting.

c. "Cool iron"—lowest temperature setting.

d. "Do not iron"—item not to be smoothed or finished with an iron.

e. "Iron wrong side only"—article turned inside out for ironing or pressing.

f. "No steam" or "Do not steam"—steam in any form not to be used.

g. "Steam only"—steaming without contact pressure.

h. "Steam press" or "Steam iron"—use iron at steam setting.

i. "Iron damp"—articles to be ironed should feel moist.

j. "Use press cloth"—use a dry or a damp cloth between iron and fabric.

5. *Bleaching:*

a. "Bleach when needed"—all bleaches may be used when necessary.

b. "No bleach" or "Do not bleach"—no bleaches may be used.

c. "Only non-chlorine bleach, when needed"—only the bleach specified may be used when necessary. Chlorine bleach may not be used.

6. *Washing or Drycleaning:*

a. "Wash or dryclean, any normal method"—can be machine washed in hot water, can be machine dried at a high setting, can be ironed at a hot setting, can be bleached with all commercially available bleaches and can be drycleaned with all commercially available solvents.

7. *Drycleaning, All Procedures:*

a. "Dryclean"—a process by which soil may be removed from products or specimens in a machine which uses any common organic solvent (for example, petroleum, perchlorethylene, fluorocarbon) located in any commercial establishment. The process may include moisture addition to solvent up to 75% relative humidity, hot tumble drying up to 160° F (71° C) and restoration by steam press or steam-air finishing.

b. "Professionally dryclean"—use the drycleaning process but modified to ensure optimum results either by a drycleaning attendant or through the use of a drycleaning machine which permits such modifications or both. Such modifications or special warnings must be included in the care instruction.

c. "Petroleum", "Fluorocarbon", or "perchlorethylene"—employ solvent(s) specified to dryclean the item.

d. "Short cycle"—reduced or minimum cleaning time, depending upon solvent used.

e. "Minimum extraction"—least possible extraction time.

f. "Reduced moisture" or "Low moisture"—decreased relative humidity.

g. "No tumble" or "Do not tumble"—do not tumble dry.

h. "Tumble warm"—tumble dry up to 120° F (49° C).

i. "Tumble cool"—tumble dry at room temperature.

j. "Cabinet dry warm"—cabinet dry up to 120° F (49° C).

k. "Cabinet dry cool"—cabinet dry at room temperature.

l. "Steam only"—employ no contact pressure when steaming.

m. "No steam" or "Do not steam"—do not use steam in pressing, finishing, steam cabinets or wands.

8. *Leather and Suede Cleaning:*

a. "Leather clean"—have cleaned only by a professional cleaner who uses special leather or suede care methods.

Dated: May 13, 1983.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 83-13576 Filed 5-19-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Foreign Equipment Purchases by, and Repairs to, American Vessels

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to state explicitly that an appeal for the remission or refund of duties paid to Customs on the cost of repairs made to American vessels outside the United States, because of circumstances such as stress of weather or other casualty must be made within two years after liquidation of a vessel repair entry. This amendment is proposed to clarify existing regulatory provisions.

DATE: Comment must be received on or before July 19, 1983.

ADDRESS: 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: Jerry C. Laderberg, Carrier Rulings Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

The owners or masters of certain American vessels are required by section 466(a), Tariff Act of 1930, as amended (19 U.S.C. 1466(a)), to declare, enter, and pay a special 50 percent ad valorem duty on the cost of all repairs (including purchases of equipment, repair parts, or materials) made to the vessel outside the United States. If the owner or master disputes the decision of the appropriate Customs officer to classify an expenditure as dutiable, the owner or master may file a protest with Customs challenging the classification, rate, and amount of duties chargeable, in accordance with section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514). Section 466(d), Tariff Act of 1930, as amended (19 U.S.C. 1466(d)), provides for remission or refund of the duty if (1) the repairs or purchases were necessary to repair damage caused by stress of weather or other casualty while the vessel was in the regular course of its voyage and to secure the safety and seaworthiness of the vessel to enable it to reach its port of destination, (2) the equipment, repair parts, or materials purchased were of American origin and installed by the vessel's crew or U.S. residents, or (3) the equipment, repair parts, or materials purchased, including the labor cost involved, were used as dunnage for cargo, or for the erection of temporary bulkheads or similar devices for the control of cargo.

The administrative procedure for remission or refund of duties when the master or vessel owner alleges that an expenditure covered by an entry is not subject to duty under section 466(a), or within the circumstances specified in section 466(d), is set forth in § 4.14, Customs Regulations (19 CFR 4.14).

The effect that liquidation of a vessel repair entry has on the right to appeal by the master or owner of a vessel depends on whether the appeal is based upon a question of classification (dutiability of the foreign expenditure) or remission or refund of duties due to certain circumstances. If the expenditure is alleged not to be dutiable under section 466(a), the owner of the vessel must file a protest in accord with section 514 within 90 days of liquidation of the entry to obtain further review of the claim. However, if the expenditure is alleged to warrant relief pursuant to section 466(d), because of circumstances such as stress of weather or other casualty, there is presently no specific time limit after liquidation of the entry within which a request for additional consideration of the claim must be filed. An appeal from that decision may be made at any time after liquidation of the entry. However, as noted below, Customs is proposing a requirement whereby an appellant would have two years from the date of liquidation of the vessel repair entry within which to present to Customs "good and sufficient evidence" of a claim for relief.

Prior to October 1980, the above dichotomy was stated in the last sentence of former § 4.414(e), Customs Regulations, as follows:

> Inasmuch as an unprotested liquidation insofar as it relates to the classification of items under section 466(a) of the Tariff Act of 1930, as amended, is final at the expiration of 90 days, a subsequent application in regard to such classification cannot be considered in the absence of a timely protest.

Treasury Decision 80–237, published in the **Federal Register** on September 30, 1980 (45 FR 64560), extensively amended the procedures set forth in § 4.14, Customs Regulations, for reporting and entry of foreign repairs to, and equipment purchases by, American vessels. Thus, current § 4.14 retains the distinction between processing claims made under 19 U.S.C. 1466(a) and/or 1466(d), but the distinction is no longer embodied in one paragraph. The applicable language appears in the last two sentences of § 4.14(d)(1)(v) as

> * * * If the decision involves remission of duty under paragraph (c) of this section and the entry has been liquidated, reliquidation is not required. If any other relief is granted and the entry has been liquidated, reliquidation is required.

and in § 4.14(f) as

> Following liquidation of an entry, a protest under Part 174 of this chapter may be filed against the decision to treat an item or a repair as dutiable under paragraph (a) of this section.

It has come to Customs attention that the amendment to § 4.14 made by T.D. 80–237 may have unintentionally obscured the above-described dichotomy between the right to appeal, in cases involving classification and remission issues. In addition, the present lack of a specific time limit within which an appellant must submit "good and sufficient evidence" to Customs in support of a claim for relief due to a casualty, has caused administrative difficulties in processing such claims under the law and regulations. Accordingly, Customs proposes to amend § 4.14(f) to make it clear to the public that an appeal for remission or refund of duties pursuant to 19 U.S.C. 1466(d) because of circumstances such as stress of weather or other casualty must be made within two years after the date of liquidation of the vessel repair entry.

Authority

The authority for the proposed amendment is R.S. 251, as amended, secs. 466, 498, 514, 624, 46 Stat. 719, as amended, 728, as amended, 734, as amended, 759 (19 U.S.C. 66, 1466, 1498, 1514, 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 § 103.11(b), Customs Regulations (19 CFR 103.11(b)), from 9:00 a.m. to 4:30 p.m. on normal business days, at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

E.O. 12291 and Regulatory Flexibility Act

It has been determined that the amendment is not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis is required.

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the regulations set forth in this document, if promulgated, will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 4

Customs duties and inspection, imports, vessels.

Proposed Amendment to the Regulations

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

It is proposed to amend § 4.14 by revising paragraph (f), Customs Regulations (19 CFR 4.14(f)), to read as follows:

§ 4.14 Foreign equipment purchases by, and repairs to, American vessels.

* * * * *

(f) *Protests.* Following liquidation of an entry, a protest under part 174 of this chapter may be filed against the decision to treat an item or a repair as dutiable under paragraph (a) of this section. An application for relief filed under paragraph (d) of this section will be accepted notwithstanding that more than 90 days may have passed since liquidation of the entry, as part 174 of this chapter is not applicable to the relief provided at 19 U.S.C. 1466(d). An application for relief must be filed with the appropriate Customs officer within two years of the date of liquidation of the vessel repair entry.

William von Raab,

Commissioner of Customs.

Approved: May 4, 1983.

David Q. Bates,

Acting Assistant Secretary of the Treasury.

[FR Doc. 83-13682 Filed 5-19-83; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 177

Proposed Change of Position in Tariff Classification of Bulk Liquid Chocolate; Extension of Time for Comments

AGENCY: Customs Service, Treasury.

ACTION: Notice of extension of time for comments.

SUMMARY: This notice extends the period of time within which interested members of the public may submit comments with respect to a notice of a proposed change of position in the tariff classification of bulk liquid chocolate imported into the United States for further manufacturing. A document inviting the public to comment on this proposed change of position was published in the **Federal Register** on March 22, 1983 (47 FR 11956). Comments were to have been received on or before May 23, 1983. A request has been received to extend the period of time for the submission of comments. Customs believes that an extension of the comment period is warranted. Accordingly, this notice extends the period of time for comment until June 22, 1983.

DATE: Comments must be received on or before June 22, 1983.

FOR FURTHER INFORMATION CONTACT: Lee C. Seligman, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–8181).

Dated: May 16, 1983.

John P. Simpson,

Director, Office of Regulations and Rulings.

[FR Doc. 83-13683 Filed 5-19-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Subch. E

[Docket No. 83N-0038]

New Animal Drug Regulations; Availability of Task Force Report

AGENCY: Food and Drug Administration.

ACTION: Proposed rule related notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a Bureau of Veterinary Medicine task force report entitled "Task Force Report on Revisions to the New Animal Drug Regulations." Information and views from interested persons on the task force's suggested revisions to its new animal drug regulations are invited.

DATE: Submit comments on or before September 19, 1983.

ADDRESS: The report of the task force is available for public examination at, written comments may be submitted to, and requests for single copies may be sent to, the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard Carnevale, Bureau of Veterinary Medicine (HFV-101), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 14, 1981 (46 FR 36333), FDA published a notice announcing a systematic review of its rules and asked the public to comment on those FDA regulations that are most burdensome. The purpose of the review is to identify regulations that impose significant cost burdens and, for such rules, to explore alternative measures for protecting the public health. This retrospective review is required by the Regulatory Flexibility Act (Pub. L. 96-354) and by Executive Order 12291.

Subsequently, as a result of a systematic assessment of public comments in response to the July 14, 1981 notice and other available Information, FDA issued a notice in the **Federal Register** of July 2, 1982 (47 FR 29004), which identified the rules selected as its highest initial review priorities. The July 2, 1982 notice also advised the FDA intended to select other rules for future priority review. This notice, therefore, announces that, although it was not identified in the July 2, 1982 notice, FDA intends to revise its new animal drug regulations in Parts 510 and 514 (21 CFR Parts 510 and 514) concerning review and approval of new animal drugs. The revision to the regulations is intended to improve the efficiency of the agency's review and approval processes and to refine its policies in reviewing, processing, and communicating with applicants on new animal drug applications (NADA's).

To undertake and coordinate this project, FDA's Bureau of Veterinary Medicine formed a task force to review and evaluate those regulations. The task force was requested to review the current new animal drug regulations in view of the proposal on new drug and antibiotic regulations for human pharmaceuticals published in the **Federal Register** of October 19, 1982 (47 FR 46622). The review was to determine appropriate parallel provisions that might be proposed regarding the new animal drug procedural regulations. Additionally, the task force was asked to consider changes that may be appropriate for expediting the procedures for animal drug applications and eliminate unnecessary requirements wherever possible.

The agency is making the report available for public comment as a basis for proposing revisions in the current NADA regulations. Interested persons may submit written comments on the report to the Dockets Management Branch (HFA-305) (address above). The comments will be considered in determining future revisions to the regulations. Respondents should submit two copies (except that individuals may submit single copies) identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch from 9 a.m. to 4 p.m., Monday through Friday.

Dated: May 11, 1983.

Arthur Hull Hayes Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-13558 Filed 5-19-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 158

[Docket No. 82-0110]

Quick Frozen Cauliflower; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

Correction

In FR Doc. 83-12246 beginning on page 20935 in the issue of Tuesday, May 10, 1983, make the following corrections.

1. On page 20936, first column, second line from the bottom of the page, "may to" should have read "may be".

2. On page 20937, first column, fifth line, paragraph designation "(ii)" should have read "(iii)".

BILLING CODE 1505-01-M

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21 CFR Part 184

[Docket No. 82N-0219]

Regenerated Collagen; Proposed GRAS Status as a Direct Human Food Ingredient

Correction

In FR Doc. 83-11003, beginning on page 18833, in the issue of Tuesday, April 26, 1983, make the following corrections:

1. On page 18834, in the first column, third paragraph, the first sentence is incomplete and should read as follows:

"Collagen is converted to regenerated collagen by treating the purified corium with solutions of weak organic or mineral acids to disperse the collagen fibers and produce a homogeneous solution of swollen collagen fibers."

2. Same paragraph, the third sentence is also incomplete and should have read as follows:

"Regenerated collagen sausage casings may also be treated with plasticizers and other processing aids that become part of the casing and serve to strengthen, harden, or otherwise produce desirable physical properties in the casing."

3. In the third column of page 18834, nineteen lines from the top, "Most of" should have read "Most are".

4. Same column, twenty lines from the bottom (not counting the footnote), "be have been" should have read "to have been".

BILLING CODE 1505-01-M

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21 CFR Parts 182 and 184

[Docket No. 82N-0089]

Vitamin D_2 and Vitamin D_3; Proposed Affirmation of GRAS Status, With Specific Limitations, as Direct Human Food Ingredients

Correction

In FR Doc. 83-10161, beginning on page 16695 in the issue of Tuesday, April 19, 1983, make the following corrections:

1. On page 16697, third column, the twelfth line of the first complete paragraph should have read, "receiving 20,000 IU or less per kg body weight."

2. On page 16699, second column, the first word in the tenth line of the second complete paragraph should have read, "infarction".

3. On page 16703, first column, the fourth line of the first paragraph immediately following the heading, "References" should have read, "seen by interested persons from 9 a.m. to 4 p.m."

BILLING CODE 1505-01-M

BOARD FOR INTERNATIONAL BROADCASTING

22 CFR Part 1303

Board's Revision of the Board's Rules Pertaining to National Security Information

AGENCY: Board for International Broadcasting.

ACTION: Proposed rule.

SUMMARY: This action revises and retitles §§ 1303.1, 1303.2 and 1303.3(a) of the Board's rules pertaining to the Mandatory Declassification of National Security Information.

The revision informs members of the public of the procedures to be followed in submitting requests for declassification.

This action is taken by the Board in order to comply with the procedural requirements of Executive Order 12356, National Security Information.

DATE: Written comments may be submitted on or before June 17, 1983.

ADDRESS: All comments should be addressed to Arthur D. Levin, Budget and Administrative Officer, Board for International Broadcasting, Suite 1100, 1201 Connecticut Avenue, N.W., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Arthur D. Levin (202) 254-8040.

SUPPLEMENTARY INFORMATION: Executive Order 12356 requires that information relating to national security be protected against unauthorized disclosure as long as required by national security considerations. The Order also provides that all information classified under Executive Order 12356 or predecessor orders be subject to a mandatory review for declassification upon receipt of a request made by a United States citizen or permanent resident alien, a Federal agency, or a state or local government.

List of Subjects in 22 CFR Part 1303

National security information regulations.

Authority: Executive Order 12356.

1. Executive Order 12356, National Security Information, requires that agencies which handle classified information promulgate regulations identifying the information to be protected, prescribe classification, downgrading, declasssification and safeguarding procedures, and establish a monitoring system to ensure compliance. The Executive Order further requires that those portions of the regulations which affect members of the public be published in the **Federal Register.**

2. To comply with the latter requirement of the Executive Order, we are hereby revising and retitling §§ 1303.1, 1303.2 and 1303.3(a) of the rules. The revision is set out in the attached Appendix.

Dated: May 16, 1983.

Walter R. Roberts,

Executive Director.

Appendix

Sections 1303.1, 1303.2 and 1303.3(a) of Chapter 13 of Title 22 of the Code of Federal Regulations are revised to read as follows:

PART 1303—SECURITY INFORMATION REGULATIONS

Sec.

§ 1303.1 Policy.

It is the policy of the Board for International Broadcasting (BIB) to act in accordance with Executive Order 12356 in matters relating to national security information.

§ 1303.2 Program.

The Executive Director is designated as the BIB's official responsible for implementation and oversight of information security programs and procedures. He acts as the recipient of questions, suggestions and complaints regarding all elements of this program, and is solely responsible for changes to it and for ensuring that it is at all times consistent with Executive Order 12356. The Executive Director also serves as the BIB's official contact for requests for declassification of materials submitted under the provisions of Executive Order 12356, regardless of the point of origin of such requests. He is responsible for assuring that requests submitted under the Freedom of Information Act are handled in accordance with that Act and that declassification requests submitted under the provisions of Executive Order 12356 are acted upon within 60 days of receipt.

§ 1303.3 Procedures.

(a) Mandatory Declassification Review. Requests for mandatory review of national security information shall be in writing and addressed to the Executive Director, Board for International Broadcasting, Suite 1100, 1201 Connecticut Avenue, N.W., Washington, D.C. 20036. The request should describe the document or material containing the information with sufficient specificity to enable the Board's personnel to locate it with a reasonable amount of effort. In light of the fact that the BIB does not have original classification authority and national security information in its custody has been classified by another Federal agency, the Executive Director shall refer all requests for national security information in its custody to the Federal agency that classified it for review and disposition in accordance with Executive Order 12356 and that agency's regulations and guidelines.

* * * * *

[FR Doc. 83-13575 Filed 5-19-83; 8:45 am]

BILLING CODE 6155-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-274-81]

Accounting for Long-Term Contracts; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to accounting for long-term contracts. The proposed amendments would conform the regulations to section 229 of the Tax Equity and Fiscal Responsibility Act of 1982 and would affect taxpayers who have long-term contracts whether or not they use a long-term contract method of accounting for such contracts.

DATES: The public hearing will be held on Wednesday, June 29, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Wednesday, June 15, 1983.

ADDRESSES: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The requests to speak and outlines of oral comments

should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-274-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Lou Ann Craner of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 446, 451 and 471 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Monday, March 14, 1983 (48 FR 10702).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than June 15, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-13682 Filed 5-19-83; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH-FRL 2365-7]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of Information.

SUMMARY: On August 22, 1979 (44 FR 49402), the Environmental Protection Agency (EPA) proposed to list as hazardous certain wastes generated during the manufacture of chlorinated aliphatic hydrocarbons. EPA now is contemplating issuing a final rule listing certain of these wastes (specifically, those wastes that are not associated with wastewater treatment, are not already listed as hazardous, and are generated during production of chlorinated aliphatic hydrocarbons having a carbon chain length from one to five). Since the time of the original proposal, the Agency has conducted further investigation of manufacturing processess used in the production of such products. Prior to promulgating final regulations, EPA is making available that part of the information gathered during this investigation that has not been classified as Confidential Business Information by the facilities investigated. This information includes non-confidential sampling data, and industry and process profiles prepared for EPA under contract.

DATE: EPA will accept public comment on this information until July 5, 1983.

ADDRESSES: Comments should be sent to Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Communications should identify the regulatory docket "Docket Number 261-83-2."

Copies of the information described in this notice are available for reviewing at the RCRA Docket Room (Room S269), located at 401 M Street, S.W., Washington, D.C. 20460 and at the following EPA Regional Office libraries.

Region I—John F. Kennedy Building, Boston, MA 02203, (617) 223-7210
Region II—26 Federal Plaza, New York, NY 10278, (212) 264-2525
Region III—6th and Walnut Streets, Philadelphia, PA 19106, (215) 597-9814
Region IV—345 Courtland St., N.E., Atlanta, GA 30365, (404) 881-4727
Region V—230 S. Dearborn St., Chicago, IL 60604, (312) 353-200
Region VI—1201 Elm Street, First International Building, Dallas, TX 75270, (214) 767-2600
Region VII—324 E. 11th Street, Kansas City, MO 64106, (816) 374-5493
Region VIII—1860 Lincoln Street, Denver, CO 80295, (303) 837-3895
Region IX—215 Fremont Street, San Francisco, CA 94105, (415) 974-8153
Region X—1200 6th Avenue, Seattle, WA 98101, (206) 442-5810

This information is available for viewing from 9:00 a.m. to 4:00 p.m. Monday thru Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346 or at (202) 382-4770. For technical information contact Dr. Cate Jenkins, Office of Solid Waste (WH-565B), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-4801.

Dated: May 6, 1983.

Peter Thomas,

Acting Assistant Administrator, for Solid Waste and Emergency Response.

[FR Doc. 83-13612 Filed 5-19-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 59

Grants for Demonstration Projects on Adolescent Pregnancy and Family Life

AGENCY: Public Health Service, HHS.

ACTION: Proposed rules.

SUMMARY: The rules proposed below would establish the requirements for grants for demonstration projects funded under the recently enacted Title XX of the Public Health Service Act. That title authorizes the Department to make grants to projects that will provide health, social and educational services to pregnant and nonpregnant adolescents, adolescent parents, and their families.

DATE: Comments must be in writing, be submitted in duplicate, and be received on or before July 19, 1983.

ADDRESS: Comments should be sent to Donald Underwood, Grants Management Officer, Office of Adolescent Pregnancy Programs, Department of Health and Human Services, Room 602, Reporters' Building, Washington, D.C. 20201. Comments will be available for public inspection during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Donald Underwood, (202) 472-5588.

SUPPLEMENTARY INFORMATION: On August 13, 1981, Title XX of the Public Health Service Act was enacted. Pub. L. 97-35, sec. 955(a). The purposes of the new title are to find effective means of discouraging adolescent premartial sexual relations and to enhance the

ability of pregnant adolescents, adolescent parents and their families to deal with the problems of adolescent pregnancy and parenhood. To this end, Title XX authorizes the Secretary to make grants to public and nonprofit private organizations and agencies for demonstration projects to serve pregnant and nonpregnant adolescents, adolescent parents and their families. The projects are required to provide a variety of "care" and "prevention" services, and may do so either directly or through arrangements with other providers.

Title XX sets out numerous, highly specific requirements regarding applications, project operations, priorities for the award of grants and so on. Because of this specificity, as well as the Administration's desire not to increase regulatory burdens on the public, the Secretary has opted to elaborate on the statutory requirements only where directed to by the statute or where necessary to clarify statutory ambiguities or achieve prudent administration of the program. This approach is reflected in the format of the proposed rules, which generally reference, rather than restate and enlarge upon, the statutory requirements. We believe that this approach will be particularly useful in highlighting the policies being proposed.[1]

Projects funded under the statute may provide "care services" only, "prevention services" only, or both care and prevention services. Care services are services designed to assist pregnant adolescents, adolescent parents and their families to cope with the problems of adolescent pregnancy and parenthood. All grantees who provide care services must provide a "core"—i.e., a minimum combination—of such services. The core of care services described below is the same as the core of services provided by adolescent pregnancy projects currently funded under Title VI of Pub. L. 95–626. See section 2002(b). Prevention services, on the other hand, are services to prevent nonpregnant adolescents from having sexual relations and becoming pregnant. See section 2002(a)(8). Under the rules proposed below, there is no "core" of prevention services which grantees are required to provide; rather, "prevention only" and "care and prevention" grantees will be required to provide those prevention services approved by the Secretary.

[1] Copies of a composite of the statutory and proposed regulatory requirements are available upon request from the Office of Adolescent Pregnancy Programs at the above address.

The statutory definition of the term "necessary services" includes "such other services consistent with the purposes of this title as the Secretary may approve in accordance with regulations promulgated by the Secretary". Section 2002(a)(4)(Q). The Secretary proposes to utilize this authority to approve additional services on a project-by-project basis where local conditions warrant. See proposed § 59.402(f)(20). In addition, this statutory authority has been used to restructure certain statutorily defined services to maintain the parallelism between the Title XX core of services and the Title VI core of services, as required by section 2002(b). Public comment is solicited on whether there are other services which should be specifically set out as necessary, under this authority.

Several provisions proposed below carry our express statutory directives that the Secretary "prescribe" requirements. Examples of this are the requirements set out at proposed §§ 59.404(c)(2), 59.407(b) and 59.409(b). Comments concerning the policies proposed in these provisions should be brought to the Department's attention.

Information Collection Requirements

Section 59.404 of this proposed rule contains collection of information requirements. These requirements have been submitted to the Office of Management and Budget for review and approval under section 3507 of the Paperwork Reduction Act of 1980. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, D.C. 20503, ATTN: Desk Officer for HHS.

Impact Analysis

Executive Order 12291

E.O. 12291 requires that a regulatory impact analysis be prepared for major rules. A major rule is defined in the order as any rule that has an annual effect on the national economy of $100 million or more; results in a major increase in costs or prices for consumers, any industries, any government agencies or any geographic regions; or has a significant adverse effect on competition, empolyment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets. The Secretary concludes that these regulations are not major rules within the meaning of the Executive Order; the regulations will not have an effect on the economy of $100 million or more or otherwise meet the threshold criteria, since the appropriation for this program is approximately $11 million.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal Government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each proposed rule with a "significant economic impact on a substantial number of small entities" an initial analysis must be prepared describing the proposed rule's impact on small entities. Because of the size of the appropriation, a substantial number of grants will not be funded. Therefore, the Secretary hereby certifies that an initial regulatory flexibility analysis is not required.

List of Subjects in 42 CFR Part 59

Family planning, Grant programs—health, Grant programs—Social programs, Youth, Adolescent pregnancy, Adolescent parenting.

In consideration of the foregoing, it is therefore, proposed to amend Part 59 of Title 42, Code of Federal Regulations, by adding a new Subpart E thereto, to read as follows.

Dated: February 16, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: April 26, 1983.

Margaret M. Heckler,

Secretary.

42 CFR Part 59 is amended by adding a new Subpart E thereto, to read as follows:

PART 59—[AMENDED]

Subpart E—Grants for Adolescent Pregnancy and Family Life Projects

Sec.

Authority: Sec. 214, Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); Title XX.

Public Health Service Act, 95 Stat. 578, *et seq.* (42 U.S.C. 300z, *et seq.*).

§ 59.401 Applicability.

The regulations of this subpart apply to all grants for demonstration projects for services authorized under section 2003 of the Public Health Service Act, 42 U.S.C. 300z–2.

§ 59.402 Definitions.

The following terms have the following meanings for purposes of this subpart:

(a) "Act" means Title XX of the Public Health Service Act, 42 U.S.C. 300z *et seq.*

(b) "Care services" means necessary services for the provision of care to eligible persons.

(c) "Core services" means care services which shall be provided by all grantees providing care services, consisting of the services described in paragraphs (f) (1) through (8), (16) and (19) of this section.

(d) "Eligible grant recipient" means a public or private nonprofit organization or agency which demonstrates to the Secretary's satisfaction—

(1) In the case of an organization or agency which will provide care services, the capability of providing all core services in a single setting or the capability of creating a network through which all core services would be provided;

(2) In the case of an organization or agency which will provide prevention services only, the capability of providing the prevention services approved by the Secretary.

(e) "Eligible person" means—

(1) With regard to the provision of care services, a pregnant adolescent, an adolescent parent, or the family of a pregnant adolescent or an adolescent parent;

(2) With regard to the provision of prevention services, and except as provided for by subsection (h) of this section, a nonpregnant adolescent.

(f) "Necessary services" means services which may be provided by grantees which are—

(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 venereal disease;

(6) Referral to appropriate pediatric care;

(7) Education services relating to family life and problems associated with adolescent premarital sexual relations, including—

(i) Information about adoption;

(ii) Education on the responsibilities of sexuality and parenting;

(iii) The development of material to support the role of parents as the provider of sex education; and

(iv) Assistance to parents, schools, youth agencies, and health providers to educate adolescents and preadolescents concerning self-discipline and responsibility in human sexuality;

(8) Referral to appropriate education and vocational 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;

(16) Counseling and referral for family planning services;

(17) Family planning services;

(18) Appropriate vocational and educational services;

(19) Referral to other appropriate health services; and

(20) Such other medical, educational and social services as the Secretary may approve where he determines the service or services are consistent with the purposes of the Act.

(g) "Nonprofit", as applied to any private agency, institution or organization, means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which benefits or may lawfully benefit, any private shareholder or individual.

(h) "Prevention services" means necessary services for the prevention of adolescent sexual relations, and includes the services described in paragraphs (f) (1), (4), (5), (7), (8), (13), (14), (15), (18), and (20) of this section.

(i) "Secretary" means the Secretary of Health and Human Services or any other officer or employees of the Department of Health and Human Services to whom the authority involved has been delegated.

(j) "Supplemental services" means those care services which are not core services and which the Secretary has approved as necessary to a project.

§ 59.403 Who may receive a grant under this subpart?

A grant under this subpart may be awarded only to an eligible grant recipient.

§ 59.404 How is application made for a grant under this subpart?

An application for a grant under this subpart shall be submitted at such time and in such form and manner as the Secretary may require. The application shall be executed by an individual authorized to act for the applicant and to assume on the applicant's behalf the obligations imposed by the statute, the applicable regulations, and any additional conditions of the grant. The application shall be supported by such documentation as the Secretary may require and shall include the following:

(a) The material required by subsections (1) through (4), (7), and (9) of section 2006(a) of the Act;

(b) The descriptions required by subsections (5), (6) and (8) of section 2006(a) of the Act. The descriptions shall include project objectives, service strategies (including client recruitment methods and selection criteria) and delivery models (including case management and follow-up procedures) to be implemented, and expected results.

(c) A statement which provides:

(1) The assurances required by subsections (10), (12) through (15), (16)(B), (16)(C), (17) through (20), and (22) through (25) of section 2006(a) of the Act;

(2) Assurances that the applicant will have a system for maintaining the confidentiality of patient records that complies with § 59.409(b) of this subpart.

(d) The descriptions required by subsections (16)(A) and (21) of section 2006(a) of the Act and the plan required by subsection (25) of section 2006(a) of the Act.

(e) Evidence that—

(1) The applicable requirements of Title XV of the Public Health Service Act have have been satisfied; and

(2) The applicant has complied with the requirements of section 2006(e) of the Act.

§ 59.405 What requirements must a project funded under this subpart meet?

A project funded under this subpart must—

(a) Provide the services approved by the Secretary in accordance with the representations and assurances made in its application;

(b) Comply with the applicable requirements of sections 2006(b) (1) and (2), 2006(c), 2007(a)(1), and 2011(a) of the Act;

(c) Use project funds only as approved by the Secretary, and consistent with the applicable requirements of the Act and these regulations.

§ 59.406 What criteria has the Secretary established for deciding which applications for grants under this subpart to fund?

Within the limits of funds available for such purposes, the Secretary may award grants to eligible grant recipients whom he determines have submitted applications meeting the requirements of § 59.404 of this subpart and which he determines best promote the purposes of section 2003(a). No application will be approved unless the Secretary is satisfied that, as applicable, all core services or approved prevention services will be available through the applicant within a reasonable time after the grant is received. In approving applications under this subpart, the Secretary will—

(a) Take into account—

(1) The reasonableness of the budget and the soundness of the fiscal plan for assuring effective utilization of grant funds;

(2) The potential effectiveness of the proposed project in carrying out the statutory purposes;

(3) The adequacy of the facilities and other resources available to the applicant;

(4) The professional, administrative, and managerial capability of the applicant; and

(5) The total amount of funds available for implementing the overall program.

(b) Give priority to applicants in accordance with sections 2005(a) and 2007(a)(4) of the Act.

§ 59.407 How is the amount of the grant decided?

Within the limits of funds available, the Secretary will determine an amount of a grant under this subpart which will, in his judgment, best promote the purposes of this subpart, taking into account the factors specified in subsection (b)(1) of section 2005 and in accordance with subsections (b)(2) and (c) (1) and (2) of that section.

§ 59.408 What is the period for which a grant will be awarded?

(a) The Notice of Grant Award specifies how long the Secretary intends to support the project without requiring the project to recompete for funds. This period, called the project period, will not exceed five years.

(b) Generally the grant will initially be funded for one year, and subsequent continuation awards will also be funded for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Continuation awards within the project period will be made provided required reports are not delinquent, funds are available, the grantee has made satisfactory progress, the grantee's management practices provide adequate stewardship of Federal funds, and the Secretary determines that continued funding is in the best interest of the Government.

(c) Neither the approval of any application nor the award of any grant commits or obligates the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

§ 59.409 What additional requirements apply to a grant under this subpart?

(a) *Applicability of department-wide regulations.* Attention is drawn to the following department-wide regulations which apply to grants under this subpart:

(1) 45 CFR Part 16—Department Grant Appeals Process.

(2) 45 CFR Part 19—Limitations on Payment or Reimbursement for Drugs.

(3) 45 CFR Part 74—Administration of Grants.

(4) 45 CFR Part 80—Nondiscrimination under Programs Receiving Federal Assistance through the Department of Health and Human Services; Implementation of Title VI of the Civil Rights Act of 1964.

(5) 45 CFR Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

(6) 45 CFR Part 86—Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

(b) *Confidentiality.* All information as to personal facts and circumstances obtained by the project staff about recipients of services shall be held confidential. This information shall not be disclosed without the individual's consent except as may be required by law or as may be necessary to provide service to the individual or to provide for evaluation or audits by the Secretary with appropriate safeguards for confidentiality of patient records. Otherwise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals.

(c) *Additional conditions.* The Secretary may with respect to any grant impose additional conditions prior to or at the time of any award when in his judgment additional conditions are necessary to assure or protect advancement of the approved project, the interest of public health, or the conservation of grant funds.

[FR Doc. 83-13660 Filed 5-19-83; 8:45 am]
BILLING CODE 4160-17-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6524]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian Mrazik, Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0237, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 [Title XIII of the Housing and Urban Development Act of 1968 (Pub. L.

90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement: of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Carolina	Georgetown County	Atlantic Ocean	Southern tip of Cedar Island	*22
			South-Central Section of Cedar Island	*20
			Winyah Bay, west of Melady Bush Island	*20
			Georgetown-Horry County Line	*19
			Murrell's Inlet	*19
			Huntington Beach State Park	*19
			Litchfield Beach, seaward of dune line	*19
			Midway Inlet	*19
			Pawley's Island, at Atlantic Avenue and dune line	*19
			Debordieu Colony, seaward of dune line	*19
			North Inlet	*19
			Winyah Bay entrance	*19
			Allston Creek Parsonage Creek	*18
			Old Man Creek Town Creek, Bass Hole Bay	*18
			Northern tip of Marsh Islands	*18
			Northern shoreline of Cat Island	*18
			Jones Creek-Cottonpatch Creek	*18
			Goat Island in the Santee River	*18
			Southern tip of Crane Island	*18
			Main Creek	*17
			Oaks Creek, west of Litchfield Beach	*17
			Debidue Creek, south of Luvan Way	*17
			Clubhouse Creek and MacKenzie Beach Road	*17
			Island Creek, inland of Pawley's Island	*17
			Debidue Creek	*17
			Estherville Minim Creek Canal and South Island Road	*17
			Mosquito Creek	*17
			Pleasant Creek, at North Santee River	*17
			South Island at North Santee Bay	*17
			Georgetown-Horry County Line	*16
			Atlantic Avenue at Seward Street, Pawley's Island	*16
			South Causeway Pawley's Island	*16
			Georgetown-Horry County Line	*15
			Litchfield Development east of U.S. Rt. 17	*15
			Litchfield Boulevard at Sportsman Boulevard	*15
			MacKenzie Beach Road at U.S. Route 17	*15
			Gerogetown-Horry County Line	*14
			Brookgreen Drive at Seaview Loop	*14
			Boyle Road at Parker Avenue	*14
			Boyle Road at Lakeshore Drive	*14
			Norris Drive at Parker Boulevard	*14
			Luvan Way at Lafayette Boulevard	*14
			Pioneer Court at Lafayette Boulevard	*14
		Winyah Bay	Rabbit Island	*16
			Bay Shoreline area south of City of Georgetown	*16
			Area immediately south of City of Georgetown	*15
			Bay shoreline area in southern part of Waccamaw Neck.	*14
		Waccamaw River	Immediately upstream of U.S. Route 17 Bridge	*13
			Point approximately 2,000 feet upstream of U.S. Route 17 Bridge.	*12
			Near confluence with Schooner Creek	*10
			At confluence with Throughfare Creek	*9
			Near confluence with Dull Tree Creek	*8
			Confluence with Cowhouse Creek	*7
			At Georgetwon-Horry County Line	*7
		Sampit River	West of City of Georgetown	*11
		N. Santee River	Immediately upstream of U.S. Route 17-701 Bridge	*11
			Approximately 300 feet upstream of U.S. Route 17-701 Bridge.	*10
			Approximately 9,000 feet upstream of U.S. Route 17-701 Bridge.	*9

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		S. Santee River	Immediately upstream of the U.S. Route 17-701 Bridge.	*11
			Approximately 4,000 feet upstream of the U.S. Route 17-701 Bridge.	*10
			Approximately 10,000 feet upstream of the U.S. Route 17-701 Bridge.	*9
		White's Creek	West of City of Georgetown	*11

Maps are available for inspection at the Office of the Chairman, Georgetown County Council, County Courthouse, Georgetown, South Carolina.

Send comments to Honorable Alfred B. Schooler, Chairman, Georgetown County Council, P.O. Drawer 1220, Georgetown, South Carolina.

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

Issued: April 29, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13589 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6525]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevation are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian Mrazik, Federal Emergency Management Agency, National Flood Insurance Program (202) 287–0237 Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4.

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
SC	Georgetown City, Georgetown County	Winyah Bay	South Bay Street, 500 feet bayward of its intersection with Mulberry Street.	*16

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			South Bay Street, 350 feet bayward of its intersection with Olive Street.	*16
			South Bay Street, 100 feet bayward of its intersection with Hill Street.	*16
			Oak Street, 200 feet bayward of its intersection with Martin Street.	*16
			Greenwich at its intersection with Prince Street	*16
			Helena Street, at its terminus	*15
			Mulberry Street, 500 feet bayward of its intersection with South Island Road.	*15
			William Street, 425 feet bayward of its intersection with South Island Road.	*15
			South Bay Street, 250 feet bayward of its intersection with Live Street.	*15
			South Bay Street at its intersection with Glenwood Street.	*15
			Martin Street, 205 feet bayward of its intersection with Oak Street.	*13
			South Bay Street, 100 feet northeast of its intersection with Mulberry Street.	*13
			Bolick Street, at its intersection with Prince Street	*13
			Meeting Street, 50 feet bayward of its intersection with Duke Street.	*13
			South Bay Street, 500 feet southwest of its intersection with Birch Street.	*12
			South Bay Street, 150 feet bayward of its intersection with Olive Street.	*12
			Fraser Street, 450 feet northeast of its intersection with Parker Street.	*12
			Mettling Street, at its intersection with Highmarket Street.	*12
		Sampit River	Sampit River shoreline southwest of Front Street	*12
			Screven Street, at its intersection with Highmarket Street.	*11
			King Street, 100 feet northeast of its intersection with Front Street.	*11
			Duke Street, 100 feet southwest of its intersection with Cleland Street.	*11
		Pee Dee River	Landgrave Street, 150 feet east of its intersection with Huger Drive.	*11
			Grimes Street, 150 feet east of its intersection with Landgrave Street.	*11
		Whites Creek	Seaboard Street, 150 feet southwest of its intersection with Prince Street.	*11

Maps are available for inspection at the Office of the Mayor, City Hall, Georgetown, South Carolina.

Send comments to Honorable Douglas L. Hinds, Mayor, City of Georgetown, P.O. Drawer 939, Georgetown, South Carolina 29440.

(National Flood Insurance Act 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: April 29, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13590 Filed 5-19-83; 8:45 a.m.

BILLING CODE 6718-03-M

44 CFR Part 205

Disaster Assistance; Individual and Family Grant Program

AGENCY: Federal emergency Management Agency (FEMA).

ACTION: Proposed Rule and Request for Comments.

SUMMARY: This amendment to the Individual and Family Grant (IFG) program regulations is needed to protect the privacy of applicants and require States to provide safeguards against unnecessary releases of confidential information.

DATE: Interested persons may participate in this rulemaking by submitting comments, which will be accepted until July 19, 1983. Any comment submitted on or before that date will be carefully evaluated prior to publication of the final rule.

ADDRESS: Send comments to the Rules Docket Clerk: Federal emergency Management agency, Office of General Counsel—Room 835, 500 C Street, S.W., Washington, DC 20472. All comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Agnes C. Mravcak, Individual assistance Division, Office of Disaster Assistance Programs, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street S.W., Washington, D.C. 20472, 202–287–0555

SUPPLEMENTARY INFORMATION: There have been several instances in recent IFG programs where States, without adequate regulations to safeguard the privacy of individuals, have released information about applicants to organizations other then those providing disaster assistance. FEMA considers such information to be confidential, and therefore is imposing a requirement on States which implement the IFG program, to prevent unnecessary release

of information. The purpose of this rule is to require States to provide for the safeguard of information about grant applicants. This will be accomplished by requiring each State to provide this protection in the IFG State Administrative Plan which is approved by FEMA. This rule imposes no information collection requirements, and is therefore not subject to Section 3504(h) of the Paperwork Reduction Act.

Environmental Considerations

This rule is procedural, and FEMA has determined that there will be no significant impact on the environment caused by implementation of this rule. An environmental assessment will not be prepared.

Regulatory Flexibility Act

This rule has been determined not to be a "major rule" under the terms of Executive Order 12291, nor does it have any significant economic impact on a substantial number of small entities. Therefore, regulator flexibility analyses will not be prepared.

Authority

This rule is issued under authority of Sections 408 and 601 of the Disaster Relief Act of 1974 (Pub. L. 93–288).

Content of the Rule

This rule amends the regulations pertaining to Section 408 of the Disaster Relief Act, Individual and Family Grant Programs, specifically and only to prevent the unnecessary release of information about grant applicants.

List of Subjects in 44 CFR Part 205

Community facilities, Disaster assistance, Grant programs, housing and community development.

PART 205—[AMENDED]

Accordingly, FEMA is proposing to amend 44 CFR 205.54 by adding the following new subparagraph to paragraph (e):

(e) * * *

* * * * *

(1) * * *

(vii) Provisions for safeguarding the privacy of applicants and the confidentiality of information, except the information may be provided to agencies or organizations who require it to make eligibility decisions for disaster assistance or to prevent duplication of benefits, to State agencies responsible for audit or program review, and to FEMA or the general Accounting Office for the purpose of making audits or conducting program reviews.

Dated: April 15, 1983.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 83-13586 Filed 5-19-83; 8:15 am]

BILLING CODE 6718-01-M

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation Project Office

48 CFR Part 27

Patents, Data, and Copyrights

AGENCY: General Services Administration, Federal Acquisition Regulation Project Office.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.

SUMMARY: The General Services Administration is making available for public and Government agency review and comment the last segment of the draft Federal Acquisition Regulation (FAR). This segment covers patents, data, and copyrights.[1] The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before July 20, 1983.

ADDRESS: Obtain copies of the draft regulation from and submit comments to Rusty Olshine, FAR Project Office, Suite 700, Webb Building, 4040 N. Fairfax Drive, Arlington, VA 22203. Federal agency requests must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 45, No. 125, June 26, 1980, p. 43236 for list).

FOR FURTHER INFORMATION CONTACT: Larry Rizzi, (202) 696–5180.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following part of the draft Federal Acquisition Regulation is available upon request for public and Government agency review and comment.

[1] Filed as part of the original.

PART 27—PATENTS, DATA, AND COPYRIGHTS

This part prescribes policy and procedures relating to patents, data, and copyrights. It is based on the policy on this subject in Defense Acquisition Regulation Section IX and Section XVIII Part 9, portions of NASA Procurement Regulations Part 9 Subpart 2, and portions of DOE Procurement Regulations Subpart 9–9.2, as well as Federal Procurement Regulations Subpart 1–9.1.

The separate coverage for construction and architect-engineer contracts in DAR 18–9 is eliminated by combining such coverage with the applicable segments of FAR Part 27.

Pub. L. 96–517 is implemented, thereby eliminating FPR 1–9.107–6 and related text dealing with short-form clauses for nonprofit organizations and for institutional patent agreements, and adding a new clause at 52.227–13 for small business firms and nonprofit organizations.

OMB Circular A–124 is implemented.

The Presidential Memorandum on Government Patent Policy dated 2/18/83 is implemented.

There is considerable restructuring in the Data area (Subpart 27.4) made by agreement with DOD, NASA, and DOE. As a result, there are some changes from the DAR policy.

Coverage on licensing of background technology is added as Subpart 27.5, based on DOE policy and regulations.

Clause references to subcontracts are clarified to state "at any tier" as a response to the decision in U.S. vs Schweigert, 181 Ct. Claims 1184.

To the extent not otherwise required by their statutes, NASA and DOE are required to use the FAR patents coverage.

Lawrence J. Rizzi,

Director, GSA FAR Project.

[FR Doc. 83-13666 Filed 5-19-83; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine Agave Arizonica To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Wildlife Service proposes to list a plant, *Agave arizonica* Gentry and Weber (Arizona agave), as an Endangered species. This species is a native plant of Arizona. The reproductive potential of this species is very low. All of the wild plants occur on Federal lands in the Tonto National Forest. They are threatened by collectors who desire these plants for desert rock gardens because they are very attractive succulents which make decorative garden ornamentals. Cattle grazing may be a secondary threat to *Agave arizonica* due to habitat disturbance and trampling of the plants, as well as some herbivore predation. This proposal, if made final, will provide protection under the Endangered Species Act of 1973, as amended. The Service seeks data and comments from the public on this proposal.

DATES: Comments must be received on or before July 19, 1983. Public hearing requests must be received on or before July 5, 1983.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Office of Endangered Species, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Russell L. Kologiski, Regional Botanist, U.S. Fish and Wildlife Service (see Addresses section above) (617/965-5100).

SUPPLEMENTARY INFORMATION:

Background

Agave arizonica was first discovered by J. H. Houzenga, H. J. Hazlett, and J. H. Weber in the New River Mountains of Arizona. H. S. Gentry and J. H. Weber described this species in the Cactus and Succulent Journal in 1970 (Gentry, 1970). This member of the Agave family has leaves growing from the base in a somewhat flattened globular form, about 30.7 centimeters high and 41 centimeters broad. The slender, branching, flowing stalk is 2.7–3.6 meters tall. The flowers are small, pale yellow and jar-shaped.

This species is endemic to a very small area in the granite hills and creek-bottoms near the summit of the New River Mountains in central Arizona at an elevation of 915–1830 meters. The surrounding vegetation is a chaparral association that is transitional between oak-juniper woodland and mountain mahogany-oak scrub. The soil is mixed gravelly loam from mazatzal quartzite. The continued existence of this plant is threatened by potential collecting for commercial trade and to a lesser degree, by trampling from cattle, browsing by deer, and insect damage.

On July 1, 1975, the Service published a notice of review in the **Federal Register** (40 FR 27823–27924) indicating its acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Endangered Species Act. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523–24572) which included *Agave arizonica* as an Endangered species. On December 10, 1979, the Service withdrew all outstanding proposals not finalized within 2 years of their first publication, as required by the 1978 Amendments to the Act. On December 15, 1980, the Service published a new plant notice of review (45 FR 82479–82569) which included *Agave arizonica* as a candidate species for listing under the Endangered Species Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments) set forth the procedures for adding species to the Federal list. The Secretary of Interior shall determine whether any species is an Endangered or a Threatened species due to one or more of the five factors described in subsection 4(a)(1). These factors and their application to *Agave arizonica* are as follows:

A. *Present or threatened destruction, modification or curtailment of its habitat or range.* The historically known populations of *Agave arizonica* occurred within an area of about 3.3–5.0 kilometer radius in the Tonto National Forest. In 1980, about 25 plants were known to exist at 12–14 localities. At present, three plants are known to exist at one site in the wild; land use on this area consists of leased cattle grazing. Proper protection and management plans for the plants are needed.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* There is a great potential for taking of this attractive species for cultivation in private rock gardens and for commercial trade. The southwest Forest Service botanist recognizes the collecting threat to this species and has suggested that the Forest Service prohibit the taking of all agaves in the west central portion of the Tonto Mountains in the range of *Agave arizonica*. However, taking prohibitions on plants are difficult to enforce in the extremely rugged backcountry of the Tonto National Forest. Adequate personnel are not available to patrol the area and stop all unauthorized taking. So, the populations remain threatened by desert succulent collectors. At present, the localities of *Agave arizonica* are not generally known to the public, which has afforded it some protection. *Agave arizonica* is a slowly reproducing plant which could not readily repopulate an area from which individuals are removed.

C. *Disease or predation (including grazing).* Grazing has occurred in the habitat of *Agave arizonica*. While the impacts of grazing on this plant are not definitively known, cattle may affect it by trampling, habitat disturbance, and some minor grazing of the plants. Deer browse this species and may play some role in its poor reproductive success by eating the flower stalks before the capsules ripen. If this plant is listed, studies will be undertaken to determine grazing impacts and appropriate stocking rates for the habitat of *Agave arizonica* to insure its continued survival.

D. *Inadequacy of existing regulatory mechanisms. Agave arizonica* is protected by State law. The Arizona Native Plant law, A.R.S. Chapter 7, Section 3–901, specifically prohibits collection of *Agave arizonica* except for scientific or educational purposes under permit. This provision bars only collection, however, and not incidental destruction or habitat modification. It does not affect Federal actions directly. Violation constitutes only a class three misdemeanor, the lowest grade of misdemeanor recognized under State law. This law is moreover difficult to enforce over the entire State of Arizona, especially in the rugged moutainous habitat of this plant. The Endangered Species Act would complement the existing protection and offer additional protection for the species by prohibiting taking from Federal lands, by restricting interstate and international commerce, by substantially increasing penalties for violations, and by providing the protection of Section 7 of the Act.

E. *Other natural or manmade factors affecting its continued existence.* Any human pressure on this species may increase the possibility of its small populations going extinct through natural fluctuations. Disturbances are likely to have a severe impact on this species as the distribution is restricted, the population is very small, the reproductive potential is extremely low, and few young plants have been observed in the wild.

Critical Habitat

Section 4(a)(3) of the Endangered Species Act of 1973, as amended, requires that Critical Habitat be determined at the time of listing to the maximum extent prudent and determinable.

Critical Habitat is not being proposed for *Agave arizonica* as this would not be prudent due to taking pressures. Taking is the major threat to the Arizona agave. It is highly desirable for desert rock gardens because of its attractive globular rosette (basally attached leaves) and 2.7–3.5 meter tall inflorescence (flowering stalk). Publishing detailed location maps. (i.e., Critical Habitat maps published in the Federal Register) of the *Agave arizonica* populations would make the species more vulnerable to taking by collectors.

Effects of This Rule

The effects of this proposal, if published as a final rule, would include those mentioned below.

Subsection 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as Endangered or Threatened. This rule requires Federal agencies to satisfy their statutory obligations with respect to this species, that is, as a proposed species, agencies are required under Section 7(a)(4) to confer with the Service on any action that is likely to jeopardize the species. This action, if made final, will require Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of *Agave arizonica*. Since all populations of *Agave arizonica* occur on U.S. Forest Service land in Arizona, that agency would have the primary Section 7 responsibility.

The Forest Service's present regulations prohibit removing, destroying, or damaging any plant that is classified as a Threatened, Endangered, rare, or unique species (36 CFR 261.9), and are consistent with the purposes of the Act. The U.S. Forest Service supports listing this species as Endangered.

The Act and implementing regulations published at 50 CFR 17.61 set forth a series of general prohibitions and exceptions which apply to all Endangered plant species. With respect to *Agave arizonica* all trade prohibitions of Section 9(a)(2) of the Act as implemented by § 17.61 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and §§ 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered species under certain circumstances.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that it is unlawful to remove and reduce to possession Endangered plant species from areas under Federal jurisdiction or to sell it, offer it for sale, or deliver, receive, carry, transport, or ship it in interstate commerce in the course of a commercial activity. Permits for exceptions to this prohibition are available through the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903). It is anticipated that few taking permits for the species will ever be requested.

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

National Environmental Policy Act

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

Public Comments Solicited

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

(1) Biological or other relevant data concerning any threat (or the lack thereof) to *Agave arizonica;*

(2) The location of any additional populations of *Agave arizonica* and the reasons why any habitat of this species should or should not be determined to be Critical Habitat;

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

(4) Current or planned activities in the subject areas.

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

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

Authors

The authors of this proposed rule are Ms. Sandra Limerick and Ms. Rosemary H. Carey, Endangered Species Staff, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766–3972). Ms. E. LaVerne Smith of the Service's Washington Office of Endangered Species served as editor.

Status information and a preliminary listing package were contracted for by the Service from Dr. Barbara G. Phillips, Dr. Arthur M. Phillips III, Jill Mazzoni, and Elaine M. Peterson, Museum of Northern Arizona, Route 4, Box 720, Flagstaff, Arizona 86001 (602/774–5211).

References

Gentry, H. S. 1970. Two new Agaves in Arizona. Cactus and Succulent Journal 42(5):223–225.

Kearney, T. H. and R. H. Peebles. 1951. *Arizona Flora.* University of California Press, Berkeley, California.

Phillips, B. G., A. M. Phillips, J. Mazzoni and E. M. Peterson. 1980. Status report on *Agave arizonica.* U.S. Fish and Wildlife Service, Office of Endangered Spcies, Albuquerque, NM.

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

PART 17—[AMENDED]

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

1. The authority citation reads as follows:

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

§ 17.12 [Amended]

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

* * * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Agavaceae—Agave Family						
Agave arizonica	Arizona agave	U.S.A. (AZ)	E	NA	NA	NA

* * * * *

Dated: April 7, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-13791 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 649

[Docket No. 30511-83]

American Lobster Fishery

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

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to implement conservation and management measures as prescribed in the proposed American Lobster Fishery Management Plan (FMP). A lobster management program is necessary because the resource is fished very intensively throughout its range, resulting in only a small fraction of American lobsters surviving long enough to reproduce even once. Such a condition in the resource increases the risk of recruitment failure and stock collapse, and jeopardizes the continuation of a viable fishery. The FMP specifies management measures intended to promote conservation of the fishery, reduce the possibility of recruitment failure, and allow full utilization of the resource by the U.S. industry.

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

ADDRESSES: Comments on the proposed rule, the FMP, or supporting documents should be sent to Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930-3097. Mark the outside of the envelope "Comments on Lobster Plan." Copies of the FMP, the final environmental impact statement, and the draft regulatory impact review/initial regulatory flexibility analysis are available from Mr. Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, Massachusetts 01906.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls (Lobster Management Coordinator) 617-281-3600.

SUPPLEMENTARY INFORMATION:

Background

The FMP was prepared by the New England Fishery Management Council in consultation with the Mid-Atlantic Fishery Management Council. A notice of availability for the proposed FMP was published in **Federal Register** on April 21, 1983 (48 FR 17120). Copies of the FMP are available from the Council upon request at the address given above. The FMP establishes management measures for American lobsters as follows:

(1) *Minimum size:* Beginning January 1, 1985, the possession or landing of American lobsters with a carapace length smaller than 3 3/16 inches is prohibited.

(2) *Mutilated lobsters:* Upon FMP implementation, the landing or possession of lobster meat is prohibited. Until December 31, 1985, the landing or possession of lobster tails with a sixth abdominal segment less than 1 1/16 inches long is prohibited, and only two claws per tail may be possessed or landed. After January 1, 1986, the landing or possession of any lobster parts will be prohibited.

(3) *Berried females:* The harvesting of female lobsters with eggs attached to the abdominal appendages, and the removal of any such eggs is prohibited upon FMP implementation.

(4) *Escape vents:* Effective January 1, 1985, lobster traps must be marked with identification of the owner and traps must be vented to allow the release of sublegal lobsters.

(5) *V-notching:* The possession of V-notched lobsters in portions of the Gulf of Maine and the fishery conservation zone (FCZ) is prohibited upon FMP implementation.

(6) *Permits:* The FMP provides for the permitting of lobster fishermen directly by the National Marine Fisheries Service (NMFS) or through cooperative agreements with coastal states, and

(7) *Data collection:* The FMP provides for collection of fishery information through the NMFS Three-Tier Fishery Information Collection System and through cooperative agreements with coastal States.

The conservation and management measures proposed in the FMP are designed to promote conservation, reduce the possibility of recruitment failure, and allow full utilization of the resource by the U.S. industry. Similar measures are imposed by most of the coastal States in the range of the lobster fishery. A primary objective of the FMP is to provide for complementary regulation of the lobster fishery within the fishery conservation zone, and to serve as a vehicle for coordinated management of the American lobster fishery resource throughout it range.

A series of public hearings were held throughout the range of the American lobster fishery to obtain comments on the draft FMP. Hearing were conducted in Riverhead, New York; Ocean City, Maryland; Red Bank, New Jersey; Danver, Massachusetts; Galilee, Rhode Island; Machias, Maine; Branfor, Connecticut; Ellsworth, Maine; Westport, Massachusetts; Plymouth, Massachusetts; Rockland, Maine; Portsmouth, New Hampshire; Portland, Maine; and Hyannis, Massachusetts. The Council considered the oral and written comments received and has revised the FMP to reflect these comments. The most significant revisions are the provisions to phase into effect the minimum carapace length, the mutilation prohibition, and the trap

marking and venting requirements over period of two years to minimize the adverse economic impact of those measures.

Classification

Section 304(a)(1)(C)(ii) of the Magnuson Act, as amended by Pub. L. 97–453, requires the Secretary of Commerce (Secretary) to publish regulations proposed by a Council within 30 days of receipt of the FMP and proposed regulations. At this time, the Secretary has not determined that the FMP these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the information, views, and comments received during the comment period.

The Council prepared a draft environmental impact statement for this FMP; a notice of availability was published on September 24, 1982 (47 FR 42157).

The NOAA Administrator determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the draft regulatory impact review (RIR) prepared by the Council which demonstrates positive net short-term and long-term economic benefits to the fishery under the proposed management measures. A copy of this review may be obtained from the Council at the address listed above.

The review procedures of E.O. 12291 do not apply to this proposed rule under Section 8(a)(2) of that order. Deadlines imposed under the Magnuson Act, as amended by Pub. L. 97–453, require the Secretary to publish this proposed rule 30 days after its receipt. The proposed rule and the RIR are being reported to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow review procedures of the order.

The Council prepared an initial regulatory flexibility analysis which concludes that this proposed rule, if adopted, would have a significant effect on small entities. The rule would affect lobster harvestors (vessels) most directly, and to a lesser extent wholesalers and consumers. There may be a redistribution of income among vessels which currently land lobster parts. A copy of this analysis may be obtained from the Council at the address listed above.

This rule contains a collection of information requirement subject to the Paperwork Reduction Act. The collection of this information has been approved by the Office of Management and Budget, OMB Control Numbers 0648–0097 and 0648–0013.

The Coucil determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland and Delaware. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

Section 649.5, Recordkeeping Requirements, has been reserved pending the full implementation of the provisions of the NMFS Three-Tier Fishing Information Collection System to be used under this FMP.

List of Subjects in 50 CFR Part 649

Administrative practice and procedure, Fish, Fisheries, Reporting Requirements.

Dated: May 17, 1983.

Carmen J. Blondin,

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

For the reasons set out in the preamble, NOAA proposes to amend 50 CFR by adding a new Part 649 to read as follows:

PART 649—AMERICAN LOBSTER FISHERY

Subpart A—General Provisions

Sec.

Subpart B—Management Measures

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

Subpart A—General Provisions

§ 649.1 Purpose and scope.

This part implements the American Lobster Fishery Management Plan prepared and adopted by the New England Fishery Management Council in consultation with the Mid-Atlantic Fishery Management Council, and approved by the Director of the Northeast Region of the National Marine Fisheries Service, NOAA. These regulations govern fishing for American lobster within that portion of the Atlantic Ocean over which the United States exercises fishery management authority.

§ 649.2 Definitions.

In addition to the definitions in the Magnuson Act, and unless the context requires otherwise, the terms used in this part have the following meanings:

American lobster or *lobster* means the species *Homarus americanus.*

Area of custody means any vessel, building, vehicle, pier, live car, pound, or dock facility where American lobster may be found.

Authorized officer means—

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any certified enforcement officer or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State Agency which has entered into an agreement with the Secretary and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Berried female means a female lobster bearing eggs attached to the abdominal appendages.

Carapace length is the straight line measurement from the rear of the eye socket parallel to the center line of the carapace to the posterior edge of the carapace. The carapace is the unsegmented body shell of the lobster.

Catch, take, or *harvest* includes, but is not limited to, any activity which results in killing any fish, or bringing any live fish or shellfish on board a vessel.

Council includes the New England and Mid-Atlantic Fishery Management Councils.

Fish includes the American lobster, *Homarus americanus.*

Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seward boundary of each of the coastal States to a line each point of which is 200 nautical miles from the baseline from which the territorial sea is measured.

Fishery management plan (FMP) means the American Lobster Fishery Management Plan and any amendments thereto.

Fishing, or *to fish,* means any activity, other than scientific research conducted by a scientific research vessel, which involves—

(i) The catching, taking, or harvesting of fish;

(ii) The attempted catching, taking, or harvesting of fish;

(iii) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(iv) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for (a) fishing; or (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to preparation, supply, storage, refrigeration, transportation, or processing.

Land means to begin offloading fish, to offload fish, or to arrive in port with the intention of offloading fish.

Magnuson Act means the Magnuson Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.*

NOAA means the National Oceanic and Atmospheric Administration.

Official number means the documentation number issued by the U.S. Coast Guard or the certificate number issued by a State or the Coast Guard for undocumented vessels in accordance with the Federal Boating Safety Act of 1971 (46 U.S.C. 1451 *et seq.*) or the Vessel Documentation Act (46 U.S.C. 65).

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means—

(i) Any person who owns that vessel in whole or in part;

(ii) Any charterer of the vessel, whether bareboat, time, or voyage;

(iii) Any person who acts in the capacity of a charterer, including, but not limited to, parties to a management agreement, operating agreement, or other similar agreement that bestows control over the destination, function, or operation of the vessel; or

(iv) Any agent designated as such by any person in paragraphs (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Regional Director means the Director, Northeast Region, National Marine Fisheries Service, NOOA, or a designee.

Secretary means the Secretary of Commerce, or a designee.

Sixth tail segment is that tail segment closest to the fan of the lobster's tail with the segment length measured along the dorsal center line with the tail flexed.

Scrubbing is the forcible removal of eggs from a berried female lobster.

U.S.-harvested fish means fish caught, taken, or harvested by vessels of the United States within any fishery regulated under the Magnuson Act.

Vessel of the United States means:

(i) Any vessel documented under the laws of the United States;

(ii) Any vessel numbered in accordance with the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 *et seq.*) and measuring less than five net tons; or

(iii) Any vessel numbered under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 *et seq.*) and used exclusively for pleasure.

V-notch conservation area means the area of the FCZ north and east of a line which begins at a point 43°06' N. latitude, 70°34' W. longitude, runs due southeast to a point 42° N. latitude, 69°35' W. longitude, and thence runs due east along the 42nd parallel to the seaward limit of the FCZ.

§ 649.3 Relation to other laws.

All fishing activity, regardless of species sought, is prohibited under 15 CFR Part 924, in the U.S.S. Monitor Marine Sanctuary, which is located approximately 15 miles southwest of Cape Hatteras off the coast of North Carolina. Nothing in these regulations will supersede more restrictive State or local lobster management measures.

§ 649.4 Vessel permits.

(a) *General.* (1) Any vessel of the United States fishing for American lobster must have a permit required by this part on board the vessel. The Regional Director may by agreement with State agencies recognize permits or licenses issued by those agencies endorsed for fishing for lobster in the FCZ, providing that such permitting programs accurately identify fishermen who fish in the FCZ, and that the Regional Director can either individually or in concert with the State agency act to suspend the permit or license for FCZ fishing for any violation under this part.

(2) Alternate State permitting programs will be established through a letter of agreement between the Regional Director and the director of the State marine fisheries agency concerned. The letter of agreement will specify the information to be collected by the alternate permitting program and the mode and frequency of provision of that information to the Regional Director. The Regional Director will, in cooperation with the State director, arrange for notification of the existence and terms of any such agreements to the affected fishermen. Fishermen should determine whether an alternate program is in force for their State before applying for a Federal permit under § 649.4(b) below.

(b) *Application.* An application for a Federal fishing vessel permit under this section must be submitted and signed by the vessel owner on an appropriate form which may be obtained from the Regional Director. The application must be submitted to the Regional Director and must contain the following information:

(1) The name, mailing address, and telephone number of the applicant and the vessel's master;

(2) The name of the vessel;

(3) The vessel's official number;

(4) The home port, length, gross tonnage, and net tonnage of the vessel;

(5) The engine horsepower of the vessel;

(6) The approximate fish-hold capacity of the vessel;

(7) The type, and quantity of fishing gear used by the vessel; and

(8) The size of the crew, which may be stated in terms of a range.

(c) *Issuance.* (1) Upon receipt of a completed application, the Regional Director will issue a permit within 30 days.

(2) Upon receipt of an incomplete or improperly executed application, the Regional Director will notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 10 days following the date of notification, the application will be considered abandoned.

(d) *Expiration.* A Federally issued permit expires when the owner or name of the vessel changes.

(e) *Duration.* A Federally issued permit is valid until it expires or is revoked, suspended, or modified under 50 CFR Part 621.

(f) *Alteration.* Any permit which has been altered, erased, or mutlated is invalid.

(g) *Replacement.* Replacement permits may be issued. An application for a replacement permit will not be considered a new application.

(h) *Transfer.* Federal permits issued under this part are not transferable or assignable. A Federally issued permit is valid only for the vessel for which it is issued.

(i) *Display.* Any permit issued under this part must be carried on board the

fishing vessel at all times. The permit must be displayed for inspection upon request of any authorized officer.

(j) *Sanctions.* Subpart D of 50 CFR Part 621 governs the imposition of sanctions against a permit issued under this part. As specified in that Subpart D, a permit may be revoked, modified, or suspended if the vessel for which the permit is issued is used in the commission of an offense prohibited by the Magnuson Act or by this part; or if a civil fine or criminal penalty imposed under the Magnuson Act has not been paid.

(k) *Fees.* No fee is required for any Federally issued permit under this part.

(l) *Change in application information.* Any change in the information specified in paragraph (b) of this section, such as the vessel owner or quantity of gear, must be reported to the Regional Director within 15 days of the change.

§ 649.5 Recordkeeping requirements.

[Reserved]

§ 649.6 Vessel identification.

(a) *Official number.* Each fishing vessel subject to this part over 25 feet in length must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above.

(b) *Numerals.* The official number must be permanently affixed to each vessel subject to this part in contrasting block Arabic numerals at least 18 inches in height for vessels over 65 feet, and at least 10 inches in height for all other vessels over 25 feet in length. The length of a vessel, for purposes of this section, is that length set forth in U.S. Coast Guard or State records.

(c) *Duties of operator.* The operator of each vessel subject to this part must—

(1) Keep the vessel name and official number clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging, its fishing gear, or any other object obstructs the view of the official number from an enforcement vessel or aircraft.

§ 649.7 Prohibitions.

It is unlawful for any person—

(a) To land or possess any American lobster which fails to meet the carapace length standards specified in § 649.20(b);

(b) To land or possess any American lobster or parts thereof taken in violation of the mutilation standards specified in § 649.20(c);

(c) To retain on board, possess, or land any berried female American lobster.

(d) To remove eggs from any berried female American lobster.

(e) To retain on board in the V-notch conservation area any lobster marked with a V-notch as specified in § 649.20(f);

(f) To deploy or haul in the FCZ, or to harvest lobster in the FCZ from any gear not marked and vented in accordance with the requirements specified in § 649.21;

(g) To throw or dump into the water, or otherwise dispose of any lobster, or the contents of any pail, bag, barrel, or any matter whatsoever after being signalled by an authorized officer, before the authorized officer has inspected the same;

(h) To use any vessel for taking, catching, harvesting, or landing of any American lobster in the FCZ unless the vessel or operator has a valid permit issued under this part, and the permit is on board the vessel;

(i) To make any false statement in connection with an application under § 649.4; or to fail to report to the Regional Director, within 15 days, any change in the information contained in a permit application for a vessel;

(j) To make any false statement, oral or written, to an authorized officer, concerning the taking, catching, harvesting, landing, purchase, sale, or transfer of any American lobster;

(k) To possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land, import or export any American lobster taken or retained in violation of the Magnuson Act, this part, or any other regulation under the Magnuson Act;

(l) To fail to affix and maintain permanent markings as required by § 649.6;

(m) To refuse to permit an authorized officer to board a fishing vessel, or to enter an area of custody, subject to such person's control, for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation or permit under the Magnuson Act;

(n) To forcibly assault, resist, oppose, impede, intimidate, threaten, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (m) of this section;

(o) To resist a lawful arrest for any act prohibited by this part;

(p) To interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, with the knowledge that such other person has committed any act prohibited by this part;

(q) To interfere with, obstruct, delay, or prevent by any means the lawful investigation or search in the process of enforcing this part;

(r) To fail to comply immediately with enforcement and boarding procedures specified in § 649.8;

(s) To transfer directly or indirectly, or attempt to so transfer, any U.S.-harvested American lobster to any foreign fishing vessel within the FCZ; or

(t) To violate any other provision of this part, the Magnuson Act, or any other regulation promulgated under the Magnuson Act.

§ 649.8 Enforcement.

(a) *General.* The owner or operator of any fishing vessel subject to this part shall immediately comply with instructions issued by an authorized officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Signals.* Upon being approached by a U.S. Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Magnuson Act, the operator of a fishing vessel shall be alert for signals conveying enforcement instructions. The VHF-FM radiotelephone is the normal means of communicating between vessels. However, visual methods or loudhailer may be used. The following signals extracted from the International Code of Signals are among those which may be used:

(1) "L" means "You should stop your vessel instantly,"

(2) "SQ3" means "You should stop or heave to; I am going to board you," and

(3) "AA AA AA etc.," is the call to an unknown station, to which the signaled vessel must respond by illuminating the vessel identification required by §649.6(a).

(4) "RY CY" means "You should proceed at slow speed, a boat is coming to you."

(c) *Boarding.* The operator of a vessel signaled to stop or heave to for boarding shall—

(1) Stop immediately and lay to or maneuver in such a way so as to allow the authorized officer and the boarding party to come aboard;

(2) When necessary to facilitate the boarding or when requested by an authorized officer, provide a safe ladder for the authorized officer and the boarding party to come aboard, a man rope, safety line, and illumination for the ladder; and

(3) Take such other actions as the authorized officer deems necessary to ensure the safety of the authorized

officer and the boarding party and to facilitate the boarding.

(d) *Dumping.* No person, having been signaled by an authorized officer, shall throw or dump into the water, or otherwise dispose of any lobster, or the contents of any pail, bag, barrel or any matter whatsoever, before the authorized officer has inspected the same.

§ 649.9 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provisions of the Magnuson Act, and to 50 CFR Parts 620 (Citations) and 621 (Civil Procedures), and other applicable Federal law.

Subpart B—Management Measures

§ 649.20 Harvesting and landing requirements.

(a) *Presumption.* It will be a rebuttable presumption that any lobster found aboard or landed by a vessel with a permit issued under or authorized by this part was harvested in the fishery conservation zone subject to these regulations. Any lobster found aboard a vessel in the fishery conservation zone will be presumed to have been harvested in the fishery conservation zone subject to these regulations.

(b) *Carapace length.* Effective January 1, 1985, all lobsters landed in whole form must have a minimum carapace length of 3 3/16 inches.

(c) *Mutilation.* Except as provided in paragraph (c)(1) of this section, it will be unlawful for any person to remove meat or any body appendages from any lobster before landing.

(1) From the date of implementation of these regulations, through December 31, 1985, fishermen may land lobster tails in States which do not have regulations prohibiting such activity, providing the sixth tail segment measures at least 1 1/16 inches in length, and that not more than two claws are landed with each such tail.

(2) Effective January 1, 1986, it will be unlawful to land or have in possession on board any vessel any lobster part other than whole lobsters.

(d) *Berried females.* Any berried female American lobster must be immediately returned to the sea.

(e) *Scrubbing.* No person may remove extruded eggs attached to the abdominal appendages from any female American lobster.

(f) *Other conservation measures.* It will be unlawful for any fisherman to retain on board in the V-notch conservation area any lobster bearing a V-shaped notch in the right flipper next to the middle flipper or any female lobster which is mutilated in a manner which could hide or obliterate such a mark. The right flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

§ 649.21 Gear marking and escape vent requirements.

(a) *Marking.* Effective January 1, 1985, all lobster gear deployed in the FCZ and not permanently attached to the vessel must be legibly and indelibly marked with one of the following codes of identification:

(1) The vessel's Federal fishery permit number; and/or

(2) Whatever positive identification marking is required by the vessel's homeport State.

(b) *Escape vents.* All lobster traps must be constructed to include one of the following escape vents in the parlor section of the trap. The vent must be located in such a manner that it would not be blocked or obstructed by any portion of the trap, associated gear, or the sea floor in normal use.

(1) A rectangular portal with an unobstructed opening not less than 1 3/4 inches (44.5 mm) by six inches (152.5 mm);

(2) Two circular portals with unobstructed openings not less than 2 1/4 inches (57.2 mm) in diameter; or

(3) Any other vent certified by the Regional Director to release a substantial number of lobsters under 3 3/16 inches carapace length from the trap.

(c) *Enforcement action.* Unmarked or unvented traps will be seized and disposed of at the discretion of the Regional Director.

[FR Doc. 83-13076 Filed 5-17-83; 4:42 pm]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 99
Friday, May 20, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Stamp Program Adjustment of Income Eligibility Standards

AGENCY: Food and Nutrition Service, USDA.

ACTION: General Notice

SUMMARY: The Department is adjusting the limits on gross and net income which a household may have and still be eligible for food stamps. The Food Stamp Act of 1977, as amended, requires the Department to make this adjustment each year. By adjusting the income eligibility limits, the Program takes into account changes in the cost of living.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Daniel Woodhead, Supervisor, Issuance and Benefit Delivery Section, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302, (703) 756-3461.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291. The Department has reviewed this action under Executive Order 12291 and Secretary's Memorandum No. 1512-1. The action will affect the economy by less than $100 million a year. The action will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions. There will not be significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the Department has clasified the action as "not major".

Publication. State agencies must implement the rule on July 1, 1983, and these offices need adequate advance notice of the new standards to carry out all steps necessary for them to meet the implementation deadline. Based on regulations published at 47 FR 46485-46487 (October 19, 1982) annual statutory adjustments to the gross and net monthly income eligibility standards are issued by General Notices published in the **Federal Register** and not through rulemaking procedures.

Regulatory Flxibility Act. The Administrator of the Food and Nutrition Service has certified that this action will not have a significant economic impact on a substantial number of small entities. The action will primarily affect State and local welfare agencies and future applicants so food stamps. The effect upon the welfare agencies is not significant.

Paperwork Reduction Act. This rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB).

Background

The Food Stamp Act requires that the gross (130 percent of poverty line) and net (equal to poverty line) income eligibility standards take into account the annual adjustments of the poverty guidelines issued by the Department of Health and Human Services. Section 3(i) of the Act provides that certain elderly/disabled individuals (and their spouses) who are not able to prepare their own meals, may be considered separate households even if the individuals are living and eating within another household. The Act limits this exception to those situations in which the income of the others with whom the elderly/disable individual is residing does not exceed 165 percent of the poverty line. Since all three standards are based on the poverty line, we are adjusting them simultaneously, as set forth in the following tables:

GROSS MONTHLY INCOME ELIGIBILITY STANDARDS

Household size	48 States [1]	Alaska	Hawaii
1	527	659	607
2	709	887	816
3	891	1,114	1,025
4	1,073	1,342	1,234
5	1,255	1,569	1,443
6	1,437	1,797	1,653
7	1,619	2,024	1,862
8	1,801	2,252	2,071
Each additional member	+182	+228	+210

[1] Includes District of Columbia, Guam and Virgin Islands.

NET MONTHLY INCOME ELIGIBILITY STANDARDS

Household size	48 States [1]	Alaska	Hawaii
1	405	507	467
2	545	682	628
3	685	857	789
4	825	1,032	950
5	965	1,207	1,110
6	1,105	1,382	1,271
7	1,245	1,557	1,432
8	1,385	1,732	1,593
Each additional member	+140	+175	+161

[1] Includes District of Columbia, Guam and Virgin Islands.

GROSS MONTHLY INCOME ELIGIBILITY STANDARDS FOR ELDERLY/DISABLED AS A SEPARATE HOUSEHOLD

Household	48 States [1]	Alaska	Hawaii
1	669	836	770
2	900	1,125	1,036
3	1,131	1,414	1,301
4	1,362	1,703	1,567
5	1,593	1,991	1,832
6	1,824	2,280	2,097
7	2,055	2,569	2,363
8	2,286	2,858	2,628
Each Additional member	+231	+289	+266

[1] Includes District of Columbia, Guam and Virgin Islands.

(91 Stat. 958 (7 U.S.C. 2011-2029))

(Catalogue of Federal Domestic Assistance, No. 10551, Food Stamps)

Dated: May 16, 1983.

Robert E. Leard,

Administrator.

[FR Doc. 83-13561 Filed 5-19-83; 8:45 am]

BILLING CODE 3410-30-M

Packers and Stockyards Administration

Deposting of Stockyards; Cattlemen's Livestock Auction, Oklahoma et al.

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et* seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no

longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
OK-201 Cattlemen's Livestock Auction, Sallisaw, Oklahoma.	May 12, 1983.
PA-149 Union City Livestock Auction, Union City, Pennsylvania.	May 12, 1983.

Notice or other public procedure has not proceeded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register**. This notice shall become effective May 20, 1983.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 16th day of May, 1983.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 83-13578 Filed 5-19-83; 8:45 am]

BILLING CODE 3410-KD-M

Office of the Secretary

Small Business Innovation Research Program for Fiscal Year 1983; Solicitation of Applications

The Notice of Solicitation of Applications for the Small Business Innovation Research Program for Fiscal Year 1983 appearing in 48 FR 19286–19311, April 28, 1983, is amended to clarify that the submission of certain organizational and management information will not be counted as part of the 20-page limitation on proposals.

Accordingly, at the end of Section VI.N.2 (p. 19292) add a new sentence to read as follows:

The forms used to submit this information, with any necessary attachments, *are not considered part of the proposal and will not be counted as part of the 20-page limitation* on proposals referred to elsewhere in the Notice of Solicitation of Applications for the Small Business Innovation Research Program for Fiscal Year 1983.

Done at Washington, D.C., this 11th day of May, 1983.

Orville G. Bentley,

Assistant Secretary for Science and Education.

[FR Doc. 83-13577 Filed 5-19-83; 8:45 am]

BILLING CODE 3410-03-M

Soil Conservation Service

Buckfield School Critical Area Treatment RC&D Measure, Maine; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Buckfield School Critical Area Treatment RC&D Measure, Oxford County, Maine.

FOR FURTHER INFORMATION CONTACT: Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone 207–866–2132.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Billy R. Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for control of surface and subsurface water and vegetating a critically eroding area which is affecting the use of an athletic field. The planned works of improvement consists of installing a diversion and waterway underlain with a subsurface drainage system, fencing, steps, and seeding areas devoid of vegetation and disturbed by construction.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Billy R. Abercrombie.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 13, 1983.

Billy R. Abercrombie,

State Conservationist.

[FR Doc. 83-13447 Filed 5-19-83; 8:45 am]

BILLING CODE 3410-16-M

Flasher RC&D Measure, North Dakota; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Flasher Flood Prevention RC&D Measure, Morton County, North Dakota.

FOR FURTHER INFORMATION CONTACT: Mr. J. Michael Nethery, State Conservationist, Soil Conservation Service, P.O. Box 1458, Bismarck, North Dakota 58502, telephone (701) 255–4011, extension 421.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. J. Michael Nethery, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of a dike system to protect the City of Flasher from flooding. The planned works of improvement consist of approximately 2,060 lineal feet of dikes with 7.5 foot maximum height, 12 foot top width, 3 to 1 horizontal to vertical side slopes. The dikes will be located along the south and west sides of the city.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above

address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. J. Michael Nethery.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 11, 1983.

J. Michael Nethery,

State Conservationist.

[FR Doc. 83-13446 Filed 5-19-83; 8:45 am]

BILLING CODE 3410-16-M

Bickford Road Agricultural Land Drainage RC&D Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bickford Road Agricultural Land Drainage RC&D Measure, Lewis County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423-5521.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul A Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns agricultural land drainage to relieve wetness problems that are extensive enough to adversely affect the communities efficiency of land use, level of income, and quality of the environment. The planned works of improvement include modification of 2,625 feet of existing channel by clearing and deepening to a depth of approximately 4 to 5 feet, revegetation of 3.6 acres of disturbed areas, replacement of a culvert under Bickford Road, and installation of a rock chute to control erosion.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul A. Dodd.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resources Conservation and Development Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 4, 1983.

Paul A. Dodd,

State Conservationist.

[FR Doc. 83-13348 Filed 5-19-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket No. 41077]

American International Airways, Inc.; Fitness Investigation; Change of Time of Hearing

Notice is hereby given that the hearing in the above-entitled matter assigned to be held on May 24, 1983, at 10:00 a.m. (local time) is changed to 2:00 p.m. (local time), in Room 540, 2120 L Street, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., May 16, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-13672 Filed 5-19-83; 8:45 am]

BILLING CODE 6320-01-M

Application of ERA Helicopters, Inc., d.b.a. Livingston Copters and d.b.a. Jet Alaska for a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of show cause order proposing to find ERA Helicopters, Inc., d/b/a Livingston Copters and d/b/a Jet Alaska fit, willing and able to provide scheduled interstate and overseas air transportation.

DATE: Persons wishing to file requests for additional evidence or petitions to intervene in ERA Helicopter Fitness Investigation shall file their requests and petitions in Docket 41361 by May 31, 1983 and serve such filings on all persons listed below.

ADDRESSES: Requests for additional evidence and petitions to intervene should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 41361.

In addition, copies of such filings should be served on ERA Helicopters, Inc.; Alaska International Air; the Alaska Transportation Commission and the mayors and airport managers of Anchorage, Deadhorse, Nome and Valdez, Alaska.

Service will also be required on any other person filing petitions.

FOR FURTHER INFORMATION CONTACT: James F. Ransom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW. Washington, D.C. 20428, (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-5-72, is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-5-72 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 13, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-13673 Filed 5-19-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41329]

Interamerica Airlines Fitness Investigation; Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled matter will be held on June 1, 1983, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., May 17, 1983.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 83-13671 Filed 5-19-83; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Week ended May 13, 1983.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings; (See 14 CFR 302.1701 et seq.).

Date filed	Docket No.	Description
May 9, 1983	41467	Nelson Island Air Service, Inc., c/o Hank Myers, Myers & Company, P.O. Box 7341, Bellevue, Washington 98008. Application of Nelson Island Air Service, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail between the terminal point Bethel, the intermediate point Kasigluk, and the terminal point Tuluksak, Alaska. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 6, 1983.
May 13, 1983	41486	Marco Island Airways, Inc., c/o Harry A. Bowen, Bowen & Atkin, Suite 350, 2020 K Street, NW., Washington, D.C. 20006. Application of Marco Island Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate authorizing the application to engage in the scheduled air transportation of persons, property and mail between a point or points in the United States and a point or points in the Bahamas. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 10, 1983.
May 12, 1983	41477	United Air Carriers, Inc., d.b.a. National Airways Limited c/o Richard J. Kendall, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036. Application of United Air Carriers, Inc. d.b.a. National Airways Limited, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations for issuance or amendment of a certificate of public convenience and necessity for authority to engage in scheduled foreign air transportation with respect to persons, property, and mail, between the United States and points in the Azores, Portugal. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 9, 1983.
May 12, 1983	41479	Millon Air, Inc., c/o Harry A. Bowen, Bowen and Atkin, 2020 K Street, NW., Suite 350, Washington, D.C. 20006. Application of Millon Air, Inc. pursuant to Section 401(d)(3) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in foreign charter air transportation of property as follows: a. Between any point in any State of the United States, or the District of Columbia, or any territory or possession of the United States, and (1) Any point in Canada; (2) Any point in Mexico; (3) Any point in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, Turks and Caicos and any other foreign place in the Gulf of Mexico and the Caribbean Sea; and (4) Any point in Central or South America. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 9, 1983.
May 12, 1983	41464	Tradewinds Airways Limited, c/o Robert M. Beckman, Beckman & Farmer, Suite 235, 1001 Connecticut Avenue, NW., Washington, D.C. 20036. Application of Tradewinds Airways Limited pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment to its foreign air carrier permit authorizing it to engage in scheduled foreign air transportation between the United States and the United Kingdom. Answers may be filed by June 9, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-13865 Filed 5-19-83; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Massachusetts 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 Massachusetts Advisory Committee to the Commission will convene at 4:00p and will end at 6:00p, on June 29, 1983, at the U.S. Commission on Civil Rights, New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110. The purposes of this meeting are to review responses to the release of a report on implementation of the State civil rights law; review progress of a project on successful affirmative action; and plan distribution of employers' guide on sexual harassment.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, East Falmouth, Massachusetts 02536, (617) 548-5123; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 17, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-13700 Filed 5-19-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping Investigation; Preliminary Determination of Sales at Less Than Fair Value; Canned Mushrooms From the People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Determination of Sales at Less than Fair Value: Canned Mushrooms from the People's Republic of China.

SUMMARY: We have preliminarily determined that canned mushrooms from the People's Republic of China are being sold, or are likely to be sold, in the United States at less than fair value. Therefore, we have notified the United

States International Trade Commission (ITC) of our determination, and we have directed the United States Customs Service to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or the posting of a bond for each such entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by August 1, 1983.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Rick Herring, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-2613 or 377-3963.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that there is a reasonable basis to believe or suspect that canned mushrooms from the People's Republic of China (PRC) are being sold, or are likely to be sold, in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act).

For canned mushrooms sold by China National Cereals, Oils, and Foodstuffs Import and Export Corporation (CEROILS), the major exporter of the subject merchandise, we have found that the foreign market value exceeded the United States price on 97 percent of sales compared. These margins ranged from 2.17 percent to 55.26 percent. The weighted-average margin on all sales compared is 7.38 percent.

If this investigation proceeds normally, we will make a final determination by August 1, 1983.

Case History

On October 18, 1982, we received a petition from counsel for the Four "H" Company, filed on behalf of the United States industry producing canned mushrooms. The petition alleged that canned mushrooms from the People's Republic of China are being sold in the United States at less than fair value, and that such sales are materially injuring, or are threatening to materially injure, a United States industry. Counsel for Four "H" also alleged that "critical circumstances" exist, as defined in section 733(e) of the Act.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation.

We notified the ITC of our action and initiated this investigation on November 8, 1982 (47 FR 51604). The ITC informed the Department on December 2, 1982, that there is a reasonable indication that imports of canned mushrooms from the People's Republic of China are materially injuring, or are threatening to materially injure, a United States industry (47 FR 55336). Therefore, we proceeded with this investigation. On March 1, 1983, we determined this case to be "extraordinarily complicated," as defined in section 733(c) of the Act. Therefore, we extended the period for making a preliminary determination from March 28, 1983, until May 16, 1983 (48 FR 98997).

A Questionnaire was presented to counsel for CEROILS on January 5, 1983. The response of the company was received February 11, 1983. As discussed under the "Foreign Market Value" section of this notice, we determined that the PRC is a state-controlled-economy country for the purpose of this investigation. On May 3 and 4, 1983, we received pricing data from an Indonesian manufacturer of canned mushrooms who agreed to act as a surrogate for this investigation.

Scope of Investigation

The product covered by this investigation is canned mushrooms from the People's Republic of China. The term "canned mushrooms" covers mushrooms, prepared or preserved, other than frozen, which are currently classified under item number 144.20 of the *Tariff Schedules of the United States*.

Since CEROILS accounts for over 95 percent of exports of canned mushrooms from the People's Republic of China, we limited our investigation to them.

This investigation covers the period from May 1 through October 31, 1982.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent United States price because sales by CEROILS were made to unrelated purchasers prior to the importation of the merchandise into the United States. We based our fair value comparison on the 8 and 68 ounce size cans of mushrooms, which accounted for approximately 70 percent of all the PRC sales to the United States. We calculated purchase price based on the C&F or CIF price to the unrelated purchasers. Where appropriate, we made deductions for inland freight, ocean freight, marine insurance, and transshipment charges.

Foreign Market Value

In accordance with section 773 of the Act, we used the home market prices of a surrogate country to determine foreign market value. Petitioner alleged that the economy of the People's Republic of China is state-controlled to the extent that sales of the subject merchandise from that country do not permit a determination of foreign market value under 19 U.S.C. 1677b(a). After an analysis of the PRC's economy, and consideration of the briefs submitted by the parties, the Commerce Department concluded that the PRC is a state-controlled-economy country for purposes of this investigation. As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "non-state-controlled-economy" country. Our regulations established a preference for foreign market value based upon sales prices. They further stipulate that, to the extent possible, we should determine sales prices on the basis of prices in a "non-state-controlled-economy" country at a stage of economic development comparable to the country with the state-controlled economy.

After analyzing countries which produce canned mushrooms, we determined that Indonesia is at a comparable economic level as the PRC and is, therefore, an appropriate surrogate. We then secured the cooperation of an Indonesian producer of canned mushrooms.

Therefore, pursuant to section 773 of the Act, we based foreign market value on the home market price of Indonesian canned mushrooms. We used the delivered price of Indonesian canned mushrooms and where appropriate, we made deductions for inland freight. We also made an adjustment to the Indonesian home market price for a commission which was paid on sales to the United States by CEROILS.

Verification

We verified the information received from the Indonesian producer used in this preliminary determination. In accordance with section 776(a) of the Act, we will verify all data used in reaching a final determination in this investigation.

Negative Determination of Critical Circumstances

The petitioner asserts that "critical circumstances" exist with respect to imports of canned mushrooms from the PRC. To determine that critical circumstances exist, we must find that: (1) There is a history of dumping of canned mushrooms in the United States or elswhere, or the importer knew or should have known that the exporter was selling canned mushrooms at less than fair value, and (2) there have been massive imports of canned mushrooms over a relatively short period.

Petitioner does not allege a history of dumping, but states that importers should have known that canned mushrooms were being sold at less than fair value because they should have known that the Department would determine foreign market value based on the surrogate markets of either Taiwan or Korea. Neither the petitioner nor importers could have known that we would use Indonesia as our surrogate and which Indonesian sales (home market or export) we would use as foreign market value. Therefore, petitioner's information does not offer a reasonable basis to believe that importers knew, or should have known, that the PRC exporter was selling canned mushrooms in the United States at less than fair value. Consequently, we have concluded that critical circumstances do not exist. Accordingly, we will not suspend liquidations retroactively.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of canned mushrooms from the People's Republic of China subject to this investigation which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. This suspension of liquidation will remain in effect until further notice. The weighted-average margin for canned mushrooms from the PRC is 7.38 percent.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on June 16, 1983, at the United States Department of Commerce, Room B841, 14th Street and Construction Avenue NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by June 9, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

May 16, 1983.

[FR Doc. 83-13651 Filed 5-19-83; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Determination of Sales at Less Than Fair Value; Greige Polyester/Cotton Printcloth From the People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Amendment to the Notice of Preliminary Determination of Sales at Less than Fair Value.

SUMMARY: On March 9, 1983, we published a Notice of Preliminary Determination of Sales at Less than Fair Value with respect to greige polyster/cotton printcloth from the People's Republic of China (48 FR 9898). That notice is hereby amended as follows: (1) In the section entitled "Preliminary Determination," the last two sentences of the second paragraph are amended as follows: "These margins ranged from 18.8 percent to 29.4 percent. The weighted-average margin on all sales compared is 21.8 percent."; (2) In the section entitled "Foreign Market Value," the fifth paragraph is deleted in its entirety; and, (3) In the section entitled "Suspension of Investigation," the last sentence is amended as follows: "The weighted average margin for greige polyster/cotton printcloth is 21.8 percent."

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 377-2613.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

May 11, 1983.

[FR Doc. 83-13652 Filed 5-19-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

[Docket No. 30407-52]

Transport Protocol; Proposed Federal Information Processing Standard

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards.

A notice published in the **Federal Register** on March 3, 1981 (46 FR 14913) announced the availability of a preliminary draft Specification of the Transport Protocol for informal technical review. That review has been completed and a revised Specification of the Transport Protocol has been prepared. The purpose of this notice is to announce a proposed Federal Information Processing Standard, Transport Protocol.

Prior to submission of this proposed standard to the Secretary for approval as a Federal Information Processing Standard, it is essential to assure that proper consideration is given to the needs and views of the public, State and local governments, and manufacturers. It is appropriate at this time to solicit such views.

The proposed Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning

the applicability and implementation of the standard, and (2) a specification section which defines the technical parameters of the standard. Only the announcement section is provided in this notice.

Interested parties may obtain a copy of the specification section of this proposed standard from the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, ATTN: Transport, Washington, D.C. 20234.

Written comments on this proposed standard should be submitted to the Director, Institute for Computer Sciences and Technology, at the above address. Comments to be considered must be received on or before August 18, 1983.

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6622, Main Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230. Persons desiring more information about this proposed standard may contact Dr. John F. Heafner, Chief, Systems and Network Architecture Division, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921-3537.

Dated: May 17, 1983.

Ernest Ambler,

Director.

Federal Information

Processing Standards Publication——

(Date)

Announcing the Standard for

Transport Protocol

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Transport Protocol (FIPS PUB ——).

Category of Standard. Software and Hardware Standard; Subcategory: Computer Network Protocols.

Explanation. This standard provides for reliable, transparent transfer of data between two heterogeneous or homogeneous computer systems. This is one of a family of computer network protocol standards which will make possible computer to computer communication. This standard is based on an international consensus. In particular it is compatible with the International Organization for Standardization (ISO) document ISO/TC97/SC 16 N1169, class 2 and class 4. In order to ensure uniform implementations for the purpose of interoperability, this standard contains a formal description based on the ISO class 2 and class 4 transport protocols.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards, Institute for Computer Sciences and Technology.

Cross Index. Not Applicable.

Related Documents. None.

Applicability. This transport protocol standard is made available to Federal departments and agencies which require compatibility with voluntary industry standards, which are evolving nationally and internationally according to the architecture of the ISO Reference Model for Open Systems Interconnection document ISO/TC97/SC 16 N890 (ISO/DP7498).

Specifications. Federal Information Processing Standards (FIPS), Transport Protocol affixed).

Qualifications. The specification section of this standard contains six volumes with the following tites:

1. Specification of the Transport Protocol
   Volume 1: Overview and Services
2. Specification of the Transport Protocol
   Volume 2: Class Two Protocol
3. Specification of the Transport Protocol
   Volume 3: Class Four Protocol
4. Specification of the Transport Protocol
   Volume 4: Service Specifications
5. Specification of the Transport Protocol
   Volume 5: Guidance for the Implementor
6. Specification of the Transport Protocol
   Volume 6: Guidance for Implementation Selection

Compliance with this standard requires use of the class 2 specification in volume 2 or the class 4 specification in volume 3 or both specifications. The remaining volumes are supporting documentation containing guidance for the development and use of this standard.

Implementation Schedule. This standard becomes effective upon publication in the **Federal Register** of an announcement by the National Bureau of Standards of approval by the Secretary of Commerce. Use by Federal agencies is encouraged when such use contributes to operational benefits, efficiency, or economy.

Where to Obtain Copies. Either paper or microfiche copies of this Federal Information Processing Standard, including technical specifications, may be purchased from the National Technical Information Service (NTIS) by ordering Federal Information Processing Standard Publication (FIPS-PUB——), Transport Protocol. Ordering information, including prices and delivery alternatives, may be obtained by contacting the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, Virginia 22161.

[FR Doc. 83-13868 Filed 5-19-83; 8:45 am]

BILLING CODE 3510-CN-M

National Voluntary Laboratory Accreditation Program; Preliminary Finding of Need To Accredit Laboratories That Test Government Procured Commercial Items

AGENCY: National Bureau of Standards, Commerce.

ACTION: Request for comments on a preliminary finding of need to accredit laboratories that test government procured commercial items.

SUMMARY: Under the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Part 7a) this notice announces the National Bureau of Standards' preliminary finding of need to accredit testing laboraties that test government procured commercial items (paper, paint and mattresses). The initial set of test methods proposed by the requestor, the International Coalition for Procurement Standards (ICPS), Tallahassee, Florida, for inclusion in this laboratory accreditation program (LAP) is shown in the Appendix. This notice sets out the basis for the preliminary finding of need, including how accreditation of laboratories that test government procured commercial items would benefit the public interest. Comments are invited.

DATES: Written comments are due on or before July 19, 1983. A request for an informal hearing may be made before June 6, 1983.

FOR FURTHER INFORMATION CONTACT: John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, DC 20234; (301) 921-3431.

SUPPLEMENTARY INFORMATION:

Background

The International Coalition for Procurement Standards (ICPS) in a letter dated March 18, 1983, to the National Bureau of Standards (NBS) requested, under the NVLAP procedures (15 CFR Part 7a), the establishment of a laboratory accreditation program for government procured commercial products (paper, paint and mattresses).

The request provides the basic information required by the NVLAP procedures to establish a preliminary finding of need for a LAP for testing laboratories that test government procured commercial items (paper, paint and mattresses).

Request for Comments

Interested persons desiring to comment on the preliminary finding of need are invited to submit their comments in writing on or before July 19, 1983, to the Director, Office of Product Standards Policy, National Bureau of Standards, TECH B154, Washington, DC 20234.

Any person desiring to express his or her views in an informal public hearing relative to this preliminary finding of need must do so by communicating that desire in writing on or before June 6, 1983, to the Director, Office of Product Standards Policy. Upon receipt of such a request, an informal public hearing(s) may be held to give interested persons an opportunity orally to present data, views, or arguments in addition to the opportunity to make written submissions. If deemed appropriate, hearings may be held at two locations, one of which will be east of and the other west of the Mississippi River. Notice of any hearings will be published in the **Federal Register** at least 20 days in advance thereof. A transcript will be made of any oral presentation.

Comments are invited particularly to determine whether there is a need to establish a LAP for accrediting laboratories that test "government procured commercial items". The specific standards and test methods identified by the requester are initially proposed for inclusion in the LAP. As a result of comments in response to this preliminary finding of need, additional standards and test methods related to the testing of government procured commercial items could be included.

Procedure Following Receipt of Comments

Upon receipt of written and oral comments and any testimony, a thorough evaluation of the comments and testimony will be undertaken. Upon completion of that evaluation, a notice will be published in the **Federal Register** announcing a final finding of need to accredit testing laboratories which test government procured commercial items, or announcing withdrawal of the preliminary finding of need. That notice will set out the basis for a final finding of need or for the withdrawal of the preliminary finding of need.

Documents in Public Record

The documents mentioned or otherwise referenced in this notice are part of the public record and are available for inspection and copying in the Department of Commerce Central Reference and Records Inspection Facility (CRRIF), Room 6622, Main Commerce Building, Washington, D.C. 20230.

All written and oral comments and testimony in response to this notice will be made part of the public record and will be available for inspection and copying at CRRIF.

Dated: May 17, 1983.

Ernest Ambler,

National Bureau of Standards.

Preliminary Finding of Need

The request of the International Coalition for Procurement Standards that NBS find that there is no need to accredit testing laboratories that test government procured commercial items (paper, paint and mattresses) has been carefully considered. The analysis of that request is contained in the report entitled "MVLAP Summary and Analysis Report of Request for a Laboratory Accreditation Program for Testing Government Procured Commercial Items". Each heading which follows is keyed to the specific actions of the NVLAP procedures relative to making a preliminary finding of need.

Identification of the Product (§ 7a.4(b)(1))

The requestor identified the product as government procured commercial items (paper, paint and mattresses).

Applicable Standards and Test Methods § 7a.4(b) (2) and (3))

The requestor identified 43 applicable test methods and standards for paper, 121 test methods for paint and the Consumer Product Safety Commission (CPSC) flammability standard for mattresses (see Appendix).

Section 7a.4(i) of the NVLAP procedures allows standards and test methods to be added to an evolving or established LAP if the additional standards and test methods fall within the scope of the LAP. At some future date, or even as a result of comments in response to this preliminary finding of need, additional standards/test methods directly related to testing of government procured commercial items could be included.

Basis of Need (§ 7a.4(b)(4))

The requestor included in his request information pertinent to the five items set out in § 7a.5 of the NVLP procedures. The five items are: (1) Benefit to the public; (2) national need to accredit testing laboratories that test government procured commercial items; (3) existence of important test methods or standards; (4) existence of a valid testing methology; and (5) the feasibility and practicability of accrediting testing laboratories. This information is incorporated in the discussion under the section of this notice entitled *"Basis for Preliminary Finding of Need for Accrediting Laboratories That Test Government Procured Commercial Items (§ 7a.5)"*.

Number of Laboratories and Users (§ 7a.4(b)(4)(i)(ii))

The requestor did not directly estimate the number of testing laboratories which are presently engaged in the testing of various products covered by the test methods proposed. There are nationally in excess of 800 laboratories which test paints and protective coatings, according to the Directory of the American Society for Testing and Materials, and the Technical Association of the Pulp and Paper Industry estimates that there are more than 1,000 paper testing laboratories all of which could potentially seek accreditation.

Basis for Preliminary Finding of Need for Accrediting Laboratories That Test Government Procured Commercial Items (§ 7a.5)

The basis for this preliminary finding of need, keyed to the information items listed in § 7a.5 of the NVLAP procedures, is as follows:

(1) *Whether an amendment to these procedures to modify the existing general or specific criteria referenced in § 7a.19 to establish additional general or specific criteria, or to establish other conditions for accrediting testing laboratories would benefit the public interest (§ 7a.5(a))*. The requestor indicated that the criteria and other requirements for accrediting laboratories would benefit the public interest since:

(a) Vendors could be given the latitude to select any one of the accredited laboratories to comply with the specified testing requirements rather

than dealing with one designated laboratory.

(b) Government purchasing authorities would not have to expend extra resources (thus saving taxpayers' dollars) for in-house testing or contract testing if reliable sources of test data were identified by the LAP.

(c) Testing could remain in the private sector rather than be taken over by government testing facilities.

(2) *Whether there is a national need to accredit testing laboratories that test government procured commercial items beyond that served by any existing laboratory accreditation programs in the public and private sector (§ 7a.5(b)).* There are currently no other existing laboratory accreditation programs for government procured commercial items.

(3) *Whether for government procured commercial item testing, there is in existence a standard important to commerce, consumer well-being, or public health and safety (§ 7a.5(c)).* The requestor stated that the standards identified in the appendix are important in many respects to commerce, consumer well-being, and to the public health and safety.

(a) Conformance with paint standards ensures that paint meets desirable levels of quality and durability, this reducing the frequency and cost of repainting.

(b) Paper is available in different qualities. The requestor indicated that purchasers have historically had problems verifying that the specified grade of paper is supplied. Reliable testing would assure proper grading and would save expenditures for higher quality paper than is needed.

(c) The construction and testing requirements embodied in the U.S. Consumer Product Safety Commission standard for mattress flammability are of vital importance to the public health and safety.

(4) *Whether there is in existence a valid testing methodology (§ 7a.5(d)).* The requestor listed 43 test methods and standards for paper, 121 test methods for paint, and the Consumer Product Safety Commission standard for mattress flammability (see Appendix) that should be initially included in this proposed LAP. These test methods appear to be satisfactory for use in a laboratory accreditation program.

(5) *Whether it is feasible and practical to accredit testing laboratories that test government procured commercial items (§ 7a.5(e)).* NBS believes that the characteristic of the test methods listed in the Appendix would make a government procured commercial item LAP at least as feasible and practical as other LAPs now under NVLAP.

Preliminary Finding of Need

The request to find that there is a need to accredit testing laboratories that test government procured commercial items has been carefully examined. Based on that examination, which is described above, it is preliminarily found that a need exists to accredit testing laboratories that test government procured commercial items. It is proposed that if a final finding of need is determined, this LAP initially would include the test methods listed in the Appendix, as annotated. Other standards/test methods would be added in the future, as requested, if they meet the requirements of the NVLAP procedures.

APPENDIX.—LIST OF APPLICABLE STANDARDS

Designation	Short title
	Paper
ASTM D774-71	Standard Test Method for Bursting Strength of Paper.
ASTM D689-79	Standard Test Method for Internal Tearing Resistance of Paper.
ASTM D828-71	Standard Test Method for Tensile Breaking Strength of Paper and Paperboard.
TAPPI T494 OS70	Tensile Breaking Properties of Paper and Paperboard (Tensile Energy Absorption).
ASTM D2176-69	Standard Test Method for Folding Endurance of Paper by the M.I.T. Tester.
TAPPI T489 OS76	Stiffness of Paperboard.
ASTM D2428-76	Standard Test Method for Wax Pick Test for Surface Strength of Paper.
TAPPI T809 OS71	Flat Crush of Concave Medium.
TAPPI T818 OS71	Ring Crush of Paperboard.
ASTM D726-71	Standard Test Method for Resistance of Paper to Passage of Air.
TAPPI UM 518	Smoothness of Paper (Sheffield).
ASTM D644-76	Standard Test Method for Moisture in Paper.
TAPPI T425 OS75	Opacity of Paper.
TAPPI T452 OS77	Brightness of Pulp, Paper and Paperboard (Directional Reflectance of 457 nm).
TAPPI T480 OS78	Specular Gloss at 75 Degrees.
ASTM D645	Standard Test Method for Thickness of Paper and Paperboard.
TAPPI T410	Weight Per Unit Area (Basis Weight or Substance) of Paper and Paperboard.
ASTM D778	Standard Test Method for Hydrogen Ion Concentration (pH) of Paper Extracts—Hot Extraction Method.
ASTM D3460	Standard Specification for White Watermarked Bond and Unwatermarked Bond; Mimeograph, Duplicator and Xerographic Cut-sized Office Papers.
ASTM D3905	Standard Specification for Toilet Tissue, Industrial.
ASTM D3290	Standard Specification for Bond and Ledger Papers for Permanent Records.
ASTM D3208	Standard Specification for Manifold Papers for Permanent Records.
TAPPI T-403	Burst (MULLEN).
TAPPI T-470	Tear (internal tear resistence).
TAPPI T-UM-538	Smoothness (SHEFFIELD).
TAPPI T-411	Fold (MIT).
CFR Title 49	Transportation, Chapter 1—Research and Special Programs Administration, Subchapter C—Hazardous Materials Regulations, Part 178—Shipping Container Specifications, Subparts A-K.
	National Motor Freight Classification Rules, i.e., 41.
	Uniform Freight Classification Rules, i.e., Item 222.
ASTM D642	Compression Test for Shipping Containers.
ASTM D1310	Standard Test Method for Flash Point of Liquids by Tag Open Cup Apparatus.
ASTM D3330	Standard Test Method for Peel Adhesion of Pressure-Sensitive Tape at 180-degree Angle.
ASTM D3654	Standard Test Method for Holding Power Slippage.
ASTM D2016	Standard Test Method for Moisture Content of Wood.
ASTM D3602	Standard Test Method for Burst.
ASTM D3715	Standard Test Method for Referee Test Sampling.
ASTM D3759	Standard Test Method for Tensile Strength.
ASTM D3811	Standard Test Method for Unwind Force.
ASTM D3815	Standard Test Method for Accelerated Aging.
ASTM D3652	Standard Test Method for Thickness.
ASTM D895	Standard Test Method for Water Vapor Permeability or Transmission.
ASTM D1008	Standard Test Method for Water Vapor Permeability or Transmission.
ASTM E122	Choice of Sample Size to Estimate the Average Quality of a Lot or Process.
ASTM E691	Standard Practice for Conducting an Inter-Laboratory Test Program to Determine the Precision of Test Methods.

APPENDIX.—LIST OF APPLICABLE STANDARDS—Continued

Designation	Short title
FED STD 101, Method 4035	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Water Absorption by Cushioning Materials.
FED STD 101, Method 4047	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Accelerated Aging Tapes.
FED STD 101, Method 5001	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Assembly and Disassembly Test of Container.
FED STD 101, Method 5005.1	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Cornerwise Drop Test.
FED STD 101, Method 5007.1	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Drop Test.
FED STD 101, Method 5008.1	Federal Test Method Standard for Preservation Packaging, and Packing Materials; Edgewise Drop Test.
FED STD 101, Method 5009.2	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Leaks in Containers.
FED STD 101, Method 5011.1	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Mechanical Handling Test.
FED STD 101, Method 5012	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Pendulum Impact Test.
FED STD 101, Method 5013	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Revolving Hexagonal Drum Test.
FED STD 101, Method 5014	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Rollover Test.
FED STD 101, Method 5015	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Shipping Test.
FED STD 101, Method 5016.1	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Superimposed Load Test.
FED STD 101, Method 5017	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Superimposed Load Test.
FED STD 101, Method 5018	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Tip Over Test.
FED STD 101, Method 5019.1	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Vibration Test or 5020.1.
FED STD 101, Method 5023	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Incline Impact Test.
FED STD 101, Method 5024	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Moisture Content of Paperboard.
FED STD 101, Method 5226	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Penetration of Packaging Materials by Water.
FED STD 101, Method 5227	Federal Test Method Standard for Preservation, Packaging, and Packing Materials; Penetration of Water Repellant Wood Preservative.
FED STD 147	Tapes, Packaging, Adhesive and Gummed, Method of Inspection, Sampling, and Testing.
	Paint and Related Coatings and Materials
	Paint
ASTM D3927	Standard Specification for Evaluating Architectural Paints for Purchase by State/Local Governments.
ASTM D562-82	Standard Test Method for Consistency of Paints Using the Stormer Viscometer.
ASTM D523-82	Standard Test Method for Specular Gloss.
ASTM D344-82	Standard Test Method for Standard Dry Hiding Power of Paints.
ASTM D1210-82	Standard Test Method for Fineness of Dispersion of Pigment Vehicle Systems.
ASTM D2486-82	Standard Test Method for Scrub Resistance of Interior Latex Flat Wall Paints.
FED STD 141, Method 4494	Federal Test Method Standard for Paint, Varnish, Lacquer, and Related Materials; Sag Test (Multinotch Blade).
FED STD 141, Method 4061	Federal Test Method Standard for Paint, Varnish, Lacquer, and Related Materials; Drying Time.
ASTM DB117-73 (1979)	Salt Spray (Fog) Testing.
ASTM D34-73 (1973)	Chemical Analysis of White Pigments.
ASTM D56-79	Standard Test Method for Flash Point by Tag Closed Tester.
ASTM D93-80	Standard Test Method for Flash Point by Pensky-Marten Closed Tester.
ASTM D95-70 (1980)	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
ASTM D153-54 (1981)	Tests for Specific Gravity of Pigments.
ASTM D185-78	Standard Test Method for Coarse Particles in Pigments, Pastes, and Paints.
ASTM D279-73 (1979)	Standard Test Method for Bleeding of Pigments.
ASTM D281-31 (1980)	Standard Test Method for Oil Absorption of Pigments by Spatula Rub-Out.
ASTM D332-80	Standard Test Method for Tinting Strength of White Pigments.
ASTM D387-81	Standard Test Method for Color and Strength of Color Pigments with a Mechanical Muller.
ASTM D521-81	Standard Method of Chemical Analysis of Zinc Dust (Metallic Zinc Powder).
ASTM D523-80	Standard Test Method for Specular Gloss.
ASTM D562-81	Standard Test Method for Consistency of Paints Using the Stormer Viscometer.
ASTM D563-80	Standard Test Method for Phthalic Anhydride Content of Alkyd Resins and Resin Solutions.
ASTM D609-73 (1980)	Preparation of Steel Panels for Testing Paint, Varnish, Lacquer and Related Products.
ASTM D610-68 (1981)	Standard Method of Evaluating Degree of Rusting on Painted Steel Surfaces.
ASTM D611-77	Standard Test Method for Aniline Point and Mixed Aniline Point of Petroleum Products and Hydrocarbon Solvents.
ASTM D659-80	Standard Method of Evaluating Degree of Chalking of Exterior Paints.
ASTM D660-44 (1981)	Standard Method of Evaluating Degree of Checking of Exterior Paints.
ASTM D661-44 (1981)	Standard Method of Evaluating Degree of Cracking of Exterior Paints.
ASTM D662-44 (1981)	Standard Method of Evaluating Degree of Erosion of Exterior Paints.
ASTM D711-75	Standard Test Method for No-Pick-Up Time of Traffic Paint.
ASTM D714-56 (1981)	Standard Method of Evaluating Degree of Blistering of Paints.
ASTM D772-47 (1981)	Standard Method of Evaluating Degree of Flaking (Scaling) of Exterior Paints.
ASTM D821-47 (1974)	Standard Method of Evaluating Degree of Abrasion, Erosion, or a Combination of Both, in Road Service Tests of Traffic Paint.
ASTM D822-80 (1981)	Standard Practice for Operating Light- and Water-Exposure Apparatus (Carbon-Arc Type) for Testing Paint, Varnish, Lacquer, and Related Products.
ASTM D823-53 (1970)	Producing Films of Uniform Thickness of Paint, Varnish, Lacquer and Related Products on Test Panels.
ASTM D868-48 (1981)	Standard Method of Evaluating Degree of Bleeding of Traffic Paint.
ASTM D869-78	Standard Method of Evaluating Degree of Settling of Traffic Paint.
ASTM D870-54 (1980)	Water Immersion Test of Organic Coatings on Steel.
ASTM D913-51 (1981)	Standard Method of Evaluating Degree of Chipping of Traffic Paint.
ASTM D968-81	Standard Test Method for Abrasion Resistance of Organic Coatings by the Falling Abrasive Tester.
ASTM D969-54 (1981)	Laboratory Test for Degree of Bleeding of Traffic Paint.
ASTM D1005-51 (1979)	Standard Method for Measurement of Dry Film Thickness of Organic Coatings.
ASTM D1006-73 (1981)	Standard Practice for Conducting Exterior Exposure Tests of Paint and Wood.
ASTM D1014-66 (1973)	Standard Method of Conducting Exterior Exposure Tests of Paints on Steel.
ASTM D1078-78	Standard Test Method for Distillation Range of Volatile Organic Liquids.
ASTM D1133-76	Standard Test Method for Kauri-Butanol Value of Hydrocarbon Solvents.
ASTM D1158-52 (1974)	Standard Test Method for Total Chlorine in Poly(Vinyl Chloride) Polymers and Copolymers Used for Surface Coatings.
ASTM D1186-81	Nondestructive Measurement of Dry Film Thickness of Nonmagnetic Coatings Applied to a Ferrous Base.
ASTM D1200-70 (1976)	Standard Test Method for Viscosity of Paints, Varnishes, and Lacquers by Ford Viscosity Cup.
ASTM D1208-78	Tests for Common Properties of Certain Pigments.
ASTM D1210-79	Standard Test Method for Fineness of Dispersion of Pegment-Vehicle System.
ASTM D1212-79	Measurement of Wet Film Thickness of Organic Coatings.
ASTM D1259-61 (1980)	Standard Test Method for Nonvolatile Content of Resin Solutions.
ASTM D1296-79	Standard Test Method for Odor of Volatile Solvents and Diluents.
ASTM D1306-80	Standard Test Method for Phthalic Anhydride Content of Alkyd Resins and Esters Containing Other Dibasic Acids (Gravimetric).
ASTM D1308-79 (1981)	Standard Test Method for Effect of Household Chemicals on Clear and Pigmented Organic Finishes.
ASTM D1309-56 (1975)	Standard Test Method for Settling Properties of Traffic Paints During Storage.
ASTM D1310-80	Standard Test Method for Flash Point of Liquids by Tag Open-Cup Apparatus.
ASTM D1353-78	Standard Test Method for Nonvolatile Matter in Volatile Solvents for Use in Paints, Varnish, Lacquer and Related Products.
ASTM D1360-79	Standard Test Method for Fire Retardancy of Paints (Cabinet Method).
ASTM D1364-78	Standard Test Method for Water in Volatile Solvents (Fischer Reagent Titration Method).
ASTM D1394-76 (1981)	Chemical Analysis of White Titanium Pigments.
ASTM D1379-80	Standard Test Method for Unsaponifiable Matter in Alkyd Resins and Resin Solutions.
ASTM D1398-77	Standard Test Method for Fatty Acid Content of Alkyd Resins and Alkyd Resin Solutions.
ASTM D1399-81	Standard Test Method for Unsaponifiable Content of Tricresyl Phosphate.

APPENDIX.—LIST OF APPLICABLE STANDARDS—Continued

Designation	Short title
ASTM D1469-73 (1981)	Standard Test Method for Total Rosin Acids Content of Coating Vehicles.
ASTM D1537-60 (1979)	Standard Specifications for Distilled Soybean Fatty Acids.
ASTM D1541-60 (1979)	Standard Test Method for Total Iodine Value of Drying Oils and Their Derivatives.
ASTM D1543-63 (1981)	Standard Test Method for Color Permanence of White Architectural Enamels.
ASTM D1544-80	Standard Test Method for Color of Transparent Liquids (Gardner Color Scale).
ASTM D1613-81	Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products.
ASTM D1639-70 (1981)	Standard Test Method for Acid Value of Organic Coating Materials.
ASTM D1640-69 (1974)	Standard Test Method for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature.
ASTM D1644-75 (1981)	Standard Test Method for Nonvolatile Content of Varnishes.
ASTM D1652-73 (1980)	Standard Test Method for Epoxy Content of Epoxy Resins.
ASTM D1654-79a	Standard Method of Evaluation of Painted or Coated Specimens Subjected to Corrosive Environments.
ASTM D1729-69 (1974)	Standard Method of Visual Evaluation of Color Differences of Opaque Materials.
ASTM D1730-67 (1973)	Standard Practices for Preparation of Aluminum and Aluminum-Alloy Surfaces for Painting.
ASTM D1734-63 (1980)	Standard Method of Making and Preparing Concrete and Masonry Panels for Testing Paint Finishes.
ASTM D1737-62 (1979)	Standard Test Method for Elongation of Attached Organic Coatings with Cylindrical Mandrel Apparatus.
ASTM D2075-66 (1981)	Standard Test Method for Iodine Value of Fatty Amines, Amidoamines, and Diamines.
ASTM D2076-64 (1981)	Standard Test Methods for Acid Value and Amine Value of Fatty Quaternary Ammonium Chlorides.
ASTM D2197-68 (1979)	Standard Test Method for Adhesion of Organic Coatings.
ASTM D2243-68 (1974)	Standard Test Method for Freeze-Thaw Resistance of Latex and Emulsion Paints.
ASTM D2244-79	Standard Method of Instrumental Evaluation of Color Differences of Opaque Materials.
ASTM D2247-68 (1980)	Standard Method of Testing Coated Metal Specimens at 100% Relative Humidity.
ASTM D2248-73	Standard Practice for Detergent Resistance of Organic Finishes.
ASTM D2366-68 (1980)	Accelerated Testing of Moisture Blister Resistance of Exterior House Paints on Wood.
ASTM D2371-73 (1979)	Standard Test Method for Pigment Content of Solvent-Type Paints.
ASTM D2372-73 (1979)	Separation of Vehicle from Solvent-Type Paints.
ASTM D2486-79	Standard Test Method for Scrub Resistance of Interior Latex Flat Wall Paints.
ASTM D2698-73 (1979)	Standard Method for Determination of Pigment Content of Solvent-Type Paints by High-Speed Centrifuging.
ASTM D2801-69 (1981)	Standard Test Method for Leveling Characteristics of Paints by Draw-Down Method.
ASTM D2805-80	Standard Test Method for Hiding Power of Paints.
ASTM D2832-69 (1980)	Standard Practices for Determining Nonvolatile Content of Paint and Paint Materials.
ASTM D3271-76 (1981)	Standard Method of Direct Injection of Solvent-Base Paints into a Gas Chromatograph for Solvent Analysis.
ASTM D3272-76 (1981)	Standard Method of Vacuum Distillation of Solvents from Solvent-Base Paints for Analysis.
ASTM D3273-76	Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber.
ASTM D3274-76	Standard Method of Evaluating Degree of Surface Disfigurement of Paint Films by Fungal Growth or Soil and Dirt Accumulation.
ASTM D3278-78	Standard Test Method for Flash Point of Liquids by Setaflash Closed Tester.
ASTM D3335-78	Standard Test Method for Low Concentrations of Lead, Cadmium, and Cobalt in Paint by Atomic Absorption Spectroscopy.
ASTM D3361-81	Standard Practice for Operating Light- and Water-Exposure Apparatus (Unfiltered Carbon-Arc Type) for Testing Paint, Varnish, Lacquer, and Related Products Using the Dew Cycle.
ASTM D3363-74 (1980)	Film Hardness by Pencil Test.
ASTM D3450-80	Standard Test Method for Washability Properties of Interior Architectural Coatings.
ASTM D3456-75 (1981)	Standard Practice for Determining by Exterior Exposure Tests the Susceptibility of Paint Films to Microbiological Attack.
ASTM D3623-78	Testing Antifouling Panels in Shallow Submergence.
ASTM D3624-78	Standard Test Method for Low Concentrations of Mercury in Paint by Atomic Absorption Spectroscopy.
ASTM D3792-79	Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection Into a Gas Chromatograph.
ASTM D3924-80	Standard Specification for Environment For Conditioning and Testing Paint, Varnish, Lacquer and Related Materials.
ASTM D4017-81	Standard Test Method for Water in Paints and Paint Materials by Karl Fischer Method.
ASTM D4060-81	Standard Test Method for Abrasion Resistance of Organic Coatings by the Taber Abraser.
ASTM D4062-81	Standard Test Method for Leveling of Paints by Draw-Down Method.
ASTM E97-77	Standard Test Method for 45-deg, 0-deg Directional Reflectance Factor of Opaque Specimens by Broad-Band Filter Reflectometry.
ASTM E308-66 (1981)	Standard Pactice for Spectrophotometry and Description of Color in CIE 1931 System.
ASTM E313-73 (1979)	Standard Test Method for Indexes of Whiteness and Yellowness of Near-White Opaque Materials.
ASTM E430-78	Measurement of Gloss and High-Gloss Surfaces by Goniophotometry.
ASTM G23-81	Standard Practice to Operating Light- and Water-Exposure Apparatus (Carbon-Arc Type) for Exposure of Nonmetallic Materials.
ASTM G26-77	Standard Practice for Operating Light-Exposure Apparatus (Xenon-Arc Type) With and Without Water for Exposure of Nonmetallic Materials.
ASTM G53-77	Standard Practice for Operating Light- and Water-Exposure Apparatus (Fluorescent UV-Condensation Type) for Exposure of Nonmetallic Material.
ASTM D3009-72 (1981)	Standard Test Method for Composition of Turpentine by Gas Chromatography.
Mattresses	
16 CFR Part 1632	Standard for the Flammability of Mattresses (and Mattress Pads) (FF-4-72).

[FR Doc. 83-13602 Filed 5-19-83; 8:45 am]

BILLING CODE 3510-13-M

National Voluntary Laboratory Accreditation Program; Preliminary Finding of Need To Accredit Laboratories That Test Microforms

AGENCY: National Bureau of Standards, Commerce.

ACTION: Request for comments on a preliminary finding of need to accredit laboratories that test microforms (microfilm, microfiche, aperture cards).

SUMMARY: Under the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Part 7a) this notice announces the National Bureau of Standards' preliminary finding of need to accredit testing laboratories that test microforms (microfilm, microfiche, aperture cards). The initial set of standards and test methods proposed by the requestor, the National Micrographics Association, Silver Spring, Maryland, for inclusion in this laboratory accreditation program (LAP) is shown in the Appendix. This notice sets out the basis for the preliminary finding of need, including how accreditation of laboratories that test microforms would benefit the public interest. Comments are invited.

DATES: Written comments are due on or before July 19, 1983. A request for an informal hearing may be made before June 6, 1983.

FOR FURTHER INFORMATION CONTACT: John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, DC 20234; (301) 921-3431.

SUPPLEMENTARY INFORMATION:

Background

The National Micrographics Association (NMA) in a letter dated March 22, 1983, to the National Bureau of Standards (NBS) requested, under the NVLAP procedures (15 CFR Part 7a), that NMA and NBS work together to establish an accreditation program for

laboratories that test microforms (microfilms, microfiche, aperture cards). Section 7a.4(b) of the NVLAP procedures sets out the requirements to be met by those persons who seek to have NBS find that there is a need to accredit testing laboratories which provide specific testing services.

This request provides the basic information required by the NVLAP procedures to establish a preliminary finding of need for a LAP for laboratories that test microforms.

Request for Comments

Interested persons desiring to comment on the preliminary finding of need are invited to submit their comments in writing on or before July 19, 1983, to the Director, Office of Product Standards Policy, National Bureau of Standards, TECH B154, Washington, DC 20234.

Any person desiring to express his or her views in an informal public hearing relative to this preliminary finding of need must do so by communicating that desire in writing on or before June 6, 1983, to the Director, Office of Product Standards Policy. Upon receipt of such a request, an informal public hearing(s) may be held to give interested persons an opportunity orally to present data, views, or arguments in addition to the opportunity to make written submissions. If deemed appropriate, hearings may be held at two locations, one of which will be east of and the other west of the Mississippi River. Notice of any hearings will be published in the **Federal Register** at least 20 days in advance thereof. A transcript will be made of any oral presentation.

Comments are invited particularly to determine whether there is a need to establish a LAP for laboratories that test microforms. The specific standards and test methods identified by the requestor are initially proposed for inclusion in the LAP (see Appendix). As a result of comments in response to this preliminary finding of need, additional standards and test methods related to the testing of microforms could be included.

Procedure Following Receipt of Comments

Upon receipt of all written and oral comments and any testimony, a thorough evaluation of the comments and testimony will be undertaken. Upon completion of that evaluation, a notice will be published in the **Federal Register** announcing a final finding of need to accredit testing laboratories which test microforms, or announcing withdrawal of the preliminary finding of need. That notice will set out the basis for a final finding of need or for the withdrawal of the preliminary finding of need.

Documents in Public Record

The documents mentioned or otherwise referenced in this notice are part of the public record and are available for inspection and copying in the Department of Commerce Central Reference and Records Inspection Facility (CRRIF), Room 6622, Main Commerce Building, Washington, D.C. 20230.

All written and oral comments and testimony in response to this notice will be made part of the public record and will be available for inspection and copying at CRRIF.

Dated: May 16, 1983.

Earnest Ambler,

Director, National Bureau of Standards.

Preliminary Finding of Need

The request of the National Micrographics Association that NBS find that there is a need to accredit testing laboratories that test microforms (microfilm, microfiche, aperture cards) has been carefully considered. The analysis of that request is contained in the report entitled "NVLAP Summary and Analysis Report of Request for a Laboratory Accreditation Program for Testing Microforms". Each heading which follows is keyed to the specific actions of the NVLAP procedures relative to making a preliminary finding of need.

Identification of the Product (Section 7a.4(b)(1))

The requestor identified the product as microforms (microfilm, microfiche, aperture cards).

Applicable Standards and Test Methods (Section 7a.4(b) (2) and (3))

The requestor identified 12 applicable standards and test methods for the proposed program (see Appendix).

Section 7a.4(i) of the NVLAP procedures allows standards and test methods to be added to an evolving or established LAP if the additional standards and test methods fall within the scope of the LAP. At some future date, or even as a result of comments in response to this preliminary finding of need, additional standards/test methods directly related to the testing of microforms could be included.

Basis of Need (Section 7a.4(b)(4))

The requestor included in his request information pertinent to the five items set out in section 7a.5 of the NALAP procedures. The five items are: (1) Benefit to the public; (2) national need to accredit testing laboratories that test microforms; (3) existence of important test methods or standards; (4) existence of a valid testing methodology; and (5) the feasibillty and practicability of accrediting testing laboratories. This information is incorporated in the discussion under the section of this notice entitled *"Basis for Preliminary Finding of Need for Accrediting Laboratories That Test Microforms (Section 7a.5)"*.

Basis for Preliminary Finding of Need for Accrediting Laboratories That Test Microforms (Section 7a.5)

The basis for this preliminary finding of need, keyed to the information items listed in section 7a.5 of the NVLAP procedures, is as follows:

(1) *Whether an amendment to these procedures to modify the existing general or specific criteria referenced in Section 7a.19 to establish additional general or specific criteria, or to establish other conditions for accrediting testing laboratories would benefit the public interest (section 7a.5(a))*. The requestor indicated that the criteria and other requirements for accrediting laboratories would benefit the public interest through more reliable testing of the product.

(2) *Whether there is a national need to accredit testing laboratories that test microforms beyond that served by any existing laboratory accreditation programs in the public and private sector (section 7a.5(b))*. The requestor responded with the following statement:

"With the curtailment of the GSA testing and accreditation program there is no longer an independent facility to certify products. This has already resulted in problems for several state agencies where regulations require purchase of certified archival micrographic products, which the vendors cannot provide due to a lack of accredited independent testing facilities."

(3) *Whether for microform testing, there is in existence a standard important to commerce, consumer well-being, or public health and safety (section 7a.5(c))*. The requestor stated that the standards and test methods identified are important in many respects to commerce, consumer well-being, and to the public health and safety. Federal and state laws and regulations and good business practices require that regulated industries, financial and insurance companies, and utilities insure that the micrographic and photographic products they use are manufactured to the requirements found in the standards identified in the Appendix. The availability of accredited testing facilities would make the purchase, processing, and storage of

archival micrographic products more reliable, thus insuring that the microfilmed copies of vital and historical documents will survive as long as needed.

(4) *Whether there is in existence a valid testing methodology (section 7a.5(d)).* The requestor listed 12 standards and test methods for microforms (Appendix) that should be initially included in this proposed LAP. These test methods appear to be satisfactory for use in a laboratory accreditation program.

(5) *Whether it is feasible and practical to accredit testing laboratories that test microforms (section 7a.5(e)).* NBS believes that the characteristic of the standards and test methods listed in the Appendix would make a microforms LAP at least as feasible and practical as other LAPs now under NVLAP.

Preliminary Finding of Need

The request to find that there is a need to accredit testing laboratories that test microforms has been carefully examined. Based on that examination, which is described above, it is preliminarily found that a need exists to accredit testing laboratories that test microforms. It is proposed that if a final finding of need is determined, this LAP initially would include the standards and test methods listed in the Appendix, as annotated. Other standards or test methods would be added in the future, as requested, if they meet the requirements of the NVLAP procedures.

APPENDIX—LIST OF APPLICABLE STANDARDS AND TEST METHODS

Designation	Title
ANSI PH1.25-1976.	Specifications for Safety Photographic Film.
ANSI PH1.28-1981.	Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Cellulose Ester Base.
ANSI PH1.29-1971 (R1977).	Method for Determining Curl of Photographic Film.
ANSI PH1.31-1973.	Method for Determining the Brittleness of Photographic Film.
ANSI PH1.37-1977.	Method of Determining Scratch Resistance of Processed Photographic Film.
ANSI PH1.41-1981.	Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Polyester Base.
ANSI PH1.43-1981.	Practice for Storage of Processed Safety Photographic Films.
ANSI PH1.53-1978.	Requirements for Photographic Filing Enclosures for Storing Processed Photographic Films, Plates, and Papers.
ANSI PH1.60-1979.	Specifications for Stability of Ammonia Processed Diazo Photographic Film.
ANSI PH2.33-1969.	Method for Determining the Resolving Power of Photographic Materials.
ANSI PH4.8-1978.	Methylene Blue Method for Measuring Thiosulfate and Silver Densitometric Method for Measuring Residual Chemicals in Films, Plates, and Papers.
ASTM D882-1981.	Standard Test Methods for Tensile Properties of Thin Plastic Sheeting.

[FR Doc. 83-13669 Filed 5-19-83; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit; Brown and Mate

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), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: R. F. Brown and B. R. Mate (P129E).

b. Address: School of Oceanography, Oregon State University, Marine Science Center, Newport, Oregon 97365.

2. Type of permit: Scientific Research.

3. Name and Number of Animals:

Harbor seal (*Phoca vitulina*)—500/yr.

Northern elephant seal (*Mirounga angustirostris*)—10/yr.

California sea lion (*Zalophus californianus*)—300/yr.

Northern sea lion (*Eumetopias jubatus*)—300/yr.

4. Type of Take: Potential harassment while conducting aerial census studies over rookeries.

5. Location of Activity: Oregon coast and Columbia River estuary.

6. Period of Activity: 5 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

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, Northwest Region, 7600 Sand Point Way, N.E., BIN C15700, Seattle, Washington 98109.

Dated: May 16, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, National Marine Fisheries Service.

[FR Doc. 83-13674 Filed 5-19-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit; Elizabeth A. Mathews

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), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name: Elizabeth A. Mathews (P323)

b. Address: Center for Coastal Marine Studies, Applied Sciences Building #273, University of California, Santa Cruz, California 95064.

2. Type of Permit: Scientific research and scientific purposes.

3. Name and Number of Animals:

Humpback whale (*Megaptera novaeangliae*)—Up to 100.

Dead stranded cetaceans—Unlimited.

4. Type of Take: Tissue sampling with biopsy dart from humpback whales for sex determination; up to 20 animals may be sampled twice. Samples will also be collected from dead stranded cetaceans.

5. Location of Activity: Alaska; Humpback whales will be sampled in the Frederick Sound and in the Stephen's Passage Areas.

6. Period of Activity: 1 year.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

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, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: May 13, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation National Marine Fisheries Service.

[FR Doc. 83-13675 Filed 5-19-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Application for Permit

Correction

In FR Doc. 83-12350 appearing on page 20785 in the issue of Monday, May 9, 1983, make the following corrections:

1. In the third line of the document, "to take endangered species" should have read "to take marine mammals".

2. At the bottom of the first column and top of the center colum of page 20785, "6" should be inserted as the number for Atlantic bottlenose dolphins.

BILLING CODE 1505-01-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts next scheduled meetings in open session will be on June 14 and July 12, 1983 at 10:00 a.m in the Commission's offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government.

Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, N.W.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 566-1066.

Dated in Washington, D.C., May 17, 1983.

Charles H. Atherton,

Secretary.

[FR Doc. 83-13709 Filed 5-19-83; 8:45 am]

BILLING CODE 6330-01-M

COMMITTEE FOR THE INPLEMENTATON OF TEXTILE AGREEMENTS

Adjusting the Level of Restraint for Certain Cotton Fabrics from Thailand

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing from 8 million to 10 million square yards the consultation level established for other woven cotton fabrics, such as lawn and voile, among others, in Category 320pt (all T.S.U.S.A. numbers except 326.0092), produced or manufactured in Thailand and exported during the eighteen-month period which began on January 1, 1982.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709) as amended on April 7, 1983 (48 FR 15175) and May 3, 1982 (48 FR 19924).

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, and extended, between the Governments of the United States and Thailand provides consultation levels for certain categories of textile products, such as Category 320, which are not subject to specific ceilings and which may be adjusted upon agreement between the two governments. At the request of the Government of Thailand, the Government of the United States has agreed to increase the level for cotton textile products in Category 320pt (all T.S.U.S.A. numbers except 326.0092) to 10 million square yards.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On October 14, 1982, there was published in the **Federal Register** (47 FR 45896) a letter dated October 8, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements establishing levels of restraint for certain categories of cotton, wool, and man-made fiber textile products, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the eighteen-month period which began on January 1, 1982. A further letter dated November 18, 1982 was published in the **Federal Register** on November 23, 1982 (47 FR 52741) which established a level of 8 million square yards for cotton textile products in Category 320pt. (all T.S.U.S.A. numbers except 326.0092) during the same eighteen-month period. The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amends the letter of October 8, 1982 to increase the level previously established for Category 320pt. to 10 million square yards.

Dated: May 17, 1983.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

May 17, 1983.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of October 8, 1982, from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the eighteen-month period which began on January 1, 1982 and extends through June 30, 1983 of cotton, wool, and man-made fiber textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, and extended, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 17, 1983 and for the eighteen-month period beginning on January 1, 1982 and extending through June 30, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 320pt. (all T.S.U.S.A. numbers except 326.0092), produced or

manufactured in Thailand, in excess of 10 million square yards. [1]

The action taken with respect to the Government of Thailand and with respect to imports of cotton textile products from Thailand has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-13662 Filed 5-19-83; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Registration

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of effectiveness of statutory requirement for certain categories of Commission registrant; interim procedures for compliance.

SUMMARY: The Futures Trading Act of 1982 (the "1982 Act"), Pub. L. 97-444, 96 Stat. 2294 (January 11, 1983), extensively amended the provisions of the Commodity Exchange Act (the "Act"), 7 U.S.C. 1 *et seq.* (1976 & Supp. V 1981) governing, among other things, the registration of commodity professionals with the Commission. Specifically, the 1982 Act added a new Section 4k(5) to the Act which became effective on May 11, 1983 and which imposes new liabilities on a registrant who hires or otherwise employs a person as an associated person ("AP"), if the registrant knew or should have known of facts regarding the AP that are set forth as various statutory disqualifications from registration. Section 4k(5), however, provides an exception if the registrant has notified the Commission of such facts and the Commission has determined that the AP should be registered or temporarily licensed. The Commission is publishing this notice to advise affected persons and the public of the effectiveness of this provision. The Commission also is informing registrants as to the procedure to be followed in connection with compliance with this provision pending further notice by the Commission.

DATE: May 20, 1983.

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Robert P. Shiner, Assistant Director for Registration, or David S. Mitchell, Esq., Legal Section, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-9703 or 254-8955, respectively.

SUPPLEMENTARY INFORMATION: The 1982 Act, Pub. L. 97-444, section 212, 96 Stat. 2305 (1983) adds a new Section 4k(5) to the Act, which provides:

> It shall be unlawful for any registrant to permit a person to become or remain an associated person of such registrant, if the registrant knew or should have known of facts regarding such associated person that are set forth as statutory disqualifications in section 8a(2) of th[e] Act, unless such registrant has notified the Commission of such facts and the Commission has determined that such person should be registered or temporarily licensed.

The effectiveness of this provision, however, was deferred to May 11, 1983 (or such earlier date as may be prescribed by the Commission by regulation). *See* the 1982 Act, Pub. L. 97-444, section 239, 96 Stat. 2327 (1983). The Commission is therefore advising affected persons as to their notice obligations under Section 4k(5).

Under Section 4k(5), a registrant [1] may not lawfully hire or otherwise employ an AP as such, if the registrant knows or should know of facts regarding the AP that are set forth as statutory disqualifications in Section 8a(2) of the Act,[2] unless the registrant notifies the Commission of such facts and the Commission determines that such person should be registered or temporarily licensed. The Commission expects to adopt a rule in the near future which would implement this provision, including procedures by which a registrant would notify the Commission of facts regarding an existing or prospective AP that are set forth as statutory disqualifications in Section 8a(2). In the interim, the Commission wishes to provide a procedure by which registrants may satisfy their notice obligations under Section 4k(5) in such circumstances.[3] Specifically, a registrant which is required to notify the Commission of such facts may, *in the case of an applicant for AP registration* do so by contacting Robert P. Shiner, Assistant Director for Registration at the telephone number indicated above *and* confirming that notification in writing to Mr. Schiner's attention at the Commission's address indicated above. *With regard to an AP currently employed by a registrant,* the required notice to the Commission may be satisfied by contacting Andrea M. Corcoran, Esq., Director, Division of Trading and Markets at (202) 254-8955 *and* confirming that notification in writing to Ms. Corcoran's attention at the Commission's address indicated above. In either case, both the oral and written notice must be provided within ten business days of the date upon which the registrant first knows or should know of such facts. As already noted, the Commission will deem such notice to be sufficient to satisfy a registrant's obligations to notify the Commission under Section 4k(5) of the

[1] Prior to the enactment of the 1982 Act, an AP could be associated solely with a futures commission merchant ("FCM"), either directly or through an agent of such an FCM. The 1982 Act, however, creates three additional categories of AP: APs of introducing brokers, APs of commodity pool operators ("CPOs") and APs of commodity trading advisors ("CTAs"). *See* the 1982 Act, Pub. L. 97-444, section 212, 97 Stat. 2303 (1983). The Commission recently proposed regulations to implement the new registration requirements. *See* 48 FR 14933 (April 6, 1983). More recently, the Commission has issued notices and procedures for no-action positions for these new categories of registrant. 48 FR 15890 (April 13, 1983) (introducing brokers and APs of introducing brokers); 48 FR 16879 (April 20, 1983) (APs of CPOs and CTAs). *See also* 48 FR 19362 (April 29, 1983) (interpretation of "no-action" position).

[2] These statutory disqualifications are, in general, the following:

(A) a currently effective suspension or a revocation or registration;

(B) a refusal of registration by the Commission after opportunity for a hearing within the preceding five years;

(C) a permanent or temporary court injunction, including a court order entered pursuant to an agreement of settlement, which enjoins acting as a Commission registrant or a securities professional, or engaging in activities which involve commodity interests or securities;

(D) a felony conviction within the preceding ten years which involves commodity interests or securities, or the conduct of a commodities or securities business, or which involves certain numerated fitness-related offenses, *e.g.*, bribery, misappropriation of funds, securities, or property, bankruptcy fraud, a racketeering or theft;

(E) findings made by a court or an appropriate governmental body, including those contained in agreements of settlement, of specified violations of the Act, the Federal securities laws, or similar statutes within the preceding ten years;

(F) an outstanding Commission order imposing certain sanctions, *e.g.*, denial of trading privileges on any contract market;

(G) a willful material misstatement or omission in the registration application as to whether the applicant is subject to any of the foregoing statutory disqualifications; or

(H) the existence of a principal who is subject to a statutory disqualification listed herein.

See the 1982 Act, Pub. L. 97-444, section 224(1), 96 Stat. 2310-12 (1983).

[3] The Commission does not believe that this notice is a rule for purposes of the Administrative Procedure Act ("APA"). Moreover, as this notice relates solely to an internal agency procedure intended to assist affected persons in complying with a requirement imposed by the Act, the APA's requirement for prior notice and opportunity for public comment does not apply. 5 U.S.C. 553(b)(A) (1976).

Act until further notice by the Commission.[4] Pending determination by the Commission as to the registration status of any AP applicant which is the subject of such notice, such a person may not be permitted to engage in any activity which requires registration with the Commission as an AP. With regard to an AP which is the subject of such notice, the registrant may continue to permit him to remain associated with it as an AP until further notice by the Commission, subject to the provisions of the Act and of the Commission's regulations thereunder which make the registrant fully responsible for the conduct of the AP.

Issued in Washington, D.C. on May 16, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-13690 Filed 5-19-83; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Request for Extension of Approval for Information Collection Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through April 30, 1986 of information collection requirements in regulations applicable to children's articles commonly called baby bouncers, walker-jumpers, and baby walkers.

These products are articles intended for use by young children and are subject to a regulation issued under the Federal Hazardous Substances Act [15 U.S.C. 1261 *et seq.*] which bans such articles from distribution in commerce if they are designed in such a way that exposed parts present hazards of amputation, crushing, lacerations, fractures, hematomas, bruises or other injuries to children's fingers, toes, or other parts of the body. The banning regulation is published at 16 CFR 1500.18(a)(6).

A second regulation published at 16 CFR 1500.88(a)(4) sets forth criteria for exemption of baby walkers, walker-jumpers, and baby walkers from the banning rule under specified conditions. The exemption regulation requires certain labeling on these products and their packaging to identify the name and address of the manufacturer or distributor of the product, and the model of the product. Additionally, the exemption regulation requires that records must be compiled and maintained for three years relating to the sale, distribution, inspection, and testing of these articles.

If an article subject to the regulations were determined to be banned by provisions of § 1500.18(a)(6) and the hazard were severe enough to warrant recall, the records required by § 1500.86(a)(4) would be used by both the manufacturer and the Commission to conduct and monitor a program of notification to the public of the hazard presented by the articles, and for purposes of recalling the product and monitoring recall activities.

Records of testing are useful to identify the products which are subject to recall and limiting recall to those products which present the hazards addressed by the banning regulation. Records of sales and distribution would enable the manufacturer involved to send notices concerning the hazard and recall to those customers who received the items subject to recall.

The records required by § 1500.86(a)(4) are maintained by manufacturers and importers of products subject to the regulation on an ongoing bases. The records are subject to examination by Commission investigators during inspections or in connection with compliance-related activities.

Information About the Request for Extension of Information Collection Requirements

Agency address: Consumer Product Safety Commission, 1111, 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Baby bouncer; walker-jumper; baby walker; 16 CFR 1500.18(a)(6) and 1500.86(a)(4).

Type of Request: Extension of approval of information collection requirements contained in regulations.

Frequency of collection: On-going compilation and maintenance of records.

General description of respondents: Manufacturers of baby bouncers; walker-jumpers, and baby walkers.

Estimated number of respondents: 25.

Estimated average number of hours per respondent: 2 hours each year.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, telephone: (202) 395-7313. Copies of the request or extention of approval of information collection requirements are available from Francine Shacter, Office of Budget, Program Planning and Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: May 16, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-13982 Filed 5-19-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Proposed Flood Control Project; Makaha, Hawaii

AGENCY: U.S. Army Corps of Engineers, DoD, Honolulu Engineer District.

ACTION: Notice of Intent to Prepare a DEIS.

SUMMARY:

1. *Brief Description of the Proposed Action.* The proposed action is a flood damage reduction project on the South Makaha Stream, Oahu. The project currently considers structural measures including a debris basin and channelization of the stream reach extending from below the confluence of an unnamed tributary approximately 3,000 feet to Farrington Highway.

2. *Brief Description of Reasonable Alternatives.* Alternatives considered would include non-structural and structural measures:

a. *Relocation:* Conversion of the flood prone area to a use consistent with the hazard.

b. *Floodplain Management:* Providing zoning, building regulation, and warning systems to minimize flood damage.

[4] This notice does not affect the responsibilities or a registrant to comply with Commission Rules 3.33 (b) and (c), 17 CFR 3.33(b), (c) (1982) (which are proposed to be amended by 48 FR 14933, 14939 (April 6, 1983)). For example, under Rule 3.33(c), after the filing of a Form 8-R or 8-S by or on behalf of any person for the purpose of permitting that person to be an AP of an FCM or its agent, that FCM must, within ten days after the failure of the AP to become associated with the FCM or its agent or the termination of the association of that AP with the FCM or its agent, file a notice with the Commission indicating those facts and the reasons therefor.

c. *Floodproofing:* Elevate existing or planned damageable structures above the hazard level.

d. *Maintenance:* Clear and dredge the streams to provide water carrying capacity within the limits of the existing stream.

e. *Trapezoidal Shape Rock Lined Channel:* Excavate and line a new channel with rock.

f. *Levees:* Provide higher banked earth structures adjacent to the existing stream.

3. *Brief Description of the Corps Scoping Process which is Reasonably Foreseeable for the DEIS.*

a. Proposed Public Involvement Program. The program will involve coordination with the sponsoring agencies, other governmental agencies, community organizations, and the general public. Activities include informal meetings, workshops, formal public meetings, issuance of public notices and letter responses. All pertinent agencies have been notified of study initiation. A workshop session was held with interested agencies and the public in March 1983.

b. Identification of Significant Environmental Issues to be Analyzed in Depth in the DEIS.

(1) Effect of alternatives on known and unknown archaeological and historic sites.

(2) Effect of project on aquatic flora and fauna.

(3) Assessment of Makaha community responses to alternatives.

c. Possible Assignments for Input into the EIS under consideration among the lead and cooperating agencies.

(1) *U.S. Fish and Wildlife Service:* Provision of a Fish and Wildlife Coordination Act Report.

(2) *State Historical Preservation Officer:* Identification and evaluation of previous surveys and recommendations for new surveys.

(3) *State Division of Aquatic Resources:* Assessment of effects of the project on stream biota.

d. Identification of Other Environmental Review and Consultation Requirements.

(1) "Protection of Historic and Cultural Properties," 36 CFR Part 800 (44 FR 30 January 1979), pursuant to Section 106 of the National Historic Preservation Act of 1966.

(2) Section 404 (Clean Water Act of 1977).

4. *Scoping Meeting.* A scoping meeting will not be held on this project. Significant agencies involved in the planning process are already informed of the potential action.

5. *DEIS Schedule.* Under the present schedule the DEIS will be made available to the public in February 1984.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Warren Kanai, Study Manager, U.S. Army Engineer District, Honolulu, Building T–1, Fort Shafter, Hawaii 96858, Telephone: (808) 438–9526/438–1307.

Alfred J. Thiede,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83–13691 Filed 5–19–83; 8:45 am]

BILLING CODE 3710–NN–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Privacy Act of 1974; Proposed Establishment of a New System of Records

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Proposed establishment of a new system of records subject to the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a.

SUMMARY: The Department of Energy (DOE) proposes to establish a new system of records in order to carry out the Bonneville Power Administration's (BPA) resource planning. In cooperation with various utilities; Federal, State, and local organizations; and other groups, BPA will undertake surveys of residential energy consumption in the Pacific Northwest. Public comment is sought on the system of records, and, in particular, on the routine uses of the records, as required by Subsection (e)(11) of the Privacy Act of 1974, 5 U.S.C. 552a (e)(11).

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

ADDRESSES: Comments and requests for further information should be directed to: Mr. Donald G. Hoffard, Bonneville Power Administration—PN, P.O. Box 3621, Portland, OR 97208, telephone 503–230–4585; Mr. Joseph Harris, Chief, Freedom of Information and Privacy Acts Branch, U.S. Department of Energy, 1000 Independence Avenue, SW., Mail Stop 232.1, Washington, DC 20585, telephone 202–252–6025; or Ms. Laurie R. Garnand Ford, Office of General Counsel, U.S. Department of Energy, 1000 Independence Avenue, SW., Mail Stop GC–41, Washington, DC 20585, telephone 202–252–8618.

SUPPLEMENTARY INFORMATION: The Bonneville Power administration of the Department of Energy proposes to establish a new system of records, DOE–78, to be entitled "Pacific Northwest Residential Energy Survey." In order to support its resource planning responsibilities, BPA will conduct surveys of randomly selected samples of residences in the Pacific Northwest. The surveys are designed to collect information concerning residential energy use. Authority for these surveys stems from the Bonneville Project Act of 1937, 16 U.S.C. 832 *et seq.*, as amended by the Flood Control Act of 1944, 16 U.S.C. 825s, the Federal Columbia River Transmission System Act of 1974, Pub. L. 93–454, 16 U.S.C. 838 *et seq.*, and the Pacific Northwest Electric power planning and conservation Act of 1980, Pub. L. 96–501, 16 U.S.C. 839 *et seq.* These surveys involve the collection of information concerning characteristics of dwelling units; structural aspects related to thermal efficiency; information as to the presence, type, and location of energy conservation measures; characteristics of space heating, space cooling, and water heating equipment and fuels; characteristics of major household appliances (stove and oven, refrigerator, freezer, television, clothes washer and dryer, and dishwasher); residents' perceptions of and attitudes toward selected energy issues and conservation measures; residents' awareness of and participation in certain energy conservation programs; and residents' demographics. In addition, the actual dimensions of the dwelling unit will be obtained, the temperature of hot tap water will be measured, and, with the residents' consent, actual electric and natural gas billing histories will be obtained from the appropriate serving utility. An initial personal interview survey will be conducted with approximately 6,000 households randomly selected from 56 utilities in the BPA service territory. Followup mail and telephone surveys to obtain additional or more detailed information concerning some of these topics will be conducted with selected subgroups of the residences which participate in the regional survey. These subgroups will be selected on the basis of the information collected in the regional survey and the specific topic of the followup survey. For example, a survey concerning the sources and uses of wood will be directed at the subgroup of residences which indicate in the regional survey that they use wood.

In order to facilitate the conduct of followup surveys, it is necessary to maintain records containing the names, addresses, telephone numbers, and utility account numbers for those who agree to participate in the regional survey. These records will be

maintained separately from the records containing the interview responses and billing history information. The records containing residents' name and address information will be disclosed only to the BPA System Manager and the designated assistant for purposes of conducting followup surveys. The records containing interview and billing history information will be disclosed as follows: (1) Records will be made available to BPA, local Pacific Northwest electric utilities and natural gas companies, the Pacific Northwest Utilities Conference Committee, the Pacific Northwest Electric Power and Conservation Planning Council, State energy offices, and other public and private organizations for purposes of conducting statistical analyses, developing energy forecasts, assessing the current penetration of specific energy conservation measures, evaluating the potential use of specific conservation measures, and evaluating the impacts of specific energy conservation measures; and (2) records may be published in aggregated form for purposes of analysis and program planning.

The system of records will be established and maintained pursuant to the Bonneville Project Act of 1937, 16 U.S.C. 832 *et seq.*, as amended by the Flood Control Act of 1944, 16 U.S.C. 825s, the Federal Columbia River Transmission System Act of 1974, Pub. L. 93-454, 16 U.S.C. 838 *et seq.*, and the Pacific Northwest Electric Power Planning and Conservation Act of 1980, Pub. L. 96-501, 16 U.S.C. 839 *et seq.* The collection of data and maintenance of the system of records are incidental to the performance of the BPA's power resource planning responsibilities, the objectives of which are (1) to encourage conservation and efficiency in the use of electric power and development of renewable resources; (2) to assure the Pacific Northwest Region of an adequate, efficient, economical, and reliable power supply; (3) to provide that the customers of the BPA and their consumers continue to pay all costs necessary to produce, transmit, and conserve resources to meet the Region's electric power requirements; and (4) to protect, mitigate, and enhance the fish and wildlife of the Columbia River and its tributaries.

DOE does not believe that the maintenance of this system of records will have any substantial effect on the privacy and other rights of participants. Although BPA will directly contact individuals to collect information, participation in the surveys is voluntary.

Access to the system will be limited to personnel who have a need for the data at BPA, local electric utilities and natural gas companies, the Pacific Northwest Utilities Conference Committee, the Pacific Northwest Electric Power and Conservation Planning Council, and other private and public organizations as indicated in the System Notice. The data will be used for statistical analyses and will only be published in aggregate form. Names, addresses, and other identifying information will never be published and individuals will never be contacted for advertising or promotional purposes as a result of their participation in this survey. All followup surveys will be conducted by BPA or private contractors at BPA's request. By comparing the billing history information contained in the system with information in their own records, some electric utilities and natural gas companies may be able to identify their own customers and to track the energy consumption for these customers over time. However, prior to receipt of the interview and billing history records, requesting electric utilities and natural gas companies will agree in writing not to contact any individual as a result of his or her participation in the survey or to provide service to any of these individuals in a manner which differs from the way that service is generally provided to the utility's residential customers.

BPA is expressly authorized in the Pacific Northwest Electric Power Planning and Conservation Act to cooperate with its customers and governmental authorities in resource planning. Each of the Pacific Northwest State energy offices have been informed of BPA's plans to conduct this survey and a representative of one State energy office has participated in the planning process for the survey and will serve on the Advisory Committee for the data collection contract. At their request, BPA will provide each Pacific Northwest State energy office with a copy of the final data tapes containing interview responses and billing history information for use in their energy policy planning processes. Each Pacific Northwest State energy office and, at their request, any Pacific Northwest local government will be provided with copies of all hard-copy publications produced by BPA.

Safeguards

Records will be safeguarded in several ways: (1) Access to the records containing names and addresses of survey participants will be limited to the BPA System Manager and the designated assistant; (2) access to the records containing interview and billing history information will be limited to those personnel who have a need for the data at BPA, any of the local Pacific Northwest electric utilities or natural gas companies, the Pacific Northwest Utilities Conference Committee, the Pacific Northwest Electric Power and Conservation Planning Council, State energy offices, or other public or private organizations; and (3) records will be locked when unattended. Records will also be maintained in computer files which are password-protected.

Information to be maintained in the system will be collected using a data collection form which has been submitted to OMB for clearance under the Paperwork Reduction Act and OMB implementing regulations.

The text of the system notice is set forth below.

Issued in Washington, D.C., May 16, 1983.

William S. Heffelfinger,

Director of Administration.

DOE-78

SYSTEM NAME:

Pacific Northwest Residential Energy Survey.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

U.S. Department of Energy, Bonneville Power Administration, Division of Power Requirements, (PN), P.O. Box 3621, Portland, OR 97208.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Residences which have been randomly selected from the account records of electric utilities in the BPA service territory, and who consent to be interviewed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information about residential energy consumption including characteristics of dwelling units; structural aspects related to thermal efficiency; information as to the presence, type, and location of energy conservation measures; characteristics of space heating, space cooling, and water heating equipment and fuels; characteristics of major residential appliances (including stove and oven, refrigerator, freezer, television, clothes washer and dryer, and dishwasher); residents' perceptions of and attitudes toward selected energy issues and conservation measures; residents' awareness of and participation in certain energy conservation programs; residents' demographics; and actual electric and

natural gas utility billing histories for a 16-month period preceding the interview. Names, addresses, telephone numbers, and utility account numbers for those who agree to participate will reside in a record separate from the record containing interview responses and billing history information and will be subject to more restricted access.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Bonneville Project Act of 1937, 16 U.S.C. 832 *et seq.*, as amended by the Flood Control Act of 1944, 16 U.S.C. 825s, the Federal Columbia River Transmission System Act of 1974, Pub. L. 93-454, 16 U.S.C. 838 *et seq.*, and the Pacific Northwest Electric Power Planning and Conservation Act of 1980, Pub. L. 96-501, 16 U.S.C. 839 *et seq.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records which include information concerning the names, addresses, telephone numbers, and utility account numbers for sample residences which agree to participate in the survey will be maintained only by BPA, will never be published, and individuals will never be contacted for advertising or promotional purposes as a result of their participation in this survey. The name, address, and telephone number information will be used by BPA to contact subsamples of residences for purposes of collecting additional or more detailed information concerning residents' perceptions of and attitudes toward energy conservation issues and measures; residents' decisions pertaining to the selection of space heating, space cooling, and water heating equipment and fuels; and the amounts of wood used for space heating and the sources from which wood is obtained.

Information from the interviews and from the utility billing records will be maintained by BPA, and will be provided upon request to any of the local Pacific Northwest electric utilities or natural gas companies, the Pacific Northwest Utilities Conference Committee, the Pacific Northwest Electric Power and Conservation Planning Council, State energy offices, or other public or private organizations. This information will be used in statistical form by these groups to assist in making energy forecasts; to conduct statistical analyses of the ways energy is used; to assess the current use of specific energy conservation measures; to evaluate the potential use of specific conservation measures; and to evaluate the impacts of specific energy conservation measures. By comparing the billing history information contained in the system with information in their own records, some electric utilities and natural gas companies may be able to identify their own customers and to track the energy consumption for these customers over time. However, prior to receipt of the interview and billing history records, requesting electric utilities and natural gas companies will agree in writing not to contact any individual as a result of his or her participation in the survey or to provide service to any of these individuals in a manner which differs from the way that service is generally provided to the utility's residential customers. Information may also be released to the public in aggregated form for purposes of analysis. Information will not be released in other than aggregated form without the prior consent of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, computer tapes, and disk.

RETRIEVABILITY:

Two records will be maintained for each sample residence. One record will contain the name, address, and telephone number for the residence together with the identity of the electric utility and the electric utility account number and the identity of the natural gas company and the natural gas account number. The second record will contain the interview responses and observations and electric and natural gas billing history information. Records in the name and address file maintained by BPA are indexed by sample resident name, address, electric utility, and utility account number. Records in the interview and billing history file maintained by BPA are indexed by electric utility, mail ZIP Code, and an assigned number.

SAFEGUARDS:

Access to and use of the records containing names and addresses of sample residences is limited to the BPA System Manager and the designated assistant. Access to and use of the interview and billing history records is limited to those persons whose official duties require such access at BPA, any of the local Pacific Northwest electric utilities or natural gas companies, the Pacific Northwest Utilities Conference Committee, the Pacific Northwest Electric Power and Conservation Planning Council, State energy offices, or other public or private organizations. All files are locked or otherwise secure when unattended.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in DOE 1324.2, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

U.S. Department of Energy, Bonneville Power Administration, Director, Division of Power Requirements (PN), P.O. Box 3621, Portland, OR 97208.

NOTIFICATION PROCEDURES:

(a) Requests by an individual to determine if a system of records contains information about him or her should be directed to the Privacy Act Officer, Department of Energy, Bonneville Power Administration, P.O. Box 3621, Portland OR 97208, in accordance with the DOE's Privacy Act Regulations, 10 CFR Part 1008. (b) Required identifying information: Complete name, social security number, and time period involved.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures above.

CONTESTING RECORDS PROCEDURES:

Same as Notification Procedures above.

RECORD SOURCE CATEGORIES:

The information in this system is solicited from the individual to whom the record pertains and from the electric utility and natural gas company which provides service to the individual's residence. Information will also be gathered from data collection and other monitoring equipment such as electric and natural gas meters, flowmeters, air quality monitors, and so forth. Information will be gathered by representatives of BPA, the participating utilities, or by private groups under contract to BPA and at BPA's request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-13580 Filed 5-19-83; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-83-010; OFP Case No. 67030-9230-20-24]

Acceptance of Petition for Exemption and Availability of Certification by Tosco Corp.

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Acceptance of Petition for Exemption and Availability of Certification by Tosco Corporation.

SUMMARY: On April 11, 1983, the Tosco Corporation (Tosco) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act") for a proposed electric powerplant to be constructed at Tosco's Avon Refinery near Martinez, California. By letter filed with ERA on April 26, 1983, Tosco amended its petition. Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in any powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source.

Final rules setting forth criteria and procedures for petitioning for exlemptions from the prohibitions of Title II of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1982). Final rules governing the cogeneration exemption were revised on June 25, 1982 (47 FR 29200 (July 6, 1982)).

The proposed congeneration facility for which the petition was filed consists of two gas turbine generators, two waste heat recovery steam generators, a single steam turbine generator and associated support systems. The cogeneration facility will produce 87.6 megawatts (MW) of electrical energy and useful thermal energy.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination, and is therefore accepted pursuant to § 501.3 of the final rules. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701(c) and (d) of FUA and §§ 501.31 and 501.33 of the final rules, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of the Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding are available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m. to 4:00 p.m.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearings, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATE: Written comments are due on or before July 5, 1983. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585. "Docket No. ERA-FC-83-010" should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William H. Freeman, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073, 1000 Independence Avenue, S.W. Washington, D.C. 20585 Phone (202) 252-2993.

Allan Stein, Esq., Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Forrestal Building, Room 6B-222, Washington, D.C. Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: Tosco plans to install an 87.6 MW alternate fuel-fired cogeneration facility to produce electricity and steam at its Avon Refinery in Martinez, California. The cogeneration facility will consist of two gas turbine generators, two waste heat recovery steam generators, a single steam turbine generator, and associated support systems. The gas turbines will be fueled by refinery fuel gas, a waste by-produce of the Avon Refinery operations, and natural gas will be used as a backup fuel. The gas turbine generators will develop approximately 75 MW of electric power, and the waste heat boilers will be capable of producing superheated steam at 600 psig, 750 F. A minimum of 160,000 lb/hr of generated steam (aside from small auxiliary flows and gas turbine emission control) will be delivered to a condensing steam turbine generator to produce up to 12.6 MW of electric power.

By letter dated April 19, 1983, and filed with ERA on April 26, 1983, Tosco amended its petition to state, in pertinent part, as follows: ". . .[I]t is anticipated that based upon future requirements more than one-half of the net annual electric power of the facility may be sold or exchanged for resale." Based upon this statement, and at the request of Tosco, ERA considers the subject cogeneration facility to be an electric powerplant within the meaning of § 500.2 of the final rules, subject to the prohibitions of Section 201 of the Act.

Section 212(c) of the Act provides for a permanent cogeneration exemption from the prohibitions of Section 201 of FUA. In accordance with the certification procedures of § 503.37(a)(1) of the final rules, Tosco certified that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, where the calculation of savings is in accordance with § 503.37(b) of the final rules; and

2. The use of a mixture of petroleum and natural gas and an alternate fuel in the cogeneration facility for which an exemption under § 503.38 of the final rules would be available, would not be economically or technically feasible.

In accordance with § 503.9 of the final rules, ERA requires Tosco to consider only a mixture of natural gas and coal. In making the foregoing mixtures certification, Tosco concluded that use of natural gas/coal mixtures would be infeasible.

Pursuant to the evidentiary requirements of § 503.37(c), Tosco also included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under § 503.13 of the final rules.

Pursuant to § 501.3 of the final rules, ERA hereby accepts Tosco's petition for a permanent cogeneration exemption. ERA retains the right, however, to request additional relevant information from Tosco at any time during the pendency of these proceedings.

As provided in § 501.3(b)(4) of the final rules, the acceptance of the petition by ERA does not constitute a determination that Tosco is entitled to the exemption requested. That determination will be based on the entire record of these proceedings, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C., on May 16, 1983.

Robert L. Davies,

Acting Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-13650 Filed 5-19-83; 8:45 am]

BILLING CODE 6450-01-M

Action on Consent Order With Twin Montana, Inc.

AGENCY: Office of Special Counsel, Economic Regulatory Administration, Energy.

ACTION: Adoption of proposed consent order as final.

SUMMARY: The Department of Energy (DOE) hereby gives the notice required by 10 CFR 205.199J that it has adopted the Consent Order with Twin Montana, Inc. (Twin Montana) executed on March 10, 1983 and published for comment in 48 FR 13074 on March 29, 1983, as a final order of DOE. The Consent Order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations for the period August 19, 1973 through January 27, 1981, when crude oil and petroleum products were decontrolled by Executive Order No. 12287, 46 FR 9909 (January 30, 1981). To remedy any violations that may have occurred during the period, Twin Montana has agreed to pay the principal amount of $1,437,773.63; interest of $51,355.88 for the period October 1, 1982 until December 22, 1982; and interest accrued on the above amounts until subsequent payment to the DOE.

As required by the regulation cited above, DOE received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Six comments were received by April 28, 1983, the thirtieth day following publication of the notice of the proposed Consent Order. DOE has considered all comments and determined that the Consent Order should be made final without modification. The Consent Order was made effective as a final order of the DOE on May 3, 1983 by notice to Twin Montana.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor, Economic Regulatory Administration, Department of Energy, RG-30, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461, Phone: (202) 633-9230.

Copies of the Consent Order may be received free of charge by written request to: Twin Montana, Consent Order Request, Department of Energy, RG-30, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m.

SUPPLEMENTARY INFORMATION:

The Consent Order

On March 29, 1983, DOE published notice in the **Federal Register** at page 13074 announcing the execution of a proposed Consent Order between Twin Montana and DOE. In compliance with DOE Regulations, that notice and a subsequent press release summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order. The proposed Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of the DOE's audit to Twin Montana's compliance with the Federal petroleum price and allocation regulations for the period August 19, 1973 through January 27, 1981 (the audit period). The Consent Order resolves all administrative and civil issues between DOE and Twin Montana not previously resolved concerning the allocation and sale of covered petroleum products during the audit period.

2. Within thirty (30) days after the Consent Order has been made effective, Twin Montana shall deliver a check to the DOE in the principal amount of $1,437,773.63; interest on the principal in the amount of $51,355.88 from October 1, 1982 until December 22, 1982; and interest paid by the First National Bank of Graham, Texas on the escrowed funds until subsequent payment to the DOE.

3. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Twin Montana's obligation under DOE recordkeeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Twin Montana. The Consent Order provides that Twin Montana has waived its right to an administrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Twin Montana nor a finding by DOE of a violation by Twin Montana of any Federal petroleum price and allocation regulations.

Comments Received

As noted above, DOE received a total of six comments on the proposed Consent Order. Separtate comments were submitted by four states, a law firm representing the Attorneys General of nine states submitted a joint response and a law firm representing three states responded to the notice. None of the comments objected to the settlement. DOE has considered all comments and determined that the Consent Order should be made final without modification. The significant points raised by the comments are discussed below.

The comments suggested that those parties that can verify an overcharge should enjoy priority as to any funds made available by the Consent Order. To the extent that monies are not paid out to direct purchasers, the comments urged that payments be made to the states.

It has been DOE's practice to provide, when possible, for refunds to be made directly to those persons who DOE believes may have borne the ultimate burden of the alleged violations, however, it is not always possible to identify specific persons who may have been injured or to determine the extent of their injury. The ultimate disposition of the funds in this case will depend on several factors, such as the nature of the alleged violations underlying the Consent Order and DOE's ability to identify the persons who ultimately bore the burden of the alleged violations. The suggestions of the commenting states regarding the distribution of the funds will be considered in determining the appropriate ultimate disposition. In the interim, the funds will be deposited into an interest-bearing escrow account maintained by the DOE.

Having considered all comments received, DOE has determined that the proposed Consent Order with Twin Montana should be made final without modification. The Consent Order, therefore, was made final and effective by notice to Twin Montana on May 3, 1983.

Issued in Washington, D.C. May 13, 1983.

Milton C. Lorenz

Special Counsel, Economic Regulatory Administration.

[FR Doc. 83-13648 Filed 5-19-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-082]

United States Steel Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

United States Steel Corporation (USS), 600 Grant Street, Pittsburgh, Pennsylvania 15230, filed an application

on May 10, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Fairless Works steel manufacturing facility in Fairless Hills, Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and 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.

In its application, USS indicates that the volume of natural gas for which it requests certification is approximately 37,200 Mcf per day. This volume is estimated to displace the use of approximately 5,907 barrels per day of No. 6 fuel oil (1.0 percent sulfur) at the above facility. The eligible sellers are Texas Oil and Gas Corporation, 2700 Fidelity Union Tower, Dallas, Texas 75201; Delhi Gas Pipeline Corporation, Fidelity Union Tower, Dallas, Texas 75201; Exxon Company, U.S.A., P.O. Box 2180, Houston, Texas 77001; Texeco, U.S.A., P.O. Box 52332, Houston, Texas 77002. The gas will be transported by Ozark Gas Pipeline Corporation, P.O. Box 566, Route 5, Ft. Smith, Arkansas 72901; Natural Gas Pipeline Corporation of America, 122 South Michigan Avenue, Chicago, Illinois 60603; Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251. The local distributor will be Philadelphia Electric Company, P.O. Box 8699, 2301 Market Street, Philadelphia, Pennsylvania 19101.

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. 28585, 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, in 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 USS and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on May 16, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-13649 Filed 5-19-83; 8:45 am]

BILLING CODE 6450-01-M

Pride Refining Incorporated; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announced that it has adopted a Consent Order with Pride Refining, Incorporated (Pride) as a final order of the Department.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Donald A. Muncy, Deputy Chief Counsel, Dallas Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird, Room 200E, Dallas, Texas 75247, 214/767–7408.

SUPPLEMENTARY INFORMATION: On March 2, 1983, 48 FR 8853, the ERA published a notice in the **Federal Register** that it had executed a proposed consent Order with Pride Refining, Inc. on February 2, 1983, which would not become effective sooner than 30 days after publication of that notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The Consent Order with Pride, a refiner with its home office located in Abilene, Texas, resolves potential civil liability of Pride, arising out of Pride's compliance with the Mandatory Petroleum Allocation and Price Regulations during the period from January 1, 1973 through January 28, 1981. The Consent Order requires Pride to pay the sum of $600,000 to the administrator of the ERA for ultimate disposition by DOE.

Fifteen comments were received. All of the commnets addressed the issue of the appropriate disposition of the $600,000 refund. Twelve comments asserted that the most suitable distribution of the funds, after payment to identified injured customers, could be accomplished through allotment of the funds to individual state governments for energy conservation programs and other energy-related programs directly benefiting consumers, by pro-rata allotments based on a state's petroleum consumption. One comment suggested that the Consent Order be modified to require that funds be paid to DOE for distribution by the Department's office of Hearings and Appeals pursuant to 10 CFR Part 205, Subpart V. Two of those commenting made claims against the refund proceeds, but neither of them furnished information on which a determination could be made that they had been injured by any actions of Pride. Rather, each merely demonstrated that it had been a purchaser from Pride.

DOE has not yet determined the appropriate disposition of the $600,000 Pride has agreed to refund. The suggestions of the commentors will be duly considered in determining the appropriate disposition of funds.

Having considered all comments submitted, DOE has determined that the proposed Consent Order with Pride Refining, Incorporated should be made final on May 20, 1983.

Issued in Dallas, Texas on the 2nd day of May 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-13582 Filed 5-19-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ES83-36-000]

El Paso Electric Co.; Application

May 16, 1983.

Take notice that on March 28, 1983, El Paso Electric Company filed an application with the Federal Energy Regulatory Commission seeking authority pursuant to Section 204 of the Federal Power Act to issue $75 million of Five-Year Floating Rate Notes and to issue a like amount of Second Mortgage Bonds securing such debt pursuant to a loan agreement.

Any persons desiring to be heard or to make any protest with reference to said application should, on or before June 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure. Copies of this filing are on

file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-13653 Filed 5-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-273-000]

Getty Oil Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

May 16, 1983.

On April 28, 1983, Getty Oil Company of P.O. Box 10269, Bakersfield, California 93389-0269, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle facility is located at McKittrick Field, Kern County, California. The primary energy source will be natural gas. The electric power production capacity will be 10.6 megawats. Installation will begin in June 1984. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20406, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-13654 Filed 5-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-232-001]

Hammermill Paper Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

May 16, 1983.

On April 27, 1983, Hammermill Paper Company ("Hammermill"), 1540 East Lake Road, Erie, Pennsylvania 16533, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility will be located at Hammermill's Lock Haven Plant in Castanea Township, Clinton County, Pennsylvania. The facility is expected to commence operation about June 1985. The primary energy source will be bituminous coal supplemented by No. 2 distillate fuel oil. The peak power production will be approximately 39 megawatts. The annual useful thermal energy output will be in the form of steam at a rate of 170,000 lbs/hour at 180 psig and 210,000 lbs/hour at 75 psig. No electric utility company, public utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20406, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-13655 Filed 5-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE80-36-002]

Idaho Power Co.; Application for Exemption

May 16, 1983.

Take notice that Idaho Power Company (IPC) filed an application on May 2, 1983 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984, information on the costs of providing electric service as specified in § 290.401(b)(1), 290.403(a)(1), 290.403(a)(2), 290.403(a)(4), 290.403(b), 290.403(c), 290.403(d), and 290.404.

In its application for exemption IPC states, in part, that it should not be required to file the specified data for the following reasons:

On December 3, 1979, IPC filed an application for exemption (RE80-36-000), identical in scope to the current application (RE80-36-002), addressing the filing due on or prior to November 1, 1980. In response to this application, (RE-36-000) an order was issued on April 23, 1980, addressing the filings due on or prior to November 1, 1980 and June 30, 1982, granting an exemption from the reporting requirements of §§ 290.401(b)(1), 290.403(a)(1), 290.403(a)(2), 290.403(a)(4), 290.403(b), 290.403(c), 290.403(d), and 290.404 as these sections apply to IPC's service area in Nevada. The order further stipulated "IPC may apply for a corresponding exemption applicable to reporting required in later years by filing, on or before the dates specified in the regulations, a statement confirming that the nature and size of its Nevada operation are substantially the same as described in the present application (RE80-36-000)." In IPC's current application for exemption (RE80-36-002), identical in scope to that of RE80-36-000, a statement to this effect is made in regard to IPC's Nevada segment of its service area, namely, that the size and nature of IPC's operations in Nevada are substantially the same as described in its previous application (RE80-36-000).

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45 day period such person must also serve a copy of such comments on: Mr. Larry D. Ripley, Elam, Burke, Evans, Boyd and Koontz, c/o

Idaho Power Company, 1220 Idaho Street, Boise, Idaho 83707.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-13656 Filed 5-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE82-5-001]

Montana Power Co.; Application for Exemption

May 16, 1983.

Take notice that The Montana Power Company (MPC) filed an application on March 28, 1983 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984, and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E.

In its application for exemption MPC states, in part, that it should not be required to file the specified data for the following reasons:

The basic purpose of Section 133 of PURPA was to assure that PURPA Title I standards were considered by state regulatory agencies. Since the Montana Public Service Commission (MPSC) has completed its consideration of the PURPA Title I Standards, the purpose of this aspect of Section 133 has been served.

Data used in a retail rate application before MPSC must be based upon normalized data while Section 133 requirements call for the use of actual data. As a result, MPC Section 133 filings have not been used in retail rate proceedings before the Montana Public Service Commission.

Data requirements of Part 290 of the Commission's Regulations duplicate, to an extent, data reported to the Federal Energy Regulatory Commission (Forms 1 & 2), the Montana Public Service Commission, and the Securities Exchange Commission.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the Federal Register. Within that 45 day period such person must also serve a copy of such comments on: Mr. Steven P. Cook, Manager, Rate Development ; The Montana Power Company, 40 East Broadway, Butte, Montana 59701.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-13657 Filed 5-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-265-000]

Montrose Partners Ltd.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

May 16, 1983.

On April 26, 1983, Montrose Partners Ltd.; (Applicant), 91 Newbury St., 3rd floor, Boston, Massachusetts 02116, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

Applicant will construct 5 hydroelectric facilities in the South Canal and 1 hydroelectric facility on the CQ lateral at the M&D Canal all in Montrose County, Colorado. The sites, located at existing irrigation canal drops, would vary in installed capacity from 810 kW to 3990 kW, with combined output of 15.4 MW. There will not be any other hydroelectric small power production facility owned by Applicant located within one mile of any of the facilities. An unregulated subsidiary of a utility has an option to become a minority equity partner in the project. No electric utility, electric utility holding company, or any person owned by either has more than a 49% equity interest in the project or any of its component facilities.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-13658 Filed 5-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-260-000]

Shenandoah Hydro Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

May 16, 1983.

On April 19, 1983, Shenandoah Hydro Co. (Applicant), Box 61, Woodstock, Virginia 22664, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric facility will be located on the North fork of the Shenandoah River near Woodstock, Virginia. The electric power production capacity of the facility will be 500 kilowatts. There are no other small power production facilities located within one mile of the facility, and owned by the Applicant. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-13659 Filed 5-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE80-11-003]

Southern California Edison Co.; Application for Exemption

May 16, 1983.

Take notice that Southern California Edison Company (SCE) filed an application on April 29, 1983 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984, information on the costs of providing electric service as specified in Subparts A, B, C, D and E in favor of a proposed program of alternate compliance.

In its application for exemption SCE states, in part, that it should not be required to file the specified data for the following reasons:

PURPA Section 133 data are not likely to be used in SCE's retail rate cases due to the disparity in filing due dates, level of detail, and reporting periods required by the Federal Energy Regulatory Commission (FERC) and the California Public Utilities Commission (CPUC).

CPUC has its own regulations specifying the data required to document a retail rate case application.

CPUC's filing requirements are as comprehensive as those of the Federal Energy Regulatory Commission (FERC) excluding differences in the level of detail resulting from the use of a forecasted reporting period as opposed to reporting historic data.

The information that SCE proposes to submit under the Rate Case Plan is available to interested parties and has direct relevance to retail rate cases under consideration.

The broad PURPA Title I purposes of conservation, efficiency, and equitable rates have long been pursued by SCE through innovative and successful programs. Many of these programs are mandated by the CPUC and by State legislation.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments,or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the Federal Register. Within that 45 day period such person must also serve a copy of such comments on: Southern California Edison Company, Revenue Requirements Department, P.O. Box 800, Rosemead, California 91770.

Kenneth F. Plumb

Secretary.

[FR Doc. 83-13660 Filed 5-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-316-000]

Transcontinental Gas Pipe Line Corp.; Application

May 13, 1983.

Take notice that on May 10, 1983, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-316-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of Owens-Corning Fiberglas Corporation (Owens-Corning), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport on an interruptible basis natural gas for Owens-Corning, its only direct sale customer. It is stated that the transportation authorization sought herein is necessary in order to fully implement Applicant's experimental Industrial Sales Program (ISP), which was approved on April 28, 1983, by commission order approving settlement of Applicant's rate proceeding in Docket No. RP83-11-000. Applicant further states that pursuant to the ISP, Applicant will arrange for, as agent for its customers, and transport to market natural gas supplies to be purchased by eligible customers for the purposes of keeping natural gas prices competitive with the prices of alternate fuels and of maintaining historical throughput levels on Applicant's system. Applicant asserts this ISP is intended to permit continued service to those markets which in the absence of the ISP, would switch from natural gas to other fuels, thereby forestalling further erosion of markets on Applicant's system.

It is further stated that the operation of the ISP contemplates, among other things, that producers selling gas to Applicant be allowed to elect voluntarily to make sales under the ISP for the limited seven-month term of such program, which runs from April through October 1983, of supplies that otherwise would be sold or committed to Applicant. Applicant states that, to permit this temporary diversion of supplies to the ISP, Applicant has agreed to release from dedication to it those reserves which its producers make available to the ISP to the extent such quantities are in excess of the quantities then being purchased for sale under Applicant's sales rate schedules.

For such transportation, Applicant proposes to charge 30.6¢ per dt equivalent and retain 6.1 percent of the quantities received for compressor fuel. It is stated that this transportation will be rendered for a limited term ending October 31, 1983, concurrent with the ISP. In such connection, applicant requests a limited-term certificate with pre-granted abandonment authority. It is stated that the gas transported will be made available to Applicant as agent for Owens-Corning through the ISP. Applicant states that it will transport such gas and redeliver equivalent quantities, less fuel, at an existing delivery point to Owens-Corning in Anderson, South Carolina.

It is stated that transportation for all of Applicant's other customers participating in the ISP is authorized pursuant to Subpart B of Part 284 of the Regulations. Inasmuch as Owens-Corning is Applicant's only direct sale customer, Applicant asserts the authorization requested herein is required in order that all of Applicant's customers may participate in the ISP.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 31, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the

protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-13861 Filed 5-19-83; 8:45 am]

BILLING CODE 6717-01-M

Office of the Secretary

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Australia

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-AU-118, to Selbys Scientific, Ltd., 100 grams of normal uranium, for use as standard reference material by Ranger Uranium Mines, Jabiru, Northern Territory, Australia.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 16, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-13581 Filed 5-19-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ORD FRL 2363-8]

The Acidic Deposition Phenomenon and Its Effects: Critical Assessment Review Papers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Availability of public review draft.

SUMMARY: The Environmental Protection Agency/North Carolina State University Acid Precipitation Program and cooperating scientists are currently revising: *The Acidic Deposition Phenomenon and Its Effects: Critical Assessment Review Papers.* The public review draft will become available in June 1983 for 90-day comment period. A mailing list of those who wish to receive a copy of this draft for review and comment is now being initiated.

DATES: The public review draft will be available for release in June 1983 although requests for copies should be made immediately. Information concerning procedures for submitting comments will be contained in the public review draft.

ADDRESSES. All requests for copies must be in writing and addressed to: Ms. Betsy A. Hood, CAD Coordinator, 1509 Varsity Drive, Raleigh, North Carolina 27606. Telephone requests are not appropriate.

SUPPLEMENTARY INFORMATION: The public review draft of the Review Papers will consist of 16 chapters in two volumes. The Atmospheric Sciences volume includes: Natural and Anthropogenic Sources, Transport Processes, Transformation Processes, Atmospheric Concentation and Distribution, Precipitation Scavenging Processes, Dry Depositon Processes, Deposition Monitoring, and Deposition Modeling. The Effects Sciences volume includes: Soil Systems, Vegetation, Aquatic Chemistry, Aquatic Biology, Indirect Health, and Materials. Section introductions, conclusions, and an overall introduction will also be included.

The document is the product of over 50 scientists from universities and other public and private institutions. Each section of the public review draft will be identified with its author.

The Environmental Protection Agency will develop an interpretive summary, *The Acidic Deposition Phenomenon and Its Effects: Critical Assessment Document,* based upon the content of the Review Papers and the public comments. Upon completion of the summary, it will be made available for public review.

FOR FURTHER INFORMATION CONTACT: Ms. Betsy A. Hood, CAD Coordinator, 1709 Varsity Drive, Raleigh, North Carolina 27606. Telephone: (919) 737-3520.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 83-13609 Filed 5-19-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2366-4]

Availability of Environmental Impact Statements Filed May 9 Through May 13, 1983 Pursuant to 40 CFR 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information, (202) 382-5075 or 382-5076.

Department of Energy:

EIS No. 830257, Draft, BPA, PRO, 1983 Bonneville Power Administration Wholesale Power Rate Increase, Due: July 5, 1983.

Department of the Interior:

EIS No. 830249, Draft, BLM, NV, Wells Resource Area Resource Management Program, Elko County, Due: Aug. 19, 1983.

EIS No. 830254, Draft, BLM, WY, Buffalo Resource Area Resource Mgmt., Campbell/Johnson/Sheridan Cos., Due: Aug. 15, 1983.

EIS No. 830250, Draft, SFW, CA, Pro Trinity River Basin Fish & Wildlife Mgmt., Homboldt/Trinity Cos., Due: June 20, 1983.

EIS No. 830253, Draft, SFW, AR, Cache River Basin Waterfowl Habitat Preservation, Due: July 15, 1983.

Department of Transportation:

EIS No. 830255, Draft, UMT, PR, San Juan Urban Core Transportation System, Construction, Due: July 5, 1983.

EIS No. 830252, Draft, FHW, MD, Great Seneca Hwy Construction, Middlebrook Rd to MD-28, Montgomery Co., Due: July 5, 1983.

EIS No. 830246, Final, FHW, NY, Cohoes-Waterford Arterial Construction, Albany County, Due: June 20, 1983.

EIS No. 830258, Final, FHW, CA, Muni J Line Connection Project, San Francisco County, Due: June 20, 1983.

EIS No. 830244, FSuppl, FHW, VT, VT-127 Construction, Wetland Mitigation, Chittenden County, Due: June 20, 1983.

Environmental Protection Agency:
EIS No. 830247, Final, EPA, MA, Town of Sandwich WWT and Collection Facilities, Grant, Barnstable Co., Due: June 20, 1983.
EIS No. 830248, Final, EPA, NM, Las Cruces Wastewater Treatment Facilities, Grant, Dona Ana County, Due: June 27, 1983.
EIS No. 830260, Final, EPA, OK, City of Norman Wastewater Treatment Facilities, Grant, Cleveland Co., Due: June 20, 1983.
EIS No. 830259, FSuppl, EPA, MD, West Ocean City Wastewater Treatment Facilities, Grant, Worcester Co., Due: June 20, 1983.
Department of Housing and Urban Development:
EIS No. 830256, Draft, FL, Tampa Palms Development, Mortgage Insurance, Hillsborough County, Due: July 5, 1983.
Nuclear Regulatory Commission:
EIS No. 830251, Draft, NRC, NC, Shearon Harris Power Plant, Units 1 & 2, Licenses, Wake & Chatham Cos., Due: July 5, 1983.
Amended Notices:
EIS No. 830239, Draft, IBR, SEV, NV AZ Hoover Dam Powerplant Increased Generating Power, Modification Published FR May 13, 1983—Incorrect due Date, Due: Aug. 2, 1983.
EIS No. 830118, Draft, NOA, PR, REG I,A Parguera National Marine Sanctuary Designation Published FR Mar. 4, 1983—Review extended, Due: June 2, 1983.
EIS No. 830112, Draft, FRC, AK, Black Bear Hydroelectric Project, C/O, License, Published FR Mar. 4, 1983—Review extended, Due: May 23, 1983.

Dated: May 17, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-13685 Filed 5-19-83; 8:45 am]

BILLING CODE 6560-50-M

[W-8-FRL 2358-7]

Draft General NPDES Permits for Construction-Related Activities in South Dakota and Utah

AGENCY: Environmental Protection Agency.

ACTION: Notice of Draft General NPDES Permits.

SUMMARY: The Regional Administrator of Region VIII is today giving notice of two (2) draft general National Pollutant Discharge Eliminiation System (NPDES) permits for certain construction-related activities in South Dakota and Utah. The construction-related activities to be covered by these general permits are excavation dewatering and hydrostatic pipeline testing. One draft general permit covers discharges from these activities in South Dakota. The other draft general permit covers discharges from these activities in Utah. Both draft general permits establish effluent limitations, prohibitions and other conditions based on technology and water quality considerations applicable to the types of waste water generated by construction dewatering and hydrostatic testing.

The construction-related activities covered by each draft general permit involve similar types of operations, discharge the same types of wastes and require the same effluent limitations and monitoring. For these reasons, Region VIII believes that discharges from these activities are more appropriately controlled under a general permit than under individual permits. To obtain approval to discharge under these general permits, Region VIII is requiring owner/operators to submit a request for discharge authorization to the Regional Office and the State at least thirty (30) days prior to discharge.

DATES: Public comments on these draft general NPDES permits may be sent to the address below no later than June 20, 1983. During this time, any interested person may request a public hearing on these draft general permits. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

ADDRESS: Public comments and hearing requests, if any, should be sent to: Mr. Patrick Godsil, Chief, Compliance Branch, Water Management Division, Region VIII, U.S. Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION AND COPIES OF THE DRAFT PERMITS AND FACT SHEETS CONTACT:
Marshall Fisher, Region VIII at the address above or by telephone at (303) 837-4901 or FTS 327-4901.

SUPPLEMENTARY INFORMATION:

A. Background

Section 301(a) of the Clean Water Act (CWA) provides that the discharge of pollutants is unlawful except in accordance with an NPDES permit. Although such permits to date have usually been issued to individual dischargers, EPA's regulations authorized the issuance of a single general permit to point sources within the same geographic area if they:

(1) Involve the same or substantially similar operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations or operating conditions;

(4) Require the same or similar monitoring; and

(5) In the opinion of the NPDES Program Director, are more appropriately controlled under a general permit than under individual permits.

The geographic area covered by the draft general NPDES permits is statewide. EPA is issuing a general permit in South Dakota and Utah because neither State has the authority to issue NPDES permits.

As in the case of any individual permit issued under the NPDES program, violation of any condition of a general permit constitues a violation of the Clean Water Act and is fully enforceable under section 309 of the Act.

Any owner or operator authorized by these general permits may be excluded from the general permit by applying for an individual permit as provided by 40 CFR 122.59(b).

These general permits do not authorize discharges of pollutants from "new sources" as defined in 40 CFR 122.3.

B. Construction-Related Discharges

The South Dakota and Utah draft general permits cover two (2) principal types of construction-related discharges, excavation dewatering and hydrostatic testing of pipelines or vessels. The construction-related activities covered by these permits may be conducted separately or together.

Excavation dewatering removes from a construction site water that has accumulated from groundwater intrusion or precipitation runoff. This water may contain suspended solids and oil and grease. Improper pumping or draining of this water may further aggravate the pollution potential. Proper removal of this water from the construction site is often critical to the operation of equipment and the integrity of the structure under construction.

Much of the construction activity requiring excavation dewatering in South Dakota and Utah involves the installation of pipeline and/or vessels. Hydrostatic testing is necessary to determine the structural integrity of the material and installation, usually by flushing relatively clean water (raw river water, groundwater, potable water) through the pipleine or vessel and examining for leaks and stress.

Pollution problems associated with hydrostatic testing result mainly from improper discharge practices, such as scouring stream channels. Test water contamination by residual materials or fluids in the pipe or vessel may also occur. Region VIII will assess the potential for such contamination during the thrity (30) day review of information submitted with the request for discharge authorization described above.

C. Permit Conditions

Effluent guidelines for conventional pollutants, such as suspended solids and oil and grease, do not exist for this point source category. Therefore, Region VIII is exercising its authority under section 402(a)(1) of the Clean Water Act to set standards for conventional pollutants on a case-by-case basis according to its best professional judgment. The effluent limitations in these permits also reflect the respective State water quality standards.

D. Monitoring and Reporting Requirements

This general permit requires monitoring for each activity that results in a discharge. Montioring frequency is based on the size of the activity, the receiving stream and the potential impact of the discharge on the stream. Sampling for construction dewatering activities will be daily, weekly or monthly by grab samples, depending upon the factors identified in the permit. Sampling for hydrostatic testing shall be performed for each day of discharge by grab samples.

Reports will be required whenever there is a noncompliance with permit conditions. In addition, this permit also requires an annual monitoring report. Permittees will be required to maintain their records for a period of three (3) years. In addition, EPA and/or the States of Utah and South Dakota may request that records be retained for a longer period. The primary purpose of this requirement is to require retention of record during the course of litigation.

E. Economic Impact

EPA has reviewed the effect of Executive Order 12291 on these draft general permits and had determined that they are not major rules under that order. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

G. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in these draft general NPDES permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of these permits have already been approved by the Office of Management and Budget under submissions made for the NPDES permit program under the provisions of the Clean Water Act.

G. The Regulatory Flexibility Act

After review of the facts presented in the notice of intent printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that these general permits will not have a significant impact on a substantial number of small entities. Moreover, they reduce a significant admistrative burden on regulated sources.

Seth C. Hunt,

Acting Regional Administrator.

[FR Doc. 83-13613 Filed 5-19-83; 8:45 a.m.]

BILLING CODE 6560-50-M

[OPTS-59126; TSH-FRL 2366-2]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by June 6, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-59126]" and the specific TME number should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacture on the TME received by EPA. The complete non-confidential document in the Public Reading Room E-107.

TME 83-53

Close of Review Period. June 23, 1983.

Manufacture. Confidential.

Chemical. (G) Dimer fatty acids, monocarboxylic acid, and polyamines polymer, modified with an acrylic acid copolymer.

Use/Production. (S) Solvent-based flexographic printing inks. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: inhalation, a total of 2 workers, up to 1 hr/da, up to 1 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by biological treatment system.

TME 83-54

Close of Review Period. June 23, 1983.

Manufacture. Confidential.

Chemical. (G) Alkoxylated polyamine.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Principal exposure will occur during material transfer, drumming and disposal.

Environmental Release/Disposal. No release expected. Disposal by incineration.

Dated: May 16, 1983.

Ronald A. Stanley,

Acting Director, Management Support Division.

[FR Doc. 83-13610 Filed 5-19-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51467; TSH-FRL 2366-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of twenty-nine PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-698, 83-699, 83-700 and 83-701. August 3, 1983.

PMN 83-702 and 83-703. August 6, 1983.

PMN 83-704, 83-705, 83-706, 83-707, 83-708, 83-711, 83-712, 83-713, 83-714, 83-715, 83-716, 83-717, 83-718, 83-719, 83-720, 83-721, and 83-722, August 7, 1983.

PMN 83-723, 83-724, 83-725, 83-726, 83-727, and 83-728, August 8, 1983.

Written comments by:

PMN 83-698, 83-699, 83-700 and 83-701, July 4, 1983.

PMN 83-702 and 83-703, July 7, 1983.

PMN 83-704, 83-705, 83-706, 83-707, 83-708, 83-711, 83-712, 83-713, 83-714, 83-715, 83-716, 83-717, 83-718, 83-719, 83-720, 83-721, and 83-722, July 8, 1983.

PMN 83-723, 83-724, 83-725, 83-726, 83-727 and 83-728, July 9, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-51467]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-698

Manufacturer. Confidential.

Chemical. (G) Copolymer of unsaturated organic compounds with polyols and isocyanates.

Use/Production. (S) Industrial binder for magnetic tape. Prod. range: 15,000-350,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 20 workers, up to 8 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10-10,000 kg/yr to land. Disposal by incineration and landfill.

PMN 83-699

Manufacturer. Confidential.

Chemical. (G) Copolymer of unsaturated organic compounds with polyols and isocyanates.

Use/Production. (S) Industrial binder for magnetic tape. Prod. range: 10,000-400,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 20 workers, up to 8 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10-10,000 kg/yr to land. Disposal by incineration and landfill.

PMN 83-700

Manufacturer. Confidential.

Chemical. (G) copolymer of unsaturated organic compounds with polyols and isocyanates.

Use/Production. (S) Industrial binder for magnetic tape. Prod. range: 15,000-350,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 20 workers, up to 8 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10-10,000 kg/yr to land. Disposal by incineration and landfill.

PMN 83-701

Manufacturer. Confidential.

Chemical. (S) 3-[2-(2,4-dinitrophenyl)ethenyl]-1H-indole.

Use/Production. (G) Coating for commercial materials. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 25 workers, up to 8 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Disposal by incineration.

PMN 83-702

Manufacturer. Confidential.

Chemical. (G) Modified styrene-acrylic polymer.

Use/Production. Confidential. Prod. range: 5-20 kg/yr (first calendar year).

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: Negligible.

Environmental Release/Disposal. Minimal release to land and water. Disposal by publicly owned treatment works (POTW) and approved landfill.

PMN 83-703

Importer. Confidential.

Chemical. (G) sodium alkyl allyl sulfosuccinate.

Use/Import. (G) Open use. Import range: Confidential.

Toxicity Data. Chemical oxygen demand: −21 parts per million (ppm); Biological oxygen demand: −31 ppm; Fish Toxicity: 100% survival @5 ppm.

Exposure. Processing: dermal and inhalation, a total of 20 workers, up to 0.5 hr/da, up to 200 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air with 10-100 kg/yr to water and land. Disposal by approved landfill.

PMN 83-704

Manufacturer. E. I. du pont de Nemours & Company, Inc.

Chemical. (S) Cyclohexanecarbonitrile, 1,1'-azobis.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral: >11,800 mg/kg; Irritation: Skin—None, Eye—Mild; Inhalation: Minimal.

Exposure. Use: inhalation, a total of 4 workers, up to 1 hr/da, up to 300 da/yr.

Environmental Release/Disposal. Disposal by incineration and plant waste treatment facility.

PMN 83-705

Manufacturer. Confidential.

Chemical. (S) Cyclohexanecarbonitrile, 1-amino.

Use/Production. (S) Industrial raw material for cyclohexanecarbonitrile, 1,1'-azobis. Prod. range: Confidential.

Toxicity Data. Acute oral: 200 mg/kg; Irritation: Skin—Negative, Eye—Severe to moderate; D.O.T. skin corrosion: Negative; Skin sensitization: Negative.

Exposure. Manufacture: vapor and liquid, a total of 5 workers, up to 0.5 hr/da, up to 4 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83-706

Manufacture. Polymer Applications, Inc.

Chemical. (G) Resorcinol—fatty acid polymer.

Use/Production. (S) Industrial adhesive for abrasive discs. Prod. range: 900-1,100 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: packaging, a total of 1 worker, up to 0.5 hr/da, up to 50 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83-707

Manufacturer. Milliken and Company.

Chemical. (G) Chromophore substituted poly(oxyalkylene).

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83-708

Manufacturer. Milliken and Company.

Chemical. (G) Chromophore substituted poly(oxyalkylene).

Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-711

Manufacturer. Confidential.
Chemical. (G) Metal oxide, reaction products with fatty alcohol and mineral acid.
Use/Production. (G) Site-limited intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, inhalation and ocular, a total of 32 workers, up to 8 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. No release. Disposal by biological treatment system and incineration.

PMN 83-712

Manufacturer. Andrews Paper and Chemical Company, Inc.
Chemical. (G) Polyhydroxyaromatic amine sulfonate salt.
Use/Production. (S) Diazo reproduction paper for industrial and commercial use. Prod. range: 5,000–40,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 22 workers, up to 1 hr/da, up to 100 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to water. Disposal by POTW.

PMN 83-713

Importer. Morton Chemical.
Chemical. (G) Aliphatic polyurethane resin based on adipic acid polyesters and dicyclohexyl methane diisocyanate.
Use/Import. (S) Topcoat for shoes. Import range: 15,000–300,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No exposure.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 83-714

Importer. Morton Chemical.
Chemical. (G) Polyester urethane resin based on ethylene glycol, 1,4-butanediol, adipic acid and MDI.
Use/Import. (S) Topcoat for upholstery. Import range: 15,000–500,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No exposure.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 83-715

Importer. Morton Chemical.
Chemical. (G) Polyester urethane resin based on neopentyl glycol, 1,6-hexanediol, adipic acid, aliphatic isocyanates and aliphatic amines.
Use/Import. (S) Topcoat for shoe and clothing interliners. Import range: 15,000–300,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No exposure.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 83-716

Importer. Morton Chemical.
Chemical. (G) Aliphatic polyurethane resin based on adipic acid polyesters and dicyclohexyl methane diisocyanate.
Use/Import. (S) Topcoat for artificial leather clothing. Import range: 15,000–250,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No exposure.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 83-717

Importer. Confidential.
Chemical. (G) Oxopentadecanolide.
Use/Production. Confidential. Import range: 1–1,000 kg/yr.
Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal; >2.0 g/kg; Irritation: Skin—Not a primary irritant, Eye—Non-irritant; Repeated insult patch test/photosensitization study in human subjects: Non-sensitive.
Exposure. Use: inhalation, a total of 2 workers, up to less than 1 hr/da, up to 20 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83-718

Manufacturer. Confidential.
Chemical. (G) Mixed phthalic acid—tall oil fatty acid alkyd resin.
Use/Production. (G) Open use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, inhalation and ocular.
Environmental Release/Disposal. 5,000–50,000 kg/yr released to land. Disposal by biological treatment system, incineration and approved landfill.

PMN 83-719

Manufacturer. The Goodyear Tire and Rubber Company.
Chemical. (G) Saturated mixed glycols/mixed acids copolyester.
Use/Production. (S) Adhesive. Prod. range: 5,000–907,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 24 workers, up to 4 hrs/da, up to 45 da/yr.
Environmental Release/Disposal. Disposal by biological treatment system and incineration.

PMN 83-720

Manufacturer. The Dow Chemical Company.
Chemical. (G) Cellulose, alkyl alkoxy ether.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Non-irritant, Eye—Moderate.
Exposure. Manufacture and use: dermal and inhalation, a total of 239 workers, up to 8 hrs/da, up to 100 da/yr.
Environmental Release/Disposal. Minimal release. Disposal by biological treatment system, incineration and approved landfill.

PMN 83-721

Manufacturer. Monsanto Company.
Chemical. (G) Alkylbiphenyls.
Use/Production. (S) Heat transfer fluids. Prod. range: Confidential.
Toxicity Data. Acute oral: >15,800 mg/kg; Acute dermal: >7,940; Irritation: Skin—Non-irritant, Eye—Non-irritant; Inhalation: Non-toxic; TL_{50}, 4-day: >1,000 ppm.
Exposure. Dermal, inhalation and ingestion, a total of 6 workers, 18 hours/yr.
Environmental Release/Disposal. Minimal release to land. Disposal by incineration and approved landfill.

PMN 83-722

Manufacturer. Confidential.
Chemical. (G) Alky acrylate copolymer.
Use/Production. (G) Adhestive for industrial use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: a total of 15 workers, up to 8 hrs/da, up to 20 da/yr.
Environmental Release/Disposal. Minimal release to air. Disposal by incineration.

PMN 83-723

Manufacturer. Confidential.
Chemical. (G) Metal chloro carbonyl dimer.
Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.
Toxicity data. No data submitted.
Exposure. Manufacture: dermal, a total of 2 workers, up to 400 hours/yr.
Environmental Release/Disposal. Disposal by recovery.

PMN 83-724

Manufacturer. Confidential.

Chemical. (G) Metal substituted B-diketonate.

Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 5 g/kg; Acute dermal: 2.0. g/kg; Irritation: Eye—Irritant; Inhalation: 200 mg/l.

Exposure. Manufacture: dermal and inhalation, a total of 2 workers, up to 400 hours/yr.

Environmental Release/Disposal. Disposal by recovery.

PMN 83-725

Importer. Haarmann and Reimer Corporation.

Chemical. (S) Methyl lactate.

Use/Import. (S) Industrial perfume manufacturing. Import range: 100–10,000 kg/yr.

Toxicity Data. Acute oral: 6.35 g/kg.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83-726

Manufacturer. Confidential.

Chemical. (G) Reaction product of an aliphatic diisocyanate, aliphatic diol, aliphatic triol, and aliphatic dicarboxylic acid.

Use/Production. (S) Industrial and site-limited resin used in automotive paint. Prod. range: 5,000–35,910 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing, use and disposal: dermal, and inhalation, a total of 34 workers, up to 7 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. More than 10,000 kg/Yr released to land. Disposal by approved landfill.

PMN 83-727

Manufacturer. Confidential.

Chemical. (G) Reaction product of an aliphatic diisocyanate, aliphatic diol, aliphatic triol, and aliphatic dicarboxylic acid.

Use/Production. (S) Industrial and site-limited resin used in automotive paint. Prod. range: 2,500–210,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing, use and disposal: dermal and inhalation, a total of 34 workers, up to 7 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. More than 10,000 kg/Yr released to land. Disposal by approved landfill.

PMN 83-728

Manufacturer. Hercules, Incorporated.

Chemical. (G) Organic silane-sulfonyl azide.

Use/Production. (S) Binder for inorganic fillers to polyolefins. Prod. range: Confidential.

Toxicity Data. Acute oral: < 5 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Skin sensitization: Sensitizer.

Exposure. Manufacture, processing and use: dermal, a total of 3 workers.

Environmental Release/Disposal. Confidential. Disposal by POTW.

Dated: May 16, 1983.

Ronald A Stanley,

Acting Director, Management Support Division.

[FR Doc. 83-13611 Filed 5-19-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Form Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of OMB Number 3067–0066

Title: Request for Fire Suppression Assistance

Abstract: When a Governor determines that fire suppression assistance is warranted, his/her request for assistance shall specify in detail the facts supporting the request. In order that actions in processing a State request are executed as rapidly as possible, the State may submit a request to the Regional Director by telephone, promptly followed by a confirming telegram or letter.

Type of respondents: State or local governments

Number of respondents: 5–10

Burden hours: 5–10

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 287–9906, 500 C Street SW., Washington, DC 20472.

Comments should be directed to Ken Allen, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Room 3235 New Executive Office Building, Washington, DC 20503.

Dated: May 11, 1983.

Walter A. Girstantas,

Assistant Associate Director, Office of Administrative Support.

[FR Doc. 83-13586 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-01-M

[Docket No. FEMA-REP-5-MI-2]

Michigan Emergency Preparedness Plan Site-Specific for the Big Rock Point Nuclear Power Station

AGENCY: Federal Emergency Management Agency.

ACTION: Certification of FEMA findings and determination.

In accordance with the Federal Emergency Management Agency (FEMA) Rule 44 CFR Part 350 (proposed) the State of Michigan submitted its plans relating to the Big Rock Point Nuclear Power Station to the Director of FEMA Region V for review and approval. The Regional Director forwarded his evaluation to the Associate Director for State and Local Programs and Support in accordance with § 350.11 of the proposed rule. Included in this evaluation were a review of the State and local plans around the Big Rock Point facility; and evaluation of the exercises conducted on June 24, 1980, and April 6, 1982, in accordance with § 350.9; and a report of the public meeting held on December 15, 1980, to discuss the site-specific aspects of the State and local plans in accordance with § 350.9; and a report of the public meeting held on December 15, 1980, to discuss the site-specific aspects of the State and local plans in accordance with § 350.10 of the proposed rule. The deficiencies identified during the April 6, 1982, exercise at Big Rock Point, other than than those related to the alert and notification system, have been adequately addressed by the State of Michigan.

Based on the evaluation by the Regional Director and the review by the FEMA Headquarters staff, I find and determine that, subject to the condition stated below, the State and local plans and preparedness for the Big Rock Point Nuclear Power Station are adequate to protect the health and safety of the public living in the vicinity of the station. The plans and preparedness have been found to be adequate because there is reasonable assurance that appropriate protective measures can and will be taken offsite in the event of a radiological emergency. The condition for the above approval is that the adequacy of the public alerting and notification system, which is already installed and operational, must be verified as meeting the standards set forth in Appendix 3 of the Nuclear Regulatory Commission/FEMA Criteria in NUREG–0654/FEMA–REP–1 (Rev. 1).

FEMA will continue to review the status of plans and preparedness of the

State and localities associated with the Big Rock Point Nuclear Power Station in accordance with § 350.13 of the proposed rule.

For further details with respect to this action, refer to Docket File FEMA–REP–5–MI–2 maintained by the Regional Director, FEMA Region V, at the Federal Center, Battle Creek, Michigan 49016.

Dated: Washington, D.C., May 16, 1983.
For Federal Emergency Management Agency.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-13587 Filed 5-19-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARTIME COMMISSION

[Agreement No. 10424-3]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10424–3 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and that preparation of an environmental impact statement is not required. Agreement No. 10424–3 would amend the United States Atlantic and Gulf/Jamaica and Hispaniola Steamship Conference Agreement to (1) enlarge the geographic scope of the Conference to include ports in the Commonwealth of Puerto Rico and the U.S. Virgin Islands; (2) increase from two to five the number of rate-making sections in the Conference; and (3) establish eligibility for membership and voting in the various rate-making sections.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this Notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C., telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83-13686 Filed 5-19-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; CB & T Bancshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(C) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that request a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *CB & T Bancshares., Inc.*, Columbus, Georgia; to acquire 100 percent of the voting shares of Bank of Hazlehurst; Hazlehurst, Georgia. Comments on this application must be received not later than June 16, 1983.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Fifth Third Bancorp*, Cincinnati, Ohio; to acquire 100 percent of the voting shares or assets of The Peoples National Bank of Wapakoneta, Wapakoneta, Ohio. Comments on this application must be received not later than June 16, 1983.

Board of Governors of the Federal Reserve System, May 17, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-13704 Filed 5-19-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Company; FBT Bancshares, Inc.

FBT Bancshares, Inc., Fordyce, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Fordyce Bank and Trust Co., Fordyce, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

FBT Bancshares, Inc., Fordyce, Arkansas, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage *de novo* in real estate appraisal as authorized in § 225.4(a)(14) of the Board's Regulation Y.

These activities would be performed from offices of Applicant's subsidiary in Dallas County, Arkansas, and the geographic areas to be served are Dallas, Cleveland, and Calhoun Counties, Arkansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than June 17, 1983.

Board of Governors of the Federal Reserve System, May 17, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-13705 Filed 5-19-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Gifford Bancorp, Inc.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding

companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Gifford Bancorp, Inc.*, Gifford, Illinois; to become a bank holding company by acquiring 80 percent or more of the voting shares of The Gifford State Bank, Gifford, Illinois. Comments on this application must be received not later than June 16, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Lindell Bancshares, Inc.*, Cold Spring, Minnesota; to become a bank holding company by acquiring 85.3 percent of the voting shares of State Bank of Cold Spring, Cold Spring, Minnesota. Comments on this application must be received not later than June 16, 1983.

C. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary), Washington, D.C. 20551:

1. *Citizens Financial Corporation*, Fort Atkinson, Wisconsin; to become a bank holding company by acquiring 80 percent of the voting shares of Citizens State Bank, Fort Atkinson, Wisconsin. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, May 17, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-13706 Filed 5-19-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities; Citizens Bancorporation et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo*), (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Citizens Bancorporation*, Sheboygan, Wisconsin (lending activities; Wisconsin, upper peninsula of Michigan): To engage through its subsidiary Citizens Mortgage Company, Inc. in making and acquiring loans and other extensions of credit, for its own account or for the account of others. These activities would be conducted in Wisconsin and the upper peninsula of Michigan, from an office located in Green Bay, Wisconsin. Comments on this application must be received not later than June 9, 1983.

2. *DeKalb Bancorp*, De Kalb, Illinois (credit life and health and accident insurance; Illinois): To engage through a *de novo* subsidiary Security Life Insurance Company, De Kalb, Illinois, in underwriting credit life insurance and health and accident insurance directly related to extensions of credit. This activity will be conducted from an office in De Kalb serving the area of the De Kalb County, Illinois. Comments on this application must be received not later than June 8, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Cripple Creek Bancorporation Inc.*, Cripple Creek, Colorado (data processing: Teller County, Colorado): To engage directly in marketing and processing financially-oriented computer data processing services. These activities will be conducted from an office in Cripple Creek, Colorado, and will serve Teller County, Colorado. Comments on this application must be received not later than June 15, 1983.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *First Amarillo Bancorporation, Inc.*, Amarillo, Texas (financing, servicing, leasing activities; Texas): To engage directly in making or acquiring loans and other extensions of credit such as would be made by a commercial financial company, including direct loans to consumers for purchase of real property and commercial loans unsecured or secured by a borrower's assets; servicing such loans for others; and making leases of personal or real property in accordance with the Board's Regulation Y. These activities would be performed from an office in Amarillo, Texas, serving the State of Texas. Comments on this application must be received not later than June 13, 1983.

Board of Governors of the Federal Reserve System, May 17, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-13707 Filed 5-19-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Southern Bancorporation, Inc., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce

benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Southern Bancorporation, Inc.*, Greenville, South Carolina (consumer finance and insurance activities; South Carolina): To engage through its subsdiary, World Acceptance Corporation, in making extensions of credit as a licensed consumer finance lender, acting as agent for credit life and accident insurance written in connection with such extensions of credit, and acting as agent for credit property insurance written solely in connection with such extensions of credit. These insurance activities are permissible under sections 601 (A), (B), and (D) of the Garn-St. Germain Depository Institutions Act of 1982. These activities would be conducted from an office in Columbia, South Carolina, serving the approximate city limits of Columbia and certain other parts of tthe Columbia SMSA within a ten mile radius of Columbia. Comments on this application must be received not later than June 13, 1983.

2. *Southern Bancorporation, Inc.*, Greenville, South Carolina (consumer finance and insurance activities; Georgia): To engage through its subsidiary, World Acceptance Corporation, in making extensions of credit as a licensed consumer finance lender, acting as agent for credit life and accident insurance written in connection with such extensions of credit, and acting as agent for credit property insurance written solely in connection with such extensions of credit. These insurance activities are permissible under sections 601 (A), (B), and (D) of the Garn-St Germain Depository Institutions Act of 1982. These activities would be conducted from an office in Macon, Georgia, serving the approximate city limits of Macon and certain other parts of the Macon SMSA within a ten mile radius of Macon. Comments on this application must be received not later than June 15, 1983.

3. *Southern Bankcorporation, Inc.*, Greenville, South Carolina (consumer finance and insurance activities; South Carolina): To engage through its subsidiary, World Acceptance Corporation, in making extensions of credit as a licensed consumer finance lender, acting as agent for credit life and accident insurance written in connection with such extensions of credit, and acting as agent for credit property insurance written solely in connection with such extensions of credit. These insurance activities are permissible under sections 601 (A), (B), and (D) of the Garn-St Germain Depository Institutions Act of 1982. These activities would be conducted from an office in Greenville, South Carolina, serving the approximate city limits of Greenville and certain other parts of the Greenville SMSA within a ten mile radius of Greenville. Comments on this application must be received not later than June 15, 1983.

4. *Southern Bancorporation, Inc.*, Greenville, South Carolina (consumer finance and insurance activities; Georgia): To engage through its subsidiary, World Acceptance Corporation, in making extensions of credit as a licensed consumer finance lender, acting as agent for credit life and accident insurance written in connection with such extensions of credit, and acting as agent for credit property insurance written soley in connection with such extensions of credit. These insurance activities are permissible under sections 601 (A), (B), and (D) off the Garn-St Germain Depository Institutions Act of 1982. These activities would be conducted from an office in Dublin, Georgia, serving the approximate city limits of Dublin and certain other parts of Laurens County within a ten mile radius of Dublin. Comments on this application must be received not later than June 15, 1982.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Geiger Corporation*, Edina, Minnesota (financing; Iowa and Minnesota): To engage directly in acquiring agricultural loans, farm real estate loans and other extensions of credit through loan participation agreements with financial institutions. These activities would be conducted from an office in Edina, Minnesota, serving the States of Iowa and Minnesota. Comments on this application must be received not later than June 8, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Union Planters Corporation*, Memphis, Tennessee (trust company activities; Arkansas): To engage, through its subsidiary, Investors Trustcorp., Inc., in the business of a trust company organized under the laws of the State of Arkansas, including activities of a fiduciary agency or custodial nature, such as acting as executor or administrator of estates as trustee under both *inter vivos* and testamentary trusts, and as guardian or curator of any infant or incompetent person or his estate under court appointment, administering agency and custodial accounts, offering both self-directed and trustee-directed IRA accounts, retirement plans for the self-employed, pension, profit-sharing and thrift plans and Taft-Hartley plans, and offerings to individuals, firms and foundations investment recommendations and management. These activities would be conducted from an office located in Little Rock, Arkansas, serving Pulaski County, Arkansas, and the counties of Lonoke, Grant, Faulkner, Perry and Saline in Arkansas. Comments on this application must be received not later than June 7, 1983.

Board of Governors of the Federal Reserve System, May 16, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-13560 Filed 5-19-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of a Bank Holding Company; Dixie Bancshares, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factor that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must

include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Dixie Bancshares, Inc.*, Dukedom, Tennessee; to become a bank holding company by acquiring 80 percent of the voting shares of Dukedom Bank, Dukedom, Tennessee. Comments on this application must be received not later than June 15, 1983.

Board of Governors of the Federal Reserve System, May 16, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-13359 Filed 5-19-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83F-0116]

Ciba-Geigy Corp.; Filing of Food Additive Petition

Correction

In FR Doc. 83-11136, appearing on page 18895, in the issue of Tuesday, April 26, 1983, in the second column, in the seventh line "2540(c)" should read "25.40(c)".

BILLING CODE 1505-01-M

Consumer Participation; Open Meetings

Correction

In FR Doc. 83-11132, appearing on page 18895, in the issue of Tuesday, April 26, 1983, in the third column, in the seventh complete paragraph, in the fifth line, "212" should read "213".

BILLING CODE 1505-01-M

Consumer Participation; Open Meetings

AGENCY: Flood and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings:

Baltimore District Office, chaired by Thomas L. Hooker, District Director. The topic to be discussed is Direct-to-Consumer Advertisting of Prescription Drugs.

DATE: Thursday, June 2, 1983, 10 a.m. to 12 m.

ADDRESS: Community Room, Riveridge Mall, Lynchburg, VA 24503.

FOR FURTHER INFORMATION CONTACT: Charity E. Singletary, Consumer Affairs Officer, Food and Drug Administration, Falls Church Resident Inspection Post, 701 West Broad St., Rm 309, Falls Church, VA 22046, 703-285-2578.

Orlando District Office, chaired by Adam J. Trujillo, District Director. The topic to be discussed is Direct-to-Consumer Advertising of Prescription Drugs.

DATE: Thursday, June 2, 1983, 1:30 p.m. to 3:30 p.m.

ADDRESS: Food and Drug Administration, Orlando Central Park, 7200 Lake Ellenor Drive, Suite 120, Orlando, FL 32809.

FOR FURTHER INFORMATION CONTACT: Lynne Isaacs, Consumer Affairs Officer, Food and Drug Administration, P.O. Box 118, Orlando, FL 32802, 305-855-0900.

Dallas District Office, chaired by James E. Anderson, District Director. The Topic to be discussed is Direct-to-Consumer Advertising of Prescription Drugs.

DATE: Tuesday, June 7, 1983, 2 p.m. to 4 p.m.

ADDRESS: Danforth Safety Center, 301 Oakhurst Scenic Drive, Fort Worth, TX 76111.

FOR FURTHER INFORMATION CONTACT: Hazel L. Wallace or Don Aird, Consumer Affairs Officers, Food and Drug Administration, 1200 Main Tower, Rm. 1545, Dallas, TX 75202, 214-767-5433.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 16, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-13712 Filed 5-19-83; 8:45 am]

BILLING CODE 4160-01-M

[FDA-225-83-7000]

Memorandum of Understanding Between the Environmental Protection Agency and the Food and Drug Administration; Drug/Pesticide Products for Use on or in Animals

AGENCY: Food and Drug Administration

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA) have signed a Memorandum of Understanding (MOU) (formerly a Memorandum of Agreement) on "drug/pesticide" products for use on or in animals. The MOU provides guidance for coordinating the regulation of those products that are subject to the laws administered by both agencies and informs interested persons about which agency will regulate each type of use.

EFFECTIVE DATE: The MOU will become effective July 30, 1983, unless comments received warrant further consideration by either agency. Should this occur, a stay of the effective date will be published in the **Federal Register**. Comments on this agreement are to be submitted by June 20, 1983.

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

FOR FURTHER INFORMATION CONTACT: Andrew Beaulieu, Bureau of Veterinary Medicine (HFV-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3044.

SUPPLEMENTARY INFORMATION: FDA and EPA have entered into an MOU to avoid duplicative and inconsistent regulation of drug/pesticide products for use on or in animals. The MOU provides that FDA have sole jurisdiction under the Federal Food, Drug, and Cosmet Act over "animal drug/pesticide" products that are new animal drugs or that conform to a published regulation setting forth safe and effective conditions for their use.

FDA is solely responsible for determining whether a particular "animal drug/pesticide" product is a new animal drug. In the absence of a specific determination that a product is a new animal drug, it is subject to joint jurisdiction. The MOU provides, however, that such products will be subject to regulation by only one agency.

Both agencies have been operating under a Memorandum of Agreement (MOA), published in the **Federal Register** of December 22, 1971 (36 FR 24234), as amended (38 FR 24233;

September 6, 1973), entitled "Memorandum of Agreement Regarding Matters of Mutual Responsibility Under Federal Food, Drug, and Cosmetic Act and Federal Insecticide, Fungicide and Rodenticide Act; Department of Health, Education, and Welfare and Environmental Protection Agency."

The new MOU supersedes paragraphs 3g., j., k., l., m., and n. of the MOA. Although the remainder or the original agreement will remain in effect, it is the intention of FDA and EPA to replace the entire agreement eventually with subject-specific MOU's, of which this is the first. Subsequent MOU's will cover human drug/pesticides, food additive/pesticides, and other matters. This effort updates the original interagency agreements in accord with the 1975 amendment to FIFRA, which eliminated dual jurisdiction over certain products that are both pesticides and drugs.

This MOU will have a minimal effect on the industry and the regulating agencies as current regulation of very few products will be altered. The regulatory status of products intended for the treatment of mange (e.g., demodectic, sarcoptic, otodectic) in dogs, cats, and horses may be altered by this MOU. Because adequate directions for safe lay use of many products of this class cannot be written, those products should bear the animal drug prescription legend. Products needing the prescription legend will be regulated solely by FDA, but will not necessarily require approval of a new animal drug application at this time.

The principal effect of the MOU, aside from clarifying the existing regulatory responsibilities of EPA and FDA, is to shift a small group of products from primary EPA jurisdiction to regulation solely by FDA. The practical result for many of these products will be only the addition of the prescription legend and the deletion of the EPA registration number from product labeling. Affected firms will be notified of products requiring label changes and will be permitted to use existing stocks of labeling before making those changes.

The text of the MOU is set forth below.

Memorandum of Understanding Between the Environmental Protection Agency and the Food and Drug Administration

I. Purpose

This Memorandum of Understanding defines the current responsibilities of the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic Act (FFDCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) regarding drug/pesticide products for use on or in animals. It supersedes paragraphs 3. g., j., k., l., m., and n. of the Memorandum of Agreement between EPA and FDA (published in the **Federal Register** of September 6, 1973 (38 FR 24233)) with respect to products for use on or in animals.

II. Background

Reorganization Plan No. 3 of 1970 (published in the **Federal Register** of October 6, 1970 (35 FR 15623)) transferred certain functions for the control of pesticides from the Department of Agriculture and FDA to EPA.

To clarify matters of mutual responsibility under the FFDCA and the FIFRA, FDA and EPA signed a Memorandum of Agreement which was published in the **Federal Register** of December 22, 1971 (36 FR 24234).

An amendment to the Memorandum of Agreement that was published in the **Federal Register** of September 6, 1973 (38 FR 24233) gave additional information regarding the processing of applications for approval of animal drugs under the FFDCA and for the registration of pesticides under the FIFRA.

On November 28, 1975, the FIFRA was amended (89 Stat. 754) to modify, among other things, the definition of "pesticide" (section 2(u), 7 U.S.C. 136(u)) so that "the term pesticide shall not include any article (1)(a) that is a 'new animal drug' within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(w)), or (b) that has been determined by the Secretary of Health, Education, and Welfare [now Secretary of Health and Human Services] not to be a new animal drug by a regulation establishing conditions of use for the article, or (2) that is an animal feed within the meaning of section 201(x) of such Act (21 U.S.C. 321(x)) bearing or containing an article covered by clause (1) of this proviso."

The changes to the FIFRA transferred pesticide/new animal drugs (substances intended for uses that are both pesticide and new animal drugs) and feeds that contain such pesticide/new animal drugs from the dual jurisdiction of EPA and FDA to the sole jurisdiction of FDA under the FFDCA.

Pesticide/animal drug products that are not within the provisions of the 1975 amendment continue to be under the dual jurisdiction of FDA and EPA and their laws.

III. Substance of Agreement

FDA and EPA each agree:

A. Products for the following uses are considered to be pesticides and not animal drugs, and are therefore subject solely to EPA jurisdiction.

1. Treatments that are administered topically to food-producing animals only for control of external arthropod parasites, including but not limited to (a) those recommended for fleas, ticks, lice, mites, screwworms, wool maggots, horn flies face flies, sheep keds; and (b) those intended to act topically for control of cattle grubs subsequent to migration and establishment of a breathing pore.

2. Aquatic treatments solely for the control of algae or bacterial slime in ponds or aquariums.

3. Sanitizers intended to sanitize aquarium equipment.

4. Sanitizers applied to inanimate surfaces and/or in drinking water of animals that do not include any direct or implied claims to control disease.

B. Products other than those listed in paragraph A. above for use on or in animals will be reviewed by FDA to determine if they are animal drugs as defined in the FFDCA and, if so, which agency will exercise jurisdiction.

1. If FDA determines the product to be a new animal drug or if the product is an animal drug that is subject to a published regulation determining that it is not a new animal drug and establishing conditions of use, then it is subject solely to FDA jurisdiction.

2. If the product is not subject to paragraph B.1. above, then the product is subject to the jurisdiction of both agencies. FDA, however, may determine that it can provide adequate regulation of the product. If FDA makes such a determination, EPA will initiate a rulemaking proceeding under section 25(b) of FIFRA to exempt such products from regulation under FIFRA. When such exemption becomes final, the product will be subject solely to the regulatory procedures of FDA. If FDA does not make such a determination, the product will be subject solely to EPA regulatory procedures.

3. Examples of products that have been and will continue to be regulated solely by FDA are those intended for, but not limited to, the following uses:

a. Products for oral administration such as tablets, capsules, boluses, drinking water preparations, medicated blocks, and medicated feeds, including liquid feeds and supplements (these do not apply to products solely for sanitizing the drinking water of animals). Such articles include treatments for control of horse bots and cattle grubs and for control of fleas, mange mites, or other external parasites, and animal drinking water treatments intended for control of animal parasites or diseases.

b. Products administered parenterally.

c. Products applied topically for treating internal parasites, including the migrating larvae of cattle grubs.

d. Products applied to poultry eggs used for incubation with direct or implied claims for healthier or disease-free chicks.

4. FDA may determine that a product intended for uses that are both animal drug and pesticide and that is subject to the jurisdiction of both agencies must also bear on the label the prescription legend that the drug is restricted to use by or on the order of a licensed veterinarian. If FDA makes such a determination, EPA will initiate a rulemaking proceeding under section 25(b) of FIFRA to exempt such products from regulation under FIFRA. When such exemption becomes final, the product will be subject solely to FDA regulatory procedures, and EPA registration will not be required. Products in this category include those for which adequate directions cannot be written for diagnosis by the layperson; or which because of toxicity or other potentiality for harmful effect, or the method of use, are not safe or effective for use except under the supervision of a licensed veterinarian. These include, but are

not limited to, products intended for treating demodectic mange, sarcoptic mange, and otodectic mange (ear mites) in cats, dogs, and horses.

C. FDA discourages the use on the same product of labeling bearing separate claims, one to be regulated by FDA, the other by EPA. Specifically, the agency will not approve without the concurrence of EPA any new animal drug product that also bears labeling that provides for its use as a pesticide on anything other than animals.

D. EPA will not register a pesticide product that also bears labeling that provides for its use as a new animal drug.

E. If a manufacturer proposing a new product is unable to determine the agency having exclusive or primary jurisdiction, a presubmission inquiry may be submitted to the liaison officer of either agency, as shown below. FDA and EPA will jointly consider the inquiry and advise the manufacturer of their conclusion.

IV. Name and Address of Participating Agencies

A. Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

B. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

V. Liaison Officers

A. For the Food and Drug Administration: Director, Division of Surveillance (currently Andrew Beaulieu), Bureau of Veterinary Medicine (HFV-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3044.

B. For the Environmental Protection Agency: Registration Division, Product Manager (15) (currently George LaRocca), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, 202-557-2400.

VI. Comment Period

A period of 30 days is being provided for public comment on this agreement. Comments may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. This agreement will become effective on July 30, 1983, unless comments received by June 20, 1983, warrant further consideration by either agency of the terms of the agreement. If this occurs, a stay of the effective date will be announced in the **Federal Register.**

VII. Period of Agreement

This agreement when accepted by both parties will be effective from July 30, 1983, until terminated. It may be modified by mutual consent or terminated by either party upon a 30-day advance written notice to the other.

Approved and Accepted for the Environmental Protection Agency

Edwin L. Johnson,

Director, Office of Pesticide Programs.

Dated: May 3, 1983.

Approved and Accepted for the Food and Drug Administration

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

Dated: May 13, 1983.

Effective date. This MOU will become effective July 30, 1983.

Dated: May 13, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-13409 Filed 5-19-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83N-0115; DESI 12368]

Isoproterenol Hydrochloride for Oral Use; Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption; Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice revokes the temporary exemption for continued marketing of isoproterenol hydrochloride (controlled-release action) tablets. Under the exemption, the drug has been allowed to remain on the market for continued study beyond the time limit established for implementation of the Drug Efficacy Study. This notice also reclassifies the drug to lacking substantial evidence of effectiveness, proposes to withdraw approval of the new drug application, and offers an opportunity for a hearing on the proposal.

DATES: The revocation of the temporary exemption is effective May 20, 1983, hearing requests due on or before June 20, 1983.

ADDRESSES: Communications in response to this notice should be identified with Docket No. 83N-0115 and the reference number DESI 12368 and directed to the attention of the appropriate office named below:

Requests for hearing, supporting data, and other comments: Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

Requests for an opinion of the applicability of this notice to a specific product: Divison of Drug Labeling Compliance (HFN-310), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Mary E. Catchings, National Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 28, 1970 (35 FR 13754), the Food and Drug Administration (FDA) announced its conclusions, based on a report received from the National Academy of Sciences/National Research Council (NAS/NRC), that the drug product described below is possibly effective when administered orally for heart block and Adams-Stokes syndrome. The NAS/NRC panel commented that because this drug is largely inactivated in the liver, there should be more adequate documentation that it is predictably effective.

Proternol (controlled-release) Tablets; containing isoproterenol hydrochloride; Key Pharmaceuticals, Inc., 300 Northeast 59th St., Miami, FL 33137 (NDA 12-638).

In a notice published in the **Federal Register** of May 30, 1974 (39 FR 18803), in response to a petition from Key, FDA temporarily exempted Proternol (controlled-release) Tablets from the time limits established for completing certain phases of the Drug Efficacy Study Implementation (DESI) program. The purpose of the exemption was to allow time for studies of Proternol to be conducted to determine the bioavailability and length of sustainment of the drug as well as its efficacy in complete heart block. FDA has previously concluded that parenteral, sublingual, and rectal dosage forms of isoproterenol hydrochloride are effective for heat block and Adams-Stokes syndrome (37 FR 18227; Sept. 8, 1972).

Key submitted the results of a single study (Hildner) intended to describe the bioavailability and duration of action of Proternol. The study employed a double-blind, triple crossover design, comparing the pharmacologic effects on heart rate and blood pressure of 30-mg oral isoproterenol controlled-release tablets, an unstated dose of sublingual isoproterenol, and placebo. Subjects were normal, health volunteers. The raw data for the study were not submitted. Summaries of the available data, provided by Key, demonstrated that both oral and sublingual isoproterenol increased the mean heart rate compared with placebo. However, although all of the 12 subjects studied responded to single, sublingual tablets of isoproterenol with an increase in heart rate, only 8 of the 12 responded to the oral dosage form. Moreover, the duration of action of sublingual isoproterenol was 3.38 hours in 12 subjects, not much shorter than the 4.88 hours duration in the 8 subjects who

responded to oral Proternol. In a partial followup study of the four Proternol nonresponders, using 30-mg and then 45-mg oral isoproterenol doses, only one of the four subjects experienced a significant rise in heart rate, two again failed to respond to the drug, and one dropped out of the study.

FDA communicated its evaluation of the study to Key, pointing out that the drug is not comparable to sublingual isoproterenol. In response, Key submitted comments, including a number of references showing that some patients with Adams-Stokes attacks could be treated successfully with Proternol or other oral isoproterenol preparations. (FDA has reviewed these references, which are discussed below, and found them inadequate to support effectiveness of Proternol for its labeled indications.) FDA subsequently informed key that another bioavailability study is required. Key agreed to conduct and additional bioavailability study; however, no data have been received.

Literature References Submitted

Key submitted the following studies from the literature concerning the pharmacologic effects of Proternol when used in the treatment of heart block and Adams-Stokes syndrome. The results of these studies do not justify classifying the drug as effective. They do show that in some patients with atrioventricular (A–V) block and/or Adams-Stokes syndrome, Proternol can increase heart rate. This indicates that some isoproterenol does pass by the liver and it is well-established that if isoproterenol reaches the heart it will increase heart rate. The relevant questions, however, are related to (1) whether the Proternol response is predictable in any individual; (2) how long the Proternol effect lasts in relation to other routes of administration; (3) how constant the absorption of Proternol is from day to day in the same patient; and (4) whether one can identify individuals who will not respond to Proternol. As to the latter question, a trial of parenteral isoproterenol cannot be used to identify responders (although Key suggests this means of choosing Proternol nonresponders) because the Hildner Study showed that one-third of patients responding to sublingual isoproterenol do not respond to Proternol. The uniformity and reproducibility of Proternol absorpiton is a critical issue because the drug is intended for people who could suffer catastrophic bradycardia in the absence of treatment.

Additionally, the clinical studies cited by Key all attempted to use the patients' pretreatment status as a control—a kind of historical control—(the presumption is that the patients' status would not have changed without intervention) but inasmuch as none of the studies adequately document the Proternol pretreatment period, a valid quantitative comparison cannot be made. The studies therefore are not properly controlled and do not meet the requirements of 21 CFR 314.111(a)(5)(ii)(*a*)(*4*).

1. Nissen, N. I. and A. C. Thomsen, "Oral Treatment of A–V Block and Other Bradycardias with Sustained Action Isoprenaline," *British Heart Journal*, 27:926–931 (1965). The authors reported their experience with the use of Proternol in 32 patients with complete A–V block, second degree block, nodal bradycardia, or atrial fibrillation with slow ventricular rates. The patients were treated for a period of one-half month to 7 months with doses of 120 to 640 mg of Proternol daily. Before and after values for heart rate are given, effects on Adams-Stokes attacks, if present, are described, and clinical response is listed. The authors reported some increase in heart rates in nearly all patients, and an increase by at least 33 percent in 18 of the 32 patients. None of the patients experienced Stokes-Adams attacks during the treatment period, although 18 had experienced them before, 9 of them frequently. This study cannot be considered well-controlled. A major deficiency is the lack of a clear description of the nature of the heart rates given, i.e., whether they are the lowest values or last values before treatment. Consequently, the methods of observation must be considered insufficiently explained (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)). In addition, because the study is not properly controlled, a meaningful analysis of the results could not be made (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)).

2. Bekes, M. and A. Gulyas, "Treatment of Total Atrioventricular Block and of Adams-Stokes Syndrome with Long-Acting Isoprenaline," *Archives of Hungarian Internal Medicine*, 23:73–78 (1970). In this study, 10 pateints with complete A–V block (fixed in 8 and intermittent in 2) were treated with Proternol. Four of the patients had a history of Adams-Stokes attacks while four complained of dizziness, weakness, tiredness, or thirst for air. After a test intravenous isoproterenol infusion, of 2.5 to 10 micrograms per minute showing at least a 10 beats per minute increase in heart rate, Proternol therapy was begun, starting with three 30-mg tablets per day, increasing to 240 mg. Over an average of 7 months (range 4 to 14 months), Adams-Stokes attack did not occur in three of four patients, while weakness and fatigue improved in most patients. The effect of the drug lasted only 3 hours, a disappointment to the authors. Apparently not all patients responded, but the critical table showing overall results was not included in the submitted translation. Again this study is not properly controlled as it lacks adequate documentation of the patients' prior history (e.g., how many Adams-Stokes attacks) to permit quantitative evaluation (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)).

3. Toso, M., "Treatment of Atrioventricular Heart Block with Retard Isopropylnorepinephrine," *Minerva Cardioangiologica*, 14:76–80 (1966). The author treated 11 patients with second and third degree A–V block with Proternol and reported individual results of treatment. Success was reported in most patients—no syncopal attacks if previously present, small increases in idioventricular rate, decreased degree of block; but there is no way to assesss the variability of these measurements before treatment from the data given and thus no way to assess the results quantitatively (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)).

4. Dack, S. and S. R. Robbin, "Treatment of Heartblock and Adams-Stokes Syndrome with Sustained-Action Isoproterenol," *Journal of the American Medical Association*, 176:127–134 (1961). This reference reported Proternol treatment of 15 patients with A–V block and Adams-Stokes attacks. Proternol 30 mg was administered daily every 4 to 6 hours over a period of 1 to 12 months. Beneficial effects were reported in the patients as follows: return to sinus rhythm (one patient), increased idioventricular rate (four patients), or reduction/prevention of extreme bradycardia/asystole (every patient). The authors observed that Proternol tablets could be given 3 to 4 times a day to many patients, but sometimes doses of 60 mg every 4 hours were needed and even 60 mg every 3 hours. They state, "As condition became stabilized, frequency of doses was gradually reduced." This comment is somewhat surprising, suggesting that the patients were changing spontaneously, as Proternol is not a curative treatment. In the absence of a specific untreated control group to establish the natural history of untreated attacks (21 CFR 314.111(a)(5)(ii)(*a*)(*4*), it is unclear what the spontaneous changes in these patients would have been.

5. Hitzenberger, G., "Die Therapie schwerer Herzrhythmusstorungen mit

einem 'Sustained-Action' Isopropylnoradrenalin." *Wiener Klinische Wochenschriff*, 78:191–202 (1966). This report is in the German language; as no translation was provided by Key, it could not be evaluated. In the summary presented in English, the author reported apparently favorable responses in 11 of the 14 patients studied. However, the summary lacks sufficient detail to permit scientific evaluation (21 CFR 314.111(a)(5)(ii)(*C*)).

8. Schwartz, W., "Sustained-Action Isoproterenol in the Treatment of Adams-Stokes Syndrome," *Current Therapeutic Research*, 11:64–70 (1969). Following daily administration of two 5 mg tablets of controlled-release isoproterenol for 4 weeks in 12 patients with Adams-Stokes Syndrome, the investigator reported excellent control of the syndrome in 10 patients and good responses in another. He also reported that increasing the daily dose to six 5 mg tablets 4 times daily increased effectiveness in those patients in whom 30 mg was insufficient. It is difficult to substantiate this observation, as every other investigator found much greater and more frequent doses were needed. Moreover, the validity of the author's observations cannot be assured because pertinent data about the methods of observation, including the variables measured, either were not provided or were stated in broad terms, contrary to the requirements of 21 CFR 314.111(a)(5)(ii)(*a*)(*3*). No information is provided about when his observations were made and how baseline was established. For example, most patients had "unstable" rhythms, "alternating between partial and complete heart block." The author does not state whether baseline heart rates are the lowest or the highest rates, or some other measure as an average. After the first observations, variable doses were used in 11 of the patients. "Objectives" data (before/after heart rates) are given for only two patients, and in these two patients heart rate did not change, although excellent results are claimed in all.

7. Redwood, D., "Conservative Treatment of Chronic Heart Block," *British Medical Journal*, 1:26–29 (1969). The author reported the results of Proternol treatment in 203 patients with chronic heart block. Of these, 175 had Adams-Stokes attacks, 59 had heart failure, and 57 had exertional dyspnea. (It is assumed from the study's report that some patients had more than one symptom.) Of the 175 Adams-Stokes attacks, 39 were due to asystole, 45 to ventricular tachycardia or fibrillation, and 6 to sinoatrial arrest. In the remaining 85, the rhythm during the attack was not established. Electrocardiograms taken before Proternol therapy showed that 129 patients had complete heart block, 41 had intermittent block with sinus rhythm at other times, and 33 had intermediate grades of heart block.

In 63 of the patients, the author assessed the value of an intravenous (IV) isoproterenol trial. IV isoproterenol infusions were begun at less than 10 micrograms per minute, then increased until an "appreciable" rise of ventricular rate or arrhythmias occurred. Proternol was begun at 30 mg every 6 hours, than increased to 300 to 360 mg per day until control of syncope was achieved. In general, the IV response was said to predict the oral dosage response: A good increase in response to IV doses less than 10 micrograms per minute usually predicted a good oral response to 120 to 180 mg Proternol while a need for 10 to 15 micrograms per minute implied a need for larger doses (200 to 300 mg). As shown in the following table from the report, the IV test was a good predictor of overall response.

Effect of IV	Number of patients	Effect of Proternol
Good response	35	31 No Adams-Stokes (A–S) attacks. 3 Continued attacks. 1 Ventricular ectopics.
Poor response	13	12 Continued A–S. 1 No A–S attacks.
Variable response (intermittent heart block)	9	6 Continued A–S. 3 No A–S attacks.
Intolerant	6	5 Intolerable sinus tachycardia. 1 Intolerable tremor and perspiration.

This kind of correlation is not surprising. If the patient's abnormal myocardium is shown not to be responsive to IV isoproterenol (a fully bioavailable product), one would not reasonably expect a response to chronic therapy. Similarly, as we know that some patients absorb oral isoproterenol enough to have an increased heart rate, some of the IV responders will respond to the oral agent. These data do not, however, address the issue of whether Proternol is less predictable than other dosage forms.

Among the 203 patients, only 85 were kept on Proternol a mean of 18.2 months (2 weeks to 56 months). One hundred fifteen (57 percent of the 203 patients) were ultimately implanted with pacemakers (i.e., therapeutic failures) after a mean of 3.9 months of Proternol treatment period because Adams-Stokes attacks continued (84), heart failure continued (34), or extertional dyspnea continued (22), ventricular fibrillation developed (2), or side effects occurred (8). These variable results may indicate bioavailability problems.

In summary, Key has failed to provide substantial evidence to demonstrate appropriate bioavailability and duration of action of Proternol. The bioavailability study by Hildner is incomplete (no raw data), and the summarized data show that 4 of the 12 subjects did not respond to Proternol. Clearly bioavailability problems exist. Each of the literature references is seriously flawed in that it fails to meet one or more of the criteria detailed in 21 CFR 314.111(a)(5)(ii)(*a*), describing an adequate and well-controlled study. More important, none directly addresses the bioavailability issue.

With respect to the controlled-release characteristics of Proternol, only three of the studies (Hildner, Bekes and Gulyas, and Dack and Robbin) addressed this feature. The Hildner study, the most direct test of duration showed only a small deliverance in duration of action between Proternol and sublingual isoproterenol. In the Bekes and Gulyas study, drug effect lasted only 3 hours, a disappointment to the authors. In Dack and Robbin, the claimed greater duration of action was not confirmed by Hildner or by the other authors cited.

The essential feature of a study to demonstrate bioavailability would consist of comparing the effect of a standard dose of sublingual isoproterenol (enough to induce a 15 to 20 percent increase in heart rate) with titrated doses of Proternol (starting at 30 mg) to induce a similar response. To examine the degree of intra-patient variability, the titrated doses of Proternol could be compared in the same patients over a 1- or 2-week period. A study in normal subjects would be acceptable. The appropriate design has been communicated by FDA to Key on several occasions.

Revocation of Exemption

The sponsor has submitted no data to demonstrate bioavailability and length of sustainment to provide adequate assurance that Proternol will be effective in treating patients with

complete heart block. Therefore, the temporary exemption granted by the May 30, 1974 notice is revoked.

Notice of Opportunity for Hearing

On the basis of all of the data and information available to him, the Director of the National Center for Drugs and Biologics is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug product.

Therefore, notice is given to the holder of the new drug application and to all other interested persons that the Director of the National Center for Drugs and Biologics proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application and all amendments and supplements thereto on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder of the new drug application specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product that is identical, related, or similar to the drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, containe in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962 or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated under it (21 CFR Parts 310 and 314), the applicant and all other persons subject to this notice under 21 CFR 310.6 are hereby given and opportunity for a hearing to show why approval of the new drug application should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug product named above and of all identical, related, or similar drug products.

The applicant or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing, shall file (1) on or before June 20, 1983, a written notice of appearance and request for hearing, and (2) on or before July 19, 1983, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of apearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice under 21 CFR 310.6 to file a timely written notice of appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved DNA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for a hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for a hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in four copies. Such submissions, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, many be seen in Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053 as amended (21 U.S.C. 355)) and under the authority delegated to the Director of the National Center for Drugs and Biologics (21 CFR 5.70, 5.82, and 47 FR 26913 published in the **Federal Register** of June 22, 1982).

Dated: May 13, 1983.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83-13410 Filed 5-19-83; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Home Health Services; Section 339 of the Public Health Service Act; Delegation of Authority

Notice is hereby given that the following delegation has been made regarding home health services under section 339 of the Public Health Service Act (42 U.S.C. 255), as amended.

Delegation from the Assistant Secretary for Health to the Administrator, Health Resources and Services Administration, with authority to redelegate, of all the authorities under section 339 of the Public Health Service Act, as amended, excluding the authorities to submit reports to Congress or a Congressional committee and to issue regulations.

Previous delegations and redelegations made to officials within the Public Health Service of authorities under Title III of the Public Health Service Act may continue in effect provided they are consistent with this delegation.

The above delegation was effective on May 12, 1983.

Dated: May 12, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-13604 Filed 5-19-83; 8:45 am]

BILLING CODE 4160-16-M

Advisory Committees; June Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92463), announcement is made of the following National Advisory bodies scheduled to meet during the month of June 1983:

Name: Health Services Research Review Subcommittee.

Date and Time: June 8–9, 1983, 8:00 a.m.

Place: Linden Hill Hotel and Racquet Club, Queensbury Room, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

Open June 8, 1:00 p.m. to 1:30 p.m.; June 9, 8:30 a.m. to 9:30 a.m.

Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research (NCHSR).

Agenda: The open session of the meeting on June 8 will consist of a presentation by the Director, Division of Intramural Research, NCHSR. The open session on June 9 will be devoted to a business meeting covering administrative matters, reports, and a presentation by the Director, NCHSR. During the closed sessions, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Anthony Pollitt, Ph.D., National Center for Health Services Research, Room 1–52, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–3091.

Name: Health Care Technology Study Section.

Date and Time: June 13–14, 1983, 8:30 a.m.

Place: Linden Hill Hotel and Racquet Club, Pinehurst Room, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

Open June 13, 8:30 a.m. to 9:00 a.m.; June 13, 3:30 p.m. to 5:00 p.m.

Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of health research grant applications for Federal Assistance in the program areas administered by the National Center for Health Services Research (NCHSR).

Agenda: The open session from 8:30 a.m. to 9:00 a.m. on June 13 will be devoted to a business meeting covering administrative matters and reports. The open session from 3:30 p.m. to 5:00 p.m. on June 13 will consist of a presentation by the Office of Health Technology Assessment, NCHSR. The closed portion of the meeting will be devoted to review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, Pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, Room 1–52, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–3091.

Agenda items are subject to change as priorities dictate.

Dated: May 16, 1983.

John E. Marshall,

Director, National Center for Health Services Research.

[FR Doc. 83-13676 Filed 5-19-83; 8:45 am]

BILLING CODE 4160-17-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on May 6.

Public Health Service

National Institutes of Health

Subject: Official Statement Relinquishing Interests and Rights in a Public Health Service Research Grant (0925–0004)—Extension/No Change
Respondents: Nonprofit research and/or educational institutions
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Low Income Home Energy Assistance Program (LIHEAP) Monthly Estimates of Obligations (0960–0318)—Extension/No Change
Respondents: States and Indian tribes participating in LIHEAP
Subject: Letters to Employers Requesting Information about Wages Earned by Beneficiary (0960–0034, SSA–L725)—Revised
Respondents: Selected businesses and institutions
Subject: Farm Arrangement Questionnaire (0960–0064, SSA–7157)—Revised
Respondents: Self-Employed individuals with rental income from a farm
Subject: Farm Self-Employment Questionnaire (0960–0061)—Revised
Respondents: Self-employed farmers
Subject: Retirement and Survivors Insurance and Disability Insurance Quality Review Case Analysis and Annual Earnings Test (0960–0189; SSA–2930, 2931, 2932, 4659)—Revision
Respondents: Individuals, surviving spouse, children or parents receiving RSI/DI benefits
Subject: Application for Benefits by a Mental Institution on Behalf of a Patient (0960–0114, SSA–2333)—Revision
Respondents: Mental institutions
Subject: Statement Regarding Student's School Attendance (0960–0113, SSA–2434–F3)—Revised
Respondents: Students receiving benefits under Federal Mine Safety and Health Act
Subject: Statement of Living Arrangements, In-Kind Support and Maintenance (SSA–8006–F4 TEST)—New
Respondents: Recipients and applicants for Supplement Security Income
OMB Desk Officer: Milo Sunderhauf

Office of the Secretary

Subject: State Requests for HHS Approval of Federal Financial Participation in the Cost of ADP Systems, Equipment and Services (0990–0038)—Extension
Respondents: Single State agencies
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503; Attn: (name of OMB Desk Officer).

Dated: May 16, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-13510 Filed 5-19-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[E-79339]

Alaska Native Claims Selection; Notice of Publication

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Secs. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C. (2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976 (90 Stat. 1935), will be issued to Cook Inlet Region, Inc., for approximately 12.5 acres. The lands involved are within T. 1 S., R. 3 W., Fairbanks Meridian, Alaska.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Coveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until June 20, 1983, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509

State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7–005, Anchorage, Alaska 99510

Paula M. Benson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-13583 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-84-M

[AA-6701-A]

Alaska Native Claims Selection; Notice for Publication

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to Seldovia Native Association, Inc. for approximately 1,293 acres. The lands involved are within the Seward Meridian, Alaska: U.S. Survey No. 1770, Tract D, U.S. Reserve.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the ANCHORAGE DAILY NEWS upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until June 20, 1983, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7–005, Anchorage, Alaska 99510

Seldovia Native Association, Inc., P.O. Drawer L, Seldovia, Alaska 99663

Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509

Paula M. Benson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-13584 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-84-M

[AA-8485-A]

Alaska Native Claims Selection; Notice for Publication

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to Knikatnu, Inc. for 5 acres. The lands involved are within T. 17 N., R. 4 W., Seward Meridian, Alaska.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Anchorage Times upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until June 20, 1983, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Knikatnu, Inc., P.O. Box 2130 Wasilla, Alaska 99687

Cook Inlet Region, Inc., P.O. Drawer 4–N Anchorage, Alaska 99509

State of Alaska Department of Natural Resources, Division of Research and Development, Pouch 7–005, Anchorage, Alaska 99510

Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513.

Paula M. Benson,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-13585 Filed 5-19-83; 8:45]

BILLING CODE 4310-84-M

[INT FEIS; 83-23]

Final Environmental Impact Statement; Eugene-Medford 500 KV Electrical Transmission Line; Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposal for Rights-of-Way to Construct a 500 kV Electrical Transmission Line Linking Medford and Eugene, Oregon.

SUMMARY: The proponent of this line, Pacific Power and Light Company (PP&L) has applied for basic rights-of-way across public lands administered by the Bureau of Land Management (approximately 15 percent of the proposed project). BLM was designated as lead agency for the preparation of an environmental impact statement (EIS).

Under provision of Oregon law, PP&L has acquired a Site Certificate from the Oregon Energy Facility Siting Council which has State jurisdiction for projects of this nature. The Oregon Department of Energy is a cooperating agency for the EIS.

Bonneville Power Administration (BPA) would provide 500 kV service to the proposed line and became a cooperating agency for the EIS at the outset. If the new preferred location is selected, BPA would build the initial 2 miles of the project between at their Alvey Substation east of Eugene and the Spencer Switching Station.

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, a final environmental impact statement (FEIS) on the proposal has been prepared and is now available for public review and comment. The FEIS analyzes impacts which would result from the proposed action, four alternatives, and 14 routing or construction options. Its purpose is to disclose probable effects on the natural, social and economic environment for consideration in the decisionmaking processes of the lead and cooperating agencies.

Public reading copies of the FEIS will be available for review in local libraries throughout the project area; PP&L offices; BLM State Office in Portland and District Offices in Medford, Roseburg and Eugene; and the BPA office in Eugene. A limited number of copies are available on request from the BLM State Office in Portland and District Offices in Eugene, Roseburg and Medford; the BPA office in Eugene; and PP&L offices in Medford, Roseburg, Myrtle Creek, Cottage Grove and Junction City.

Since a new preferred alternative has been identified in this FEIS, a 60-day comment period is established. Comments will be accepted until July 15, 1983. Written comments on the FEIS may be addressed to: Bureau of Land Management, Planning and Environmental Coordination Staff (935), P.O. Box 2965, Portland, Oregon 97208.

For further information contact: R. Gregg Simmons, Bureau of Land Management, Oregon State Office, P.O. Box 2965 (825 N.E. Multnomah St.), Portland, Oregon 97208, Telephone: (503) 231–6272.

Dated: May 4, 1983.

Philip C. Hamilton,

Acting Deputy State Director for Lands and Renewable Resources.

[FR Doc. 83-13709 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-84-M

[F-80721]

Airport Lease; Alaska

April 19, 1983.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C.

211–214) the State of Alaska, Department of Transportation and Public Facilities, has applied for an airport lease for the following land:

Fairbanks Meridian, Alaska

T. 1 S., R. 33 E., within protracted section 32, SW¼SW¼ and T. 2 S., R. 33 E., within protracted section 5, NW¼NE¼.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707.

Lennie Eubanks,

Chief, Branch of Land Office.

[FR Doc. 83-13583 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Mines

Bureau Survey Form Submitted for Review

The extension for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget Interior Desk Officer at 209–395–7340.

Title: Production Estimates
Bureau Form Number: 6–1209–A,
Frequency: Annual
Description of Respondents: Producers of Metals and Nonmetals
Annual Responses: 7,150, Annual Burden Hours: 1,788
Bureau Clearance Officer: Robert L. Miller, 202–634–1125.

Dated: April 26, 1983.

Robert C. Horton,

Director.

[FR Doc. 83-13701 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-53-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: J. Daniel Ducote, Pearl River, LA, PRT 2–10446.

The applicant requests a permit to purchase in interstate commerce one pair of captive-bred nene geese (*Branta sandvicensis*) for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: May 17, 1983.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-13646 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; ODECO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of the Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0228, Block 93, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service make information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 16, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-13702 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession contract with Little Mountain Service Center, Inc., authorizing it to continue the operation of an automotive service station with limited refreshment, souvenir, and grocery sales, facilities, and services for the public within the Jeff Busby Area of the Natchez Trace Parkway, Mississippi, for a period of five (5) years from January 1, 1983, through December 31, 1987.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1982, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract.

This provision, in effect, grants Little Mountain Service Center, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Little

Mountain Service Center, Inc. If Little Mountain Service Center, Inc., amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Little Mountain Service Center, Inc.

The Secretary will consider and evaluate all proposals received as a result of this Notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this Notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: May 10, 1983.

John Reed,

Acting Regional Director, Southeast Region.

[FR Doc. 83-13606 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiate Concession Permit

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession permit with Cades Cove Riding Stables, Inc., authorizing it to continue to provide saddle horse livery and guide services at Great Smoky Mountains National Park for a period of five (5) years from January 1, 1984, through December 31, 1988.

This permit renewal has been determined to be categorically excluded form the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1983, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. This provision, in effect, grants Cades Cove Riding Stables, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Cades Cove Riding Stables, Inc. If Cades Cove Riding Stables, Inc., amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new permit will be negotiated with Cades Cove Riding Stables, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposals, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated. Interested parties should contact the Regional Director, Southeast Region, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed permit.

Dated: May 5, 1983.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[FR Doc. 83-13608 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-70-M

Kantishna Hills/Dunkle Mine Study, Denali National Park and Preserve, Alaska; availability of Draft Environmental Impact Statement

Title and Location of Proposal: Kantishna Hills/Dunkle Mine Study, Denali National Park and Preserve, Alaska.

ACTION: Notice of Availability of Draft Environmental Impact Statement.

SUMMARY: This notice announces the availability of a draft environmental impact statement (EIS) for the Kantishna Hills/Dunkle Mine Study. This notice also announces public meetins for the purpose of receiving public comments on the draft EIS.

DATES AND ADDRESSES: Comments on the draft EIS should be received no later than July 26, 1983, and should be submitted to: Linda Nebel, Chief, Division of Planning and Design, National Park Service, 540 W. 5th Ave., Anchorage, AK 99501 (907) 271-4196.

The public meetings will be held as follows:

Monday, July 11, 1983, 7:00-9:00 p.m.

Anchorage Historical and Fine Arts Museum, 6th Ave. and A Street, Anchorage, Alaska

Tuesday, July 12, 1983, 7:00-9:00 p.m.

Wood Center Meeting Room, University of Alaska, Fairbanks, Alaska

Wednesday, July 13, 1983, 7:00-9:00 p.m.

Tri-Valley Community Center, Healy, Alaska

Public reading copies of the draft EIS will be available for review at the following locations:

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, Telephone 202-343-6843

Alaska Regional Office, National Park Service, 540 W. 5th Ave., Anchorage, AK

Denali National, Park and Preserve, Park Headquarters, Alaska

Alaska Resources Library, Federal Building, 701 C Street, Anchorage, AK

Consortium Library, University of Alaska, 3211 Providence Dr., Anchorage, AK

Loussac Library, 524 W. 6th Ave., Anchorage, AK

Noel Wien Library, 1215 Cowles, Fairbanks, AK

Elmer Rasmuson Library, University of Alaska, Fairbanks, AK

Juneau Memorial, Library, 114 W. 4th Juneau, AK

Post Office, Cantwell, AK

Post Office, Healy, AK

Post Office, Talkeetna, AK

A limited number of copies of the draft EIS is available on request from: Linda Nebel, Chief, Division of Planning and Design, National Park Service, 540 W. 5th Ave., Anchorage, AK 99501 (907) 271-4196.

SUPPLEMENTARY INFORMATION: The draft EIS presents six alternatives that focus on mineral development and resource protection in the study areas in Denali National Park and Preserve. Alternatives range from the elimination of all mining in the study areas to opening additional lands within the study areas to mineral development. Alternative six consists of removing portions of the study areas from the park. The environmental consequences of the six alternatives are analyzed, including impacts on fish and wildlife, recreation, employment, mineral production and wilderness eligibility. Alternatives for substantial expansion of mineral development in the study area have potential for significant impacts on the above resources.

Dated: May 10, 1983.

Roger J. Cantor,

Regional Director, Alaska Region.

[FR Doc. 83-13607 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-70-M

War in the Pacific National Historical Park Boundary Revision

Section 6(b) of Pub. L. 95-348, which established War in the Pacific National Historical Park, authorizes the Secretary

of the Interior to make minor revisions of the boundary of the park by publication of a revised map thereof in the **Federal Register**. Accordingly, minor revision of the boundary of the park has been made to include the area of 36.52 acres of land identified as "GLUP: Nimitz Hill Parcel 3", as depicted upon the revised park boundary map, numbered 474–80008, dated December, 1982, copies of which are available for inspection at the following addresses:

Director, National Park Service, Department of the Interior, Washington, D.C. 20240

Regional Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, California 94102

Superintendent, War in the Pacific National Historical Park, Post Office Box FA, Marine Drive, ASAN, Agana, Guam 96910

Dated: December 20, 1982.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 83-13698 Filed 5-19-83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-133]

Certain Vertical Milling Machines and Parts, Attachments and Accessories Thereto; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Republic Machinery Co., Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on May 17, 1983.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

WRITTEN COMMENTS: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: May 17, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-13687 Filed 5-19-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved Exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on June 20, 1983. Petitions for reconsideration must be filed by June 9, 1983. Petitions for stay must be filed by May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave. NW., Washington, D.C. 20423; or call (202) 289–4357 in the D.C. metropolitan area; or (800) 424–5403 Toll-free outside the D.C. area.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[No. MC–F–15144]

Baker Truck Service, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee in Bankruptcy)

Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative, David E. Wishney, P.O. Box 837, Boise, ID 83701. Pleadings should refer to No. MC–F–15144.

Decided: May 10, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirements of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Baker Truck Service, Inc. (No. MC–138652), of that portion of the operating rights of Shoemaker Trucking Company (No. MC–138875) contained in Shoemaker's Sub-Nos. 296, 297, and portions of Sub-Nos. 309X and 312X, and in addition Shoemaker's underlying certificates in Sub-Nos. 287F, 94F, 275F, and 149F.

[No. MC–F–15156]

Kleysen Transport, Ltd.—Purchase Exemption—Sawyer Transport, Inc. (Nathan Yorke, Trustee-in-Bankruptcy)

Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioners' representatives, Carl L. Steiner, 135 South LaSalle Street, Suite 2106, Chicago, IL 60603 and Grant J. Merritt Thompson, Neilsen, Klaverkamp & James, P.A., 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402. Pleadings should refer to No. MC–F–15156.

Decided: May 11, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Kleysen Transport, Ltd. of the portion of the

operating rights of Sawyer Transport, Inc., contained in No. MC–123407 (Sub-Nos. 306, 319, 571, 647, paragraph (1) of Sub-No. 134, and paragraphs (68), (154), (159), and (328) of Sub-No. 668X), which authorize the transportation of general commodities (except classes A and B explosives and sensitive weapons) between points in the United States for the United States government and general commodities (except classes A and B explosives), (1) between points in Minnesota, Montana, North Dakota, South Dakota, Iowa, Nebraska, Wisconsin, and Illinois, on the one hand, and, on the other, points in the United States, (2) between points in Posey County, IN, on the one hand, and, on the other, points in the United States (except Alabama, Connecticut, Florida, Georgia, Maine, Massachusetts, New Hampshire, New York, New Jersey, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Vermont), and (3) between points in Daviess County, KY, on the one hand, and, on the other, points in Indiana, Kentucky and Tennessee.

[FR Doc. 83-13580 Filed 5-19-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

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.

Please direct status inquiries about the following to Team 1, (202) 275–7992.

Volume No. OP1–FC–178

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell

MC–FC–81279. By decision of May 11, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to SALVATORE EXPOSITO, East Haven, CT, of Certificate of Registration No. MC–98790 (Sub–No. 1), issued April 16, 1964, to NEW HAVEN TRANSPORT, INCORPORATED, New Haven, CT, authorizing the transportation of property solely within the state of CT. Transferee presently holds authority in MC–136160. Representative: David M. Marshall, Sixth Floor–95 State Street, Springfield, MA 01103. Condition: This approval is conditioned upon transferee's compliance with the requirements necessary for the issuance of the certificate of public convenience and necessity in No. MC–136160 (Sub-No. 1).

Note.—A directly related conversion application has been filed in MC–136160 (Sub-No.1) published in this same **Federal Register** issue.

Note.—Ordinarily, where a Certificate of Registration is transferred and its language does not comport with that utilized by the Commission, the publication will be rephrased accordingly. Here, however, since transferee's operation must be pursuant to the certificate to be issued in No. MC–136160 (Sub-NO. 1), such rephrasing is not necessary in this publication.

Please direct status inquiries about the following to Team 2 at (202) 275–7030.

Volume No. OP2–FC–219

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-FC–81204. By decision of May 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board No. 1, approved the transfer to Trailwood Transportation, Inc., St. Paul, MN, of authority issued to Tyson Truck Lines, Inc., St. Paul in MC–127812 (Sub-No. 31), issued March 18, 1982, authorizing the transportation of such commodities as are dealt in by food business houses and retail department stores, between points in MN, ND, SD, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Representative: Anthony C. Vance, 1307 Dolly Madison Blvd., McLean, VA 22101.

MC-FC–81364 By decision of May 11, 1983, issued under U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to Rock Haulers, Inc., of Middleburg, FL, of authority issued to DDH, Inc., of Middleburg, FL, authorizing transportation of (1) lumber, from Lake Butler, FL, to points in GA and FL, (2) road building and construction aggregates, in bulk, between points in FL and GA, and (3) ores and minerals, between points in Putnam County, FL, on the one hand, and, on the other, points in AL and GA. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL.

MC-FC–81425. By decision of May 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2, approved the transfer to WMB TRANSPORTATION, Colton, CA, of authority issued to TWH, INC., Tehachapi, CA, in Certificate MC–151772 (Sub-No. 1), issued May 1, 1981, authorizing the transportation of (1) cement, in bulk, from points in Kern County, CA, to points in Clark, Lincoln, Esmeralda, and Nye Counties, NV, and (2) gypsum and fluorspar, in bulk, from points in Clark, Lincoln, Esmeralda, and Nye Counties, NV, to points in Kern County, CA. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. An application for temporary authority has been filed.

Volume No. OP2–FC–227

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC–FC–81096. By decision of May 13, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board No. 3 approved the transfer to CONSTABLE TRANSPORT LIMITED, of Thorold, Ontario, Canada, of a portion of Certificate No. MC–13123, all of Certificates No. MC–13123 Sub-Nos. 82 and 85, and a portion of Certificate No. MC–13123 Sub-No. 103, issued January 27, 1967, May 18, 1977, July 26, 1979, and November 24, 1982, respectively, to WILSON FREIGHT COMPANY, INC. (DEBTOR IN POSSESSION), of Cincinnati, OH, authorizing the transportation, as a common carrier, of (1)(a) general commodities (with exceptions), over a

series of regular routes within IL, IN, MI, and NY, serving specified intermiediate and off-route points, and (b) iron and steel tractor parts, and steel, over regular routes, from and to Menomonee Falls and Milwaukee, WI; and (2) over irregular routes (a) vinegar, from Benton Harbor, MI, to specified points in IN and IL, and (b) empty vinegar barrels, from specified points in In and IL, to Benton Harbor, MI. Representatives: For Transferee, Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854–5870; For Transferor, Mark J. Andrews, 1660 L St., NW, Suite 1100, Washington, DC 20036, (202) 452–7438.

Note.—(1) Transferee holds authority under MC–90511; and (2) An application for temporary authority has been filed.

Please direct status inquiries about the following to Team 4 at (202) 275–7669.

Volume No. OP4–FC–292

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC–81402, filed April 18, 1983. By decision of May 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to EXECUTIVE MOVING & STORAGE, INC., of West Nyack, NY, of Certificate No. MN–103827 (Sub-No. 3) X, issued October 19, 1982, and the underlying superseded authority in MC–103827 (lead), issued November 8, 1977, to MOVERS WORLD, INC., of Bronx, NY, authorizing the transportation of *household goods, furniture and fixtures,* between New York, NY and points in Suffolk County, NY, on the one hand, and, on the other, Washington, DC, Alexandria, VA, points in CT, DE, MD, MA, NJ, NY, and RI, and points in that part of PA on and east of a line beginning at the NY-PA state line, and extending along U.S. Hwy 15 to junction unnumbered highway (formerly portion U.S. Hwy 111), near Wormleysburg, PA, then along unnumbered highway through New Cumberland, PA, to junction Interstate Hwy 83, then along Interstate Hwy 83 to junction unnumbered highway, then along unnumbered highway through Newberry Town and Strinestown, PA, to junction Interstate Hwy 83, then along Interstate Hwy 83 to junction business route Interstate Hwy 83 through York, PA, to junction unnumbered highway (formerly portion U.S. Hwy 111), then along unnumbered highway through Jacobus, Loganville and Shrewsbury, PA, to the PA-MD state line. Representative: Arthur J. Piken, 95–25 Queens Blvd., Rego Park, NY 11374. (212) 275–1000, for both transferee and transferor.

MC–FC–81434, filed April 22, 1983. By decision of May 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board 1, approved the transfer to STEEL & MACHINERY TRANSPORT, INC., of Munster, IN, of certificates in MC–41406 Sub-No. 168X, issued October 6, 1981, and the underlying authority in MC–41406 Sub-Nos. 68, 71, and 75; MC–41406 Sub-No. 169X, issued May 20, 1981, and the underlying authority in MC–41406 Sub-Nos. 13 and 51; MC–41406 Sub-No. 170X, issued May 28, 1981, and the underlying authority in MC-41406 Sub-Nos. 59 and 143; MC–41406 Sub-No. 175X, issued August 31, 1981, and the underlying authority in MC–41406 Sub-Nos. 30 and 137; and MC–41406 Sub-No. 177X, issued December 21, 1981, and the underlying authority in MC–41406 Sub-Nos. 16, 18, 20, 27, 28, 29, 34, 39, 40, 41G, 42, 46, 47, 50, 52(M1), 53G, 60, 63, 65, 67, 69, 70, 72, 81, 100, 101, 105, 114, 140, 151, 154, 160, and 163, to ARTIM TRANSPORTATION SYSTEM, INC., of Merrillville, IN (except that portion sold in MC–F–14740), authorizing the transportation of *numerous specified commodities,* between specified points generally throughout the U.S. (except AK and HI). Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301.

Volume No. OP4–FC–304

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC–FC–81466, filed May 10, 1983. By decision of May 16, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board 1 approved the transfer to FIRST AMERICAN VAN LINES, INC., of Jacksonville, FL, of Certificate No. MC–104887 (Sub-No. 8) X, issued April 8, 1982, and the underlying authority in No. MC–104887 (Sub-No. 6G), issued February 28, 1975, to AMERICAN VAN LINES, INC., of Miami, FL, authorizing the transportation of *household goods and furniture and fixtures,* between points in MN, WI, IL, MO, KS, AR, TX, LA, MS, TN, KY, IN, MI, OH, WV, AL, FL, GA, SC, NC, VA, PA, NY, VT, NH, ME, MA, RI, CT, NJ, MD, DE, and DC. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-13567 Filed 5-19-83; 8:45 am]

BILLING CODE 7035-01-M

[OP4F-300]

Motor Carriers; Decision-Notice

Decided: May 13, 1983.

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 11344. 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 ICC 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 requirements 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 specfically 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.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team Four at (202) 275-7669.

[MC-F-15250]

Groendyke Investment, Inc.—Continuance in Control Exemption—The Transport Company of Texas and Groendyke Transport, Inc.

Groendyke Investment, Inc. (GII), a non-carrier, and, in turn H. C. Groendyke, who controls GII through stock ownership, seeks an exemption from the requirement of prior regulatory approval for his continuance in control of GII's subsidiaries, Texas Carriers, Inc. (a non-carrier), Groendyke Transport, Inc. (MC-111401), and The Transport Company of Texas (MC-167667).

The Transport Company of Texas has filed as a directly related application its initial common carrier application. This application, docketed No. MC-167667, is published in this same **Federal Register** issue.

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative, Mike Cotten, P.O. Box 1148, Austin, TX 78767

Comments should refer to No. MC-F-15250.

[FR Doc. 83-13570 Filed 5-19-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S. 10524(b).

1. Parent corporation and address of principal office: Cone Mills Corporation, 1201 Maple Street, Greensboro, NC 27405.

2. Wholly-owned subsidiary which will participate in the operations, and state of incorporation: Walk-On-Products, Inc., a North Carolina corporation.

1. Parent Corporation: Consolidated Marketing, Inc. Address of principal office: 340 Interstate North Pkwy., Suite 430, Atlanta, Georgia 30339.

2. Participating wholly owned subsidiaries and states of incorporation: HDL Distribution, Inc. (Georgia).

1. Parent corporation and address of principal office: Cluett, Peabody & Co., Inc., 510 Fifth Avenue, New York, New York 10036.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:

Subsidiaries	State of Incorporation
(I) Alatex, Inc	Delaware.
(II) Arrow Inter-America, Inc	Delaware.
(III) The Arrow Shirt Company	Pennsylvania.
(IV) Boyd-Richardson Company	Missouri
(V) Cluett Export Corporation	New York.
(VI) Cluett Realties, Inc	Delaware.
(VII) Donmoor, Inc	New York.
(VIII) Duofold, Inc	New York.
(IX) Hometown Manufacturing Company, Inc.	New York.
(X) Rogers Peet Company	Delaware.
(XI) Ron Chereskin Studios, Inc	New York.
(XII) Six Continents, Ltd	New York.
(XIII) Spring City Knitting Company	Pennsylvania.
(XIV) Textest, Inc	New York.
(XV) Shoreham Classics, Inc	New York.
(XVI) Van Raalte Company, Inc	New York.

1. Parent Corporation: Lakeside Harvestore, Inc., 2400 Plymouth St., New Holstein, WI 53061.

2. Wholly owned subsidiares which will participate in the operations, and state of incorporation.

a. Desert Harvestore Systems, Inc.—Arizona

b. Aquastore Southwest, Inc.—Arizona

1. Parent corporation and address of principal office: F. Perlman & Company, Inc., 476 N. Manassas St., Memphis, TN 38101.

2. Wholly owned subsidiaries which will participate in the operation and address of their respective principal offices: Southern Steel Supply Co., Inc., 475 N. Dunlap St., Memphis, TN 38101.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-13571 Filed 5-19-83; 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 a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains 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.

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.

Please direct status inquiries about the following to Team 1 at (202) 275–7992.

Volume No. OP1–169(N)

Decided: May 10, 1983.

By the Commission, Review Board No. 2. Members Carleton, Williams, and Ewing. Member Ewing not participating.

MC 61440 (Sub-226), filed May 2, 1983. Applicant: LEE WAY MOTOR FREIGHT, INC., P.O. Box 12750, Oklahoma City, OK 73157. Representative: T. M. Brown (same address as applicant), (405) 840–7579. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Sears, Roebuck and Company, and its subsidiaries, of Chicago, IL.

MC 106200 (Sub-7), filed April 25, 1983. Applicant: HOFFMAN TRANSFER, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515)–282–3525. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between (1) points in AL, KY, LA, MS, MT, NM and TN, and (2) points in AL, KY, IA, MS, MT, NM and TN, on the one hand, and, on the other, points in AR, CO, IA, IL, IN, KS, MI, NM, MO, ND, NE, OH, OK, SD, TX, WI and WY.

MC 135081 (Sub-4), filed April 29, 1983. Applicant: MIDLAND TRANSPORTATION COMPANY, 1706 E. Main St., Marshalltown, IA 50158. Representative: Jack H. Blanshan, 203 Cedar St. Boone, IA 50036 (515)–432–9651. Transporting *machinery and metal products*, between points in IA and MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145481 (Sub-39), filed April 27, 1983. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston, Lebanon, IN 46052. 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. (except AK and HI).

MC 147000 (Sub-5), filed May 2, 1983. Applicant: EL B, INC., d.b.a. EL B TRANSPORTATION, 6622 Manchester, Buena Park, CA 90620. Representative: William J. Monheim, P.O Box 1756, Whittier, CA 90609 (213)–945–2745. Transporting *such commodities* as are dealt in by food business houses, between points in Los Angles, Orange and San Bernardino Counties, CA, on the one hand, and, on the other, points in AZ.

MC 148980 (Sub-3), filed April 26, 1983. Applicant: WESTERN CARGO, INC., P.O.B. 20489, Reno, NV 89515. Representative: Royal F. Miller (same address as applicant) (702)–329–0061. 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 Industrial Products Group Combustion Engineering, Inc., of Valley Forge, PA.

MC 153780 (Sub-2), filed April 29, 1983. Applicant: PHILIP C. KALF d.b.a. MARINE DISTRIBUTORS, 135 Woodhaven Rd., Woonsocket, RI 02895. Representative: Philip C. Kalf (same address as applicant) (401)–769–2444. Transporting *boats and boat parts*, between points in the U.S.

MC 159370 (Sub-1), filed April 28, 1983. Applicant: PAUL KITTIPOL VEJABUL d.b.a. AMERICAN TOUR AND LEASING, 5230 Clark Ave., Lakewood, CA 90712.Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702 (714)–677–8108. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 161290 (Sub-1), filed May 2, 1983. Applicant: CARROLL FOSTER, INC., Route 3, Box 659, Jonesboro, AR 72401. Representative: R. Conner Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103 (901)–526–4114. Transporting (1) *such commodities* as are used or displayed in and by trade show and other exhibitors, and (2) furniture and fixtures, between points in the U.S. (except AK and HI).

MC 162460 (Sub-2), filed April 22, 1983. Applicant: B. J. XPRESS, INC., P.O. Box 4106, Spencer, IA 51201. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, LA 503 09 (515)–282–3525. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Schmidt Distributors, Inc., d.b.a. Shoppers Supply, of Spencer, IA, and (2) National Commercial Services Co., Inc., of Des Moines, IA.

MC 163451 (Sub-1), filed April 25, 1983. Applicant: PAUL J. SCALORA

d.b.a. SCALORA TRUCKING, 37 Michael Dr., Southington, CT 06489. Representative: Mark Perry c/o OOID, 5030 N. 35th St., Arlington, VA 22205 (703)–534–1823. Transporting *machine tools, gauges, and manufactured hand tools,* between points in the U.S. on and east of a line beginning at the mouth of the Mississippi River to its junction with the western boundry of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 167580, filed April 18, 1983. Applicant: J.O.N. CORPORATION, 202 94th St., SW., Albuquerque, NM 87105. Representative: Wayne Elliott, 4229 Second St., S.W., Albuquerque, NM 87102, (505)–873–0108. Transporting (1) *farm products,* (2) *forest products,* (3) *ores and minerals,* (4) *rubber and plastic products,* (5) *Lumber and wood products,* (6) *construction materials,* (7) *clay, concrete, glass, or stone products,* (8) *metal products,* (9) *machinery,* (10) *transportation equipment,* and (11) *those commodities* which because of their size and weight require the use of special handling or equipment, between points in NM, CO, UT, NV, AZ, CA, TX, OK, KS, LA, AR, MO, NE, WY, MT, ID, OR and WA.

MC 1677630, filed April 25, 1983. Applicant: CAPITOL MOTOR FREIGHT EXPRESS, INC., P.O. Box 450173, Atlanta, GA 30345. Representative: Guy H. Postell, Suite 675, 2284 Peachtree Rd., N.E., Atlanta, GA 30326, (404)–237–6472. 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 167671, filed April 25, 1983. Applicant: LADY LINE, LTD., 7002 Collinsville Rd., East St. Louis, IL 62201. Representative: James S. Goode, 2055 Castle Drive, Edwardsville, IL 62025, (618)–656–1597. Transporting (1) *paper and paper products,* (2) *iron and steel products,* (3) metal products, and (4) *construction equipment,* between points in the U.S. (except AK and HI).

MC 167740, filed May 2, 1983. Applicant: D & M TRUCK LEASING, INC., 7925 South Rockhill Rd., St. Louis, MO 63132. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW., Washington, DC 20006, (202)–828–5015. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between St. Louis, MO, on the one hand, and, on the other, points in AR, MO, OK, KY, IN, IL, TN, IA and KS.

Volume No. OP1–175 (N)

Decided: May 11, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 127610 (Sub-11(A)), filed May 2, 1983. Applicant: J. P. NOONAN TRANSPORTATION, INC., 436 West St., West Bridgewater, MA 02379. Representative: J. Peter Noonan (same address as applicant), (617) 588–8026. Transporting *general commodities* (except classes A and B explosives and household goods), between points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA, VT and DC.

Note.—Applicant has concurrently filed contract carrier authority docketed MC. 127610 Sub 11(B), published in this same **Federal Register** issue.

MC 139641 (Sub-2), filed April 28, 1983. Applicant: ELSIE M. MORRIS AND LEONARD F. MORRIS, d.b.a. MORRIS TRANSFER, 2210 Rosicky Rd., Malin, OR 97632. Representative: Leonard F. Morris (same address as applicant), (513) 723–6781. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 150951 (Sub-22), filed May 2, 1983. Applicant: CRANSTON TRUCKING COMPANY, 1381 Cranston St., Cranston, RI 02920. Representative: Paul M. Overton (same address as applicant), (401) 943–4800. Transporting *thread,* between points in the U.S., under continuing contract(s) with Globe Manufacturing Company, of Fall River, MA.

MC 155410 (Sub-3), filed April 29, 1983. Applicant: VERSHON TRUCKING CORP., 274 West St., Ludlow, MA 01056. Representative: David M. Marshall, Sixth Floor, 95 State St., Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Universal Distributing Services, Inc., of Chicopee, MA.

MC 155580 (Sub-1), filed May 2, 1983. Applicant: MEBANE TRUCKING COMPANY, P.O. Box 408 Mebane, NC 27302. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Perth Enterprises, Inc., of Greensboro, NC.

MC 162891 (Sub-1), filed April 29, 1983. Applicant: MILWAUKEE TERMINAL SERVICES, INC., 1200 West Mallory Ave., P.O. Box 21987, Milwaukee, WI 53221. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53701, (608) 257–9521. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Milwaukee County, WI, on the one hand, and, on the other, points in WI and Barage, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee and Ontonagon Counties, MI.

MC 163850, filed May 3, 1983. Applicant: WILLIAM A. MONRO, d.b.a. MONRO MOVING & STORAGE CO., P.O. Box 5565, Augusta, GA 30906. Representative: James M. Parrish, P.O. Box 1365, Marietta, GA 30061, (404) 424–8132. Transporting *plastic articles,* between points in Aiken County, SC, and Richmond County, GA, on the one hand, and, on the other, points in AL, FL, GA, KY, NC, SC and TN.

MC 167781, filed May 4, 1983. Applicant: TRANSPORT QUEB-U.S., INC., No. 1 50th Avenue South, Bois-des-Filions, Terrebonne, Quebec, Canada J6Z 2N3. Representative: Russell R. Sage, Suite 304, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312, (703) 750–1112. Transporting, in foreign commerce only, *lumber and wood products,* between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 167790, filed May 4, 1983. Applicant: HUNTER DOUGLAS, INC., P.O. Box 61, Roxboro, NC 27573. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. 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).

Volume No. OP1–179

Decided: May 11, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 136160 (Sub-1), filed March 7, 1983. Applicant: SALVATORE ESPOSITO, 19 Forest Street, East Haven, CT 06512. Representative: David M. Marshall, Sixth Floor 95 State Street, Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT.

Note.—Applicant shall be authorized to tack this authority with that in its certificate

No. MC–136160, which authorizes the transportation, over irregular routes, of general commodities (with several exceptions), between points in Monmouth County, NJ, and Lakewood and Point Pleasant, NJ, on the one hand, and, on the other, New York, NY, provided, however, that said tacking will be limited to those commodities authorized to be transported under both certificates. (2) The purpose of this application is to convert applicant's Certificate of Registration in MC–98790 (Sub-No. 1) into a Certificate of Public Convenience and Necessity, and eliminate the gateway of the New York, NY commercial zone. This application is directly related to MC–FC–81279 published in this same **Federal Register** issue.

Please direct status inquiries about the following to Team 2 at (202) 275–7293.

Volume No. OP2–220

Decided: May 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 16903 (Sub-95), filed April 18, 1983. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and east of MT, WY, CO, and NM. Condition: The release of this authority is conditioned upon approval of the petition for exemption filed in MC–F–15265.

MC 167703, filed April 28, 1983. Applicant: CALLAHAN TRUCKING, INC., 3879 Somers Dr., Huntingdon, PA 19006. Representative: Maxwell A. Howell, 2554 Mass. Ave., NW, Washington, DC 20008, (202) 483–8633. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with H.D.L. Management Co., INC., of Huntingdon, PA.

Volume No. OP2–223

Decided: May 11, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 107012 (Sub-818), filed May 4, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant, 219–429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Gould, Inc., of Rolling Meadows, IL.

MC 110683 (Sub-211), filed May 3, 1983. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Harry J. Jordan, 1090 Vermont Ave., NW., Washington, DC 20005, 202–783–8131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Rohm & Haas Company, of Philadelphia, PA.

MC 139843 (Sub-21), filed May 2, 1983. Applicant: VERNON SAWYER, Drawer B, Bastrop, LA 71220. Representative: Barry Weintraub, Suite 403, 7700 Leesburg Pike, Falls Church, VA 22043, 703–442–8330. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Howard Brothers Discount Stores, Inc., of Monroe, LA.

MC 141212 (Sub-10), filed May 3, 1983. Applicant: JOHN RADKE, INC., Route 2, Box 93, Marathon, WI 54448. Representative: Richard A. Westly, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Transporting *food and related products*, between points in WI and the Upper Peninsula of MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151693 (Sub-9), filed May 4, 1983. Applicant: SSD DISTRIBUTION SYSTEM, INC., 2514 Bridge Ave., Cleveland, OH 44113. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Cleveland, Columbus and Toledo, OH, Detroit, MI, and points in Genessee County, NY, on the one hand, and, on the other, points in IN, KY, MI, NY, OH, PA, and WV.

MC 158733 (Sub-7), filed May 2, 1983. Applicant: LEONARD FEED & GRAIN, INC., 5511 16th Ave., S.W., Cedar Rapids, IA 52404. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *food and related products*, between points in Sac and Linn Counties, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167763, filed May 2, 1983. Applicant: FARMER'S ELEVATOR, INC. OF MERCER COUNTY, 365 Office St., P.O. Box 308, Harrodsburg, KY 40330. Representative: Herbert D. Liebman, 403 West Main St., P.O. Box 478, Frankfort, KY 40602, 502–875–3493. Transporting *pet food and animal feed*, between points in Jefferson County, KY, on the one hand, and, on the other, points in KY, TN, and WV.

Please direct status inquiries about the following to Team 3 at (202) 275–5223.

Volume No. OP3–209

Decided: May 10, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 53965 (Sub-207), filed April 29, 1983. Applicant: GRAVES TRUCK LINE, INC., 8717 W. 110th St., Suite 700, Overland Park, KS 66210. Representative: Bruce A. Bullock, One Woodward Ave., 26th Fl., Detroit, MI 48226, (313) 496–3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with FMC Corporation, and its subsidiaries, of Lexington, KY.

MC 121504 (Sub-3), filed April 28, 1983. Applicant: KEN'S TRANSFER, INC., P.O. Box 534, Milbank, SD 57252. Representative: James E. Ballenthin, 1016 Conwed Tower, 444 Cedar St., St. Paul, MN 55101, (612) 227–7731. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Grant County, SD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant intends to tack this authority to its existing regular route authority.

MC 133604 (Sub-22), filed May 2, 1983. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 S. 11th St., Oskaloosa, IA 52577. Representative: Peter A. Greene, 1920 N St., NW., Washington, DC 20036, (202) 331–8800. 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 ConAgra, Inc., and its subsidiaries, of Omaha, NE.

MC 138415 (Sub-29), filed April 29, 1983. Applicant: TRAILER EXPRESS, INC., P.O. Box 327, Topeka, IN 46571. Representative: Paul D. Borghesani, Suite 300, Commercial Bldg., 421 S. Second St., Elkhart, IN 46516, (219) 293–3597. Transporting *transportation equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with Utilimaster Corporation, of Wakarusa, IN.

MC 140484 (Sub-112), filed April 29, 1983. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Ft. Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg.,

1030 Fifteenth St., NW., Washington, D.C. 20005, (202) 296–3555. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Coast to Coast Shipper's Association, Inc., of Cheswick, PA.

MC 143915 (Sub-5), filed April 29, 1983. Applicant: KAPTUR ENTERPRISES, INC., 2250 East 198th Street, Lynwood, IL 60411. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602, (312) 236–5944. Transporting *lumber and wood products*, between those points in that part of the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 144584 (Sub-10), filed April 26, 1983. Applicant: WASHINGTON-CALIFORNIA EXPRESS, INC., Eugene Drive, Plains Township, PA 18702. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MA, CT, RI, NY, NJ, PA, DE, VT, and OH, on the one hand, and, on the other, points in the U.S. (except AK, HI, AZ, CA, NV, OK, TX, UT, and WA).

MC 14695 (Sub-5), filed April 28, 1983. Applicant: N. & S. TRUCKING, INC., Rt. 1, Francisco, IN 47649. Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., Indianapolis, IN 46024, (317) 635–2339. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Daviess, Dubois, Gibson, Knox, Martin, Pike, Posey, Spencer, Vanderburgh and Warrick Counties, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157565 (Sub-4), filed April 26, 1983. Applicant: BUD MEYER TRUCK LINES, INC., P.O. Box 97, Theilman, MN 55987. Representative: John B. Van De North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1215. Transporting *food and related products, chemicals and related products*, between points in MN, WI, KY and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161314 (Sub-2), filed April 26, 1983. Applicant: Donald Dejno, d.b.a. DEJNO'S TRUCKING, 11121 63rd Avenue, Kenosha, WI 53142. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting (1) *plup, paper and related products*, between points in IL, MI, MN and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI) and (2) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Kenosha County, WI and points in the U.S. (except AK and HI).

MC 162875 (Sub-1), filed May 2, 1983. Applicant: AARTIC PARCEL SERVICE INC., 27 Canal St., Millbury, MA 05127. Representative: Philip H. Miles (same address as applicant), (617) 865–9030. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, MA, RI, and NHJ, with no single piece to weigh more than 100 pounds.

MC 164135, filed April 29, 1983. Applicant: DENNIS HAMMERSCHMIDT, d.b.a. MC TRUCKING, 937 W. Collins, Orange, CA 92667. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, (213) 945–3002. Transporting *mobile and modular homes, new and used, and materials and parts for mobile and modular homes*, between points in AZ, CA and NV.

MC 166724, filed April 26, 1983. Applicant: SHASTA-SISKIYOU TRANSPORT, INC., P.O. Box 604, Redding, CA 96001. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111, (415) 986–1414. Transporting *petroleum and petroleum products*, between points in CA, OR, and NV.

MC 167274, filed April 29, 1983. Applicant: L & D ENTERPRISES, INC., 14909 NE 26 Street, Vancouver, WA 98664. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, (503) 226–6491. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA and WY.

MC 167674, filed April 26, 1983. Applicant: SAUK-RIO TRANSPORTATION COOPERATIVE 603 Phillips Boulevard, Sauk City, WI 53583. Representative: Patricia Thimmig, 25 W. Main Street, Suite 801, Madison, WI 53703, (608) 255–7277. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Rio Farmers Union Cooperative, Rio, WI, and Consumers Cooperative Oil Company, Sauk City, WS.

Volume No. OP3–212

Decided: May 11, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 145084 Sub-3, filed April 26, 1983. Applicant: MARATHON FREIGHT LINES, INC., Height Rd., P.O. Box 264, Noxapater, MS 39346. Representative: Donald L. Kilgore, 435 Center Ave., P.O. Box 96, Philadelphia, MS 39350, (601) 656–1871. 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 167714, filed April 29, 1983. Applicant: HULCHER TRUCKING COMPANY, a corporation, P.O. Box 167, Virden, IL 62690. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *general commodities* (except household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Hulcher Emergency Service, Inc., and (2) *road building and construction machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with Hulcher Equipment Company, both of Virden, IL Condition: The certificate in this proceeding to the extent it authorizes the transportation of classes A and B explosives in part (1) shall expire 5 years from the date of issuance.

MC 167715, filed April 29, 1983. Applicant: OSCAR BARNETT, d.b.a. FAIRFIELD STAGE LINES, 721 Jefferson St., Fairfield, CA 94533. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Franciso, CA 94108, (415) 986–8696. Over *regular routes*, transporting *passengers*, between Oakland, CA and Sacramento, CA, over Interstate Hwy 80, serving Travis Air Force Base as an off-route point.

Note.—Applicant seeks to provide regular-route service only in interstate or foreign commerce.

MC 167715(a), filed April 29, 1983. Applicant: OSCAR BARNETT, d.b.a. FAIRFIELD STAGE LINES, 721 Jefferson St., Fairfield, CA 94533. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Over *regular routes*, transporting *passengers*, between Oakland, CA and Sacramento, CA, over Interstate Hwy 80, serving Travis Air Force Base as an off-route point. Condition: Issuance of a certificate in this proceeding is conditioned upon the grant and issuance of a certificate pending No. MC–167715. Failure to be granted and issued authority in the indicated proceeding shall render any grant of pertinent intrastate authority in this proceeding null and void.

Note—Applicant seeks to provide regular-route service in intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

MC 167715(b), filed April 29, 1983. Applicant: OSCAR BARNETT, d.b.a. FAIRFIELD STAGE LINES, 721 Jefferson St., Fairfield, CA 94533. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

Please direct status inquires about the following to Team 4 at (202) 275–7669.

Volume No. OP4–296

Decided: May 12, 1983.

By the Commission, Review Board No. 1 Members Parker, Chandler, and Fortier.

MC 22527 (Sub-15), filed May 6, 1983. Applicant: RIVERESIDE SERVICE CORPORATION, 7 Austin St., Buffalo, NY 14207. Representative: Frederick H. Staub (same address as applicant), (716) 875–5600. Transporting *metal products*, between points in NY, on the one hand, and, on the other, points in PA, OH, NJ, MA, CT, RI, NH, VT, and ME.

MC 40497 (Sub-5), filed May 3, 1983. Applicant: LAWRENCE MOVING & STORAGE CO., P.O. Box 1194, Sacramento, CA 95806. Representative: Robert J. Gallagher, 1000 Connecticut Ave., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods*, between points in WA, OR, CA, NV, ID, UT, AZ, NM, CO, WY and MT.

MC 59117 (Sub-88), filed May 6, 1983. Applicant: ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, OK 64301. Representative: Tom B. Kretsinger, Jr., 20 E Franklin, Liberty, MO 64068, (918) 256–5535. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI).

MC 71296 (Sub-11), filed May 5, 1983. Applicant: FORT TRANSPORTATION & SERVICE CO., INC., 1600 Janesville Ave., Fort Atkinson, WI 53538. Representative: Richard D. Armstrong, 925 Hyland Dr., Stoughton, WI 53589, (608) 873–8929. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk, between (1) points in IL and WI, and (2) points in IL and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 98596 (Sub-3), filed May 6, 1983. Applicant: R F FREIGHT LINES, INC., 69 Campanelli Dr., Braintree, MA 02184. Representative: Lawrence T. Sheils, 316 Summer St., 5th Floor, Boston, MA 02210, (617) 482–3830. Transporting general commodities (except classes A and B explosives, household goods and commodities in bulk), between (1) points in ME, NH, VT, MA, CT and RI, and (2) between points in ME, NH, VT, MA, CT and RI, on the one hand, and, on the other, points in DC, DE, MD, NJ, NY and PA. Condition: Issuance of a certificate in this proceeding is conditioned upon prior or coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC–98596 Sub 2.

MC 108937 (Sub-75), filed May 6, 1983. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Rd., St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164, (612) 633–7911. 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 J. C. Penney Company of New York, NY.

MC 124117 (Sub-50), filed May 5, 1983. Applicant: MID-TENN EXPRESS, INC., P.O. Box 101, Eagleville, TN 37060. Representative: Robert L. Baker, 618 United States Southern Bank Bldg., Nashville, TN, 37219, (615) 244–6100. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of KS, NE, ND, OK, SD, and TX.

MC 133966 (Sub-64), filed May 3., 1983. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Jon F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, DC 20004, (202) 628–4600. 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 145637 (Sub-13), filed May 6, 1983. Applicant: B&B EXPRESS, INC., P.O. Box 552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, (202) 347–8862. 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 146226 (Sub-11), filed May 9, 1983. Applicant: J & P TRUCKING CO., INC., P.O. Box 47, Lincolnton, NC 28092. Representative: Dwight L. Koerber, Jr., 110 North 2nd St., P.O. Box 1320, Clearfield, PA 16830, (814) 765–9611. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Mecklenburg County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156066 (Sub-1), filed May 9, 1983. Applicant: GARY TRANSFER COMPANY, INC., 300 West Ridge Rd., Gary, IN 46408. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Rd., Downers Grove, IL 60515, (312) 953–0330. Transporting *metal products*, between points in IL, IN, IA, KY, MI, MO, OH, PA, NY, and WI.

MC 159986 (Sub-6), filed May 6, 1983. Applicant: AMAZON INDEPENDENT TRANSPORTATION, INC., 12480 24th Ave., Marne, MI 49435. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ervin Industries, Inc., of Ann Arbor, MI, and Dawn Food Products, Inc., of Jackson, MI.

MC 160767 (Sub-9), filed May 4, 1983. Applicant: LADD TRANSPORTATION, INC., No. 1 Plaza Center, Box HP 3, High Point, NC 27261. Representative: Beverly C. Davis (same address as applicant), (919) 889–0333. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in the U.S. (except AK and HI), under continuing contract(s) with Artco-Bell Corporation, of Temple, TX, Certified Brokerage Services, Inc., of Hagerstown, MD, Bigelow Sanford, Inc., of Greenville, SC, and Lowe's Company, Inc., of North Wilkesboro, NC.

MC 161236 (Sub-1), filed May 5, 1983. Applicant: BARBARA KRAKLIO, d.b.a. K & K TRUCKING, R.R. No. 1, Box 106, Eldridge, IA 52748. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 60309, (515) 244–2329. Transporting (1) *silica sand*, between points in Scott County, IA, on the one hand, and, on the other, points in Ottawa County, OK, and IL, and (2) *crushed glass*, between points in Polk County, IA, on the one hand, and, on the other, St. Louis, Mo, and points in Okmulgee County, OK, and IL.

MC 166736, filed May 6, 1983. Applicant: RKM EQUIPMENT & TRUCKING, INC., 7000 Frisco Rd., Yukon, OK 73099. Representative: William P. Paker, 4400 N. Lincoln Blvd., Suite 10, Oklahoma City, OK 73105, (405) 424–3301. Transporting (1) *metal products*, and (2) *machinery*, between points in the U.S. (except AK and HI).

MC 167016, filed May 4, 1983. Applicant: QUALITY DELIVERY SERVICE, INC., 10508 Goodnight Lane,

Dallas, TX 75220. Representative: William Sheridan, P.O. Box 5049, Irving, TX 75062, (214) 255–6279. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in LA, OK and TX.

MC 167837, filed May 6, 1983. Applicant: NORTH BROTHERS,INC., 2802 W. Virginia, Phoenix, AZ 85009. Representative: Michael DeMarco, 17422 Chatsworth St., Granada Hills, CA 91344, (213) 368–4941. Transporting *malt beverages and near-beer*, between Phoenix, AZ, on the one hand, and on the other, points in CA, under continuing contract(s) with G. Heileman Brewing Co., of Phoenix, AZ, and Community Beverage, of Los Angeles, CA.

MC 167847, filed May 6, 1983. Applicant: CHARLES R. MILLER ENTERPRISES, INC., 4504 Bells Lane, Louisville, KY 40211. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *general commodities* (except classes A and B explosives, household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with B-T Energy Corporation, of Louisville, KY.

MC 167857, filed May 4, 1983. Applicant: EQUINE TRANSPORTATION, LTD., 2629 W Horsetooth Rd., Fort Collins, CO 80526. Representative: Lynne Wagers-Reese (same address as applicant), (303) 226–3364. Transporting *horses and mules*, valuable for breeding, racing, show, or other special purposes, between points in the U.S. (except AK and HI).

MC 167866, filed May 9, 1983. Applicant: BUENEMAN'S INC., 105 North Elm, P.O. Box 246, Wright City, MO 63390. Representative: Jane E. Leonard, 515 Olive St., Suite 1700, St. Louis, MO 63101, (314) 231–2800. Transporting *lumber and wood products, livestock, grain, feed, and fertilizer*, between points in AR, IL, OK, KS, TX, KY, IN, IA, TN, NE, WI, and MO.

Volume No. OP4–298

Decided: May 13, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 89387 (Sub-4), filed May 2, 1983. Applicant: FRANK MARTUCCIO ENTERPRISES, INC., 1059 Mercer Ave., Hermitage, PA 16148. Representative: Gene Martuccio (same address as applicant), (412) 346–4144. Transporting *commodities in bulk*, between points in Erie, Niagara, Chautauqua, and Cattaraugus Counties, NY, and Brooke, Ohio, and Hancock Counties, WV, and points in PA and OH.

MC 167916, filed May 9, 1983. Applicant: JIM COLLINS TOWING, INC., 12090 SW. Cheshire Rd., Beaverton, OR 97005. Representative: Lawrence V. Smart, Jr., 419 NW. 23d Ave., Portland, OR 97210, (503) 226–3755. Transporting *transportation equipment*, between points in OR, WA, CA, ID, MT, WY, UT, CO, NV, NM, and AZ.

MC 167917, filed May 9, 1983. Applicant: MASA TRUCK LINES, 2630 E. 81st St., Bloomington, MN 55420. Representative: Louis J. Roehl, (same address as applicant), (612) 854–3888. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Midwest Airfreight Shippers Association, of Bloomington, MN.

Volume No. OP 4–301

Decided: May 13, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 167667, filed April 22, 1983. Applicant: THE TRANSPORT COMPANY OF TEXAS, 5503 Agnes, P.O. Box 4726, Corpus Christi, TX 78408. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, (512) 472–8800. Transporting (1) *general commodities* (except classes A and B explosives and household goods), between points in LA, OK and TX; and (2) *commodities in bulk*, between points in LA, OK and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This application is directly related to MC–F–15250, and is published in this same **Federal Register** issue.

Volume No. OP 4–303

Decided: May 13, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 148556 (Sub-4), filed May 9, 1983. Applicant: KEEBLER COMPANY, One Hollow Tree Lane, Elmhurst, IL 60126. Representative: John M. Sanderson, Jr., (same address as applicant), (312) 833–2900. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with the Beltran Corporation, of Acton, MA.

MC 152717 (Sub-2), filed May 9, 1983. Applicant: STEVECO, INC., P.O. Box 489, Dickson, TN 37055. Representative: Roland M. Lowell, 501 Union St., Nashville, TN 37219, (615) 255–0540. 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 162106 (Sub-1), filed May 9, 1983. Applicant: EXPEDITED TRANSPORTATION SERVICE, INC., One W. Court Square, Suite 465, Decatur, GA 30030. Representative: Robert L. Cope, Suite 501, 1730 M St. NW., Washington, DC 20036, (202) 296–2900. 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 163496 (Sub-1), filed May 10, 1983. Applicant: L. B. GUIGNARD, INC., P.O. Box 26067, Charlotte, NC 28213. Representative: Charles Ephraim 918 16th St., N.W., Suite 406, Washington, DC 20006, (202) 833–1170. 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 Savannah Foods and Industries, Inc., of Savannah, GA, and its subsidiaries, and Bird & Son, Inc., of East Walpole, MA.

MC 164676, filed May 9, 1983. Applicant: BYRON McCUNE, CLARK McCUNE, SCOTT McCUNE, DARRELL McCUNE, d.b.a. McCUNE TRUCKING, 4817 Harper St., Salt Lake City, UT 84117. Representative: Eldon E. Bresee, 1553 W. 7th St., Upland, CA 91786, (714) 983.0811. Transporting *such commodities* as are dealt in by grocery and food business houses, department stores and variety stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Safeway Stores, Inc., of Oakland, CA.

MC 167817, filed May 4, 1983. Applicant: JUNIOR E. STANLEY, d.b.a. STANLEY ENTERPRISES, 100½ Parkway Blvd., Elizabethton, TN 37643. Representative: Junior E. Stanley (same address as applicant), (615) 543–1356. Transporting *general commodities* (except classes A and B explosives, household goods and ommodities in bulk), between points in the U.S., under continuing contract(s) with MKS Company, Inc., of Elizabethton, TN, and MKS Batting (N.C.), Inc., of Donover, NC.

MC 167926, filed May 10, 1983. Applicant: CARL WORTHINGTON AND SONS TRUCKING, INC,. 107 West Side Ave., Jersey City, NJ 07305. Representative: Pamela A. Falls 30 Bordeaux Dr., Parsippany, NJ 07054, (201) 887–7927. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under

continuing contract(s) with Fesco Plastics Corp., of Farmingdale, NJ.

MC 167927, filed May 10, 1983. Applicant: WEIL WRECKER SERVICE, INC., 2607 2nd Ave., So., Birmingham, AL 35233. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-5223. Transporting *transportation equipment*, between points in AL, FL, GA, LA, MS, and TN.

MC 167936, filed May 9, 1983. Applicant: EVERGREEN CARTAGE, INC., 8159 West Irving Park Rd., Chicago, IL 60634. Representative: Thomas M. O'Brien, 180 North Michigan Ave., Suite 1700 Chicago, IL 60601, (312) 263-1600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, MO, NE, OH, and WI.

Please direct status inquires about the following to Team 5 at (202) 275-7289.

Volume No. OP5-230

Decided: May 10, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. Member Ewing not participating.

MC 119099 (Sub-43), filed April 29, 1983. Applicant: BJORKLUND TRUCKING, INC., First Avenue N.E. and 8th Street, Buffalo, MN 55313. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402, (612) 333-1341. Transporting *chemical and related products*, between points in MN, IA, ND, SD, and WI.

MC 119968 (Sub-27) filed May 2, 1983. Applicant: A. J. WEIGAND, INC., P.O. Box 130, Dover, OH 44622. Representative: John R. Boynton (Same addresses as applicant), (216) 878-5501 Transporting *commodities in bulk*, between points in the U.S. (except AK and HI).

MC 136788 (Sub-1(a)), filed March 17, 1983. Applicant: SALEM TRANSPORTATION COMPANY OF NEW JERSEY, INC., 133-03 35 Ave., Flushing, NY 11354. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10017, (212) 755-9500. Over regular routes, transporting *passengers*, (a) between Trenton, NJ, and New York, NY: From Trenton over U.S. Hwy 1 to junction Interstate Hwy 95 (NJ Turnpike) at New Brunswick, NJ, then over Interstate Hwy 95 to Newark International Airport, then over Interstate Hwy 95 to George Washington Bridge, then over George Washington Bridge and Interstate Hwy 95 to junction Interstate Hwy 678, then over Interstate Hwy 678 to Whitestone Bridge, then over Whitestone Whitestone Bridge and Interstate Hwy 678 to Grand Central Parkway, then over Grand Central Parkway to La Guardia Airport, then over Grand Central Parkway to Van Wyck Expressway, then over Van Wyck Expressway to John F. Kennedy International Airport, and return over the same route, serving all intermediate points and the off-route points of Edison, Highland Park, North Brunswick, South Brunswick, Plainsboro, Penn's Neck, Franklin, Princeton, and Lawrenceville, NJ; and (b) between New York, NY, and Elizabeth, NJ, serving all intermediate points: (i) From John F. Kennedy International Airport over Belt Parkway to Verrazano Narrows Bridge, then over Verrazano Narrows Bridge to Interstate Hwy 278 (Staten Island Expressway), then over Interstate Hwy 278 to junction Interstate Hwy 95 (NJ Turnpike), at or near Elizabeth, NJ; and: (ii) From La Guardia Airport over Interstate Hwy 278 to Verrazano Narrows Bridge to junction Interstate Hwy 95 at or near Elizabeth, NJ.

Note.—Applicant seeks additional authority in MC-136788 Sub 1(b) published in this same **Federal Register**.

MC 143118 (Sub-5), filed April 21, 1983. Applicant: SWINFORD TRUCKING CO, INC., Route #10 Bleich Rd., Paducah, KY 42001. Representative: Peggy J. Gray, P.O. Box 786 Paducah, KY 42001, (502) 442-7300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 146248 (Sub-5), filed May 2, 1983. Applicant: QUALITY HAULERS, INC., 606 Hilda St., Jefferson City, MO 65101. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, (314) 636-2321. Transporting (1) *malt beverages and related products*, (2) *glass and glass products*, (3) *paper and paper products*, (4) *metal and metal products*, (5) *plastic and plastic products*, and (6) *recyclable materials*, between points in AR, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NE, OK, TN, TX, and WI.

MC 146758 (Sub-28), filed April 29, 1983. Applicant: LADLIE TRANSPORTATION, INC., 1701 Margaretha Street, Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant), (507) 373-2553. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in WI, MN, IL, IA, MO, KS, UT, TX, CA, OR, WA, ID, and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151878 (Sub-14), filed May 2, 1983. Applicant: THREE WAY CORPORATION, 1120 Karlstad Drive, Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1000 Potomac St., NW, Suite 501, Washington, DC 20007, 202-337-0104. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Three Way Brokerage, of Sunnyvale, CA.

MC 159978 (Sub-1), filed May 2, 1983. Applicant: TRANSCORP CARRIERS, INC., 1809 Carmel Rd., Greensboro, NC 27408. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, (202) 737-1030. 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 163429 (Sub-2), filed May 2, 1983. Applicant: GENE TRIPP JR. AND DAVID SAUERBIER, d.b.a. BEARMOUTH EXPRESS, POB 7103, Missoula, MT 59807. Representative: William E. Selisiki, 2 Commerce St., POB 8255, Missoula, MT 59807, (406)543-8369. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Oliver Rubber Company, of Oakland, CA, IAMS Company of Lewisburg, OH, Jerry Noble Tires, of Great Falls, MT, and Caras Cabinet Manufacturing, High Noon, Inc., and High Mountain Distributing, all of Missoula, MT.

MC 167139, filed April 26, 1983. Applicant: DANMARR TRANSIT, INC., 24 Royale Drive, Van Buren, AR 72956. Representative: Dan Bearden (same address as applicant), (501)474-9756. Transporting *paper and related products*, between points in AR, OK, KS, MO, TX, TN, and GA.

MC 167728, filed May 2, 1983. Applicant: PENNY A. FIX, d.b.a. VICTORY EXPRESS, P.O. Box 24403 Seattle, WA 98124. Representative: Jack R. Davis, Suite 1200, IBM Bldg., Seattle, WA 98101, 206-624-7373. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR, ID and MT.

MC 167729, filed May 2, 1983. Applicant: JUICE SERVICES, INC., Blackstone Valley Way, 146-295 Industrial Park, P.O. Box 304, Lincoln, RI 02865. Representative: Edward G.

Bazelon, 135 South LaSalle St., Chicago, IL 60603, 312–236–9375. 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 DFC Transportation Company of Huntley, IL.

Volume No. OP5–232

Decided: May 11, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 41098 (Sub-107), filed May 3, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA. 92803 Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006, (202)833–8884. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Lockheed Corporation, of Burbank, CA and its subsidiaries.

MC 88368 (Sub-60), filed April 28, 1983. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902 (301) 649–5074. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S.

MC 94599 (Sub-3), filed May 4, 1983. Applicant: JOHN D. TONKOVICH & SON, INC., Rt. 2, P.O. Box 208, Shadyside, OH 43947. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, 614–889–2531. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in IL, IN, KY, MD, MI, NY, OH, PA, VA, and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 107229 (Sub-15), filed May 4, 1983. Applicant: AMODIO MOVING, INC., 600 East St., New Britain, CT 06014. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036, 202–785–0024. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with American Relocation Services, Inc. of Hamden, CT.

MC 123329 (Sub-65), filed May 3, 1983. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59401, 406–452–6417. Transporting *lumber and wood products*, between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in AK.

MC 123748 (Sub-31), filed April 15, 1983. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 1060 State St., New Haven, CT 06511. Representative: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, CT 06103 (203) 278–1330. Over regular routes, transporting *passengers*, between Hartford, CT, and LaGuardia Airport and John F. Kennedy International Airport, New York, NY: (a) from Hartford over access roads to junction Interstate Hwy 84, then over Interstate Hwy 84 to Farmington, then over access roads to junction Interstate Hwy 84, then over Interstate Hwy 84 to Interstate Hwy 684, then over Interstate Hwy 684 to junction Interstate Hwy 287, then over Interstate Hwy 287 to junction Interstate Hwy 91, then over Interstate Hwy 91 to junction Insterstate Hwy, 95, than over Interstate Hwy 95 to New York, NY, then over city streets and highways to LaGuardia Airport and John F. Kennedy International Airport, serving all intermediate points, and (b) from Hartford over access roads to junction Interstate Hwy 91, then over Interstate Hwy 91 to Wethersfield, CT, then over access roads to junction Interstate Hwy 95, then over Interstate Hwy 95 to New York, NY, then over city streets and highways to LaGuardia Airport and John F. Kennedy International Airport, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 158669 (Sub-1), filed May 4, 1983. Applicant: TODD LOISEAU, d.b.a. RAPID EXPRESS, 115 Suffield Village, P.O. Box 404, Suffield, CT 06078. Representative: David M. Marshall, Sixth Floor, 95 State St., Springfield, MA 01103, 413–732–1136. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, ME, MA, NH, RI, VT, NY NJ and PA.

MC 166068, filed March 28, 1983. Applicant: A–PLUS TRUCKING, INC., 5506 Northpoint Dr., Cincinnati, OH 45239. Representative: John L. Alden, 1396 West Fifth Ave., Columbus, OH 43212, 614–481–8821. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Cincinnati, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166538 (Sub-2), filed May 3, 1983. Applicant: ACE EXPRESS TRANSPORTATION, P.O. Box 9380, Salt Lake City UT, 84109. Representative: Stuart Breinholt (same address as applicant), 801 268–0257. Transporting (1) *metal products*, (2) *machinery*, (3) *baggage handling equipment*, and *such commodities* as are dealt in or used by department, discount and grocery stores, between points in the U.S. (except AK and HI)

MC 167749, filed May 2, 1983. Applicant: PELLERIN MILNOR CORPORATION, d.b.a. MILNOR TRANSPORTATION SERVICES, 700 Jackson St., Kenner, LA 70062. Representative: U.S. Florane, Jr. (same address as applicant), 504–467–9591. Transporting *machinery*, between points in Jefferson Parish, LA, On the one hand, and, on the other, points in the U.S. (except HI).

MC 167788, filed May 3, 1983. Applicant: SPIRIT TRUCKING, INC., 310 Fourth St., Blawnox, PA 15238. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, 412–281–9494. Transporting (1) *machinery*, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of metal products and construction materials, between those points in the U.S. in and east of MN, IA, MO, OK and TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–13573 Filed 5–18–83; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-68)]

Rail Carriers; Seaboard System Railroad, Inc.—Abandonment—In Lee County, NC; Findings

The Commission has issued a certificate authorizing the Seaboard System Railroad, Inc. to abandon its 2.32 mile rail line between milepost AE 242.28 near Jonesboro and milepost AE 244.60 near Sanford in Lee County, NC. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905

and 49 CFR 1152.27 (formerly 49 CFR 1121.38).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-13568 Filed 5-19-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30175]

Illinois Central Gulf Railroad Co.—Merger—Chicago & Illinois Western Railroad Co.; Exemption

May 17, 1983.

Illinois Central Gulf Railroad Company (ICG) and its subsidiary Chicago & Illinois Western Railroad Company (CIW) filed a notice of exemption relating to the merger of CIW into ICG.

Pursuant to a stock purchase agreement dated April 15, 1983, ICG purchased from its wholly-owned subsidiary, Mississippi Valley Corporation (MV) all issued and outstanding shares (1,000) of CIW capital stock. Under a plan of merger, scheduled for consummation on April 29, 1983, it is the intention of the parties that ICG surrender the CIW stock for cancellation in exchange for all of the assets of CIW, and that CIW will merge into ICG.

This is a transaction within a corporate family and will not result in adverse changes in service levels, significant operational changes or a change in the competitive balance with carriers outside the corporate family. Therefore, the proposed transaction is of the type specifically exempted from the necessity for prior review and approval, 49 CFR 1180.2(d)(3).

As a condition to use of the exemption, any employee of the ICG or CIW affected by this transaction shall be protected pursuant to the labor conditions set forth in *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2) regarding protection of employees affected by this transaction.

By the Commission, Herber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-13626 Filed 5-19-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Agency Forms Under Review

May 17, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer Larry E. Miesse—202-633-4312

Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in the Method of Collection

- Immigration and Naturalization Service

Department of Justice

Canadian Border Boat Landing Card

On occasion

Individuals or households

Used to permit U.S. citizens, lawful permanent residents, Canadian Nationals and other residents of Canada having a common nationality with Canadians to visit the immediate shore area of Canada and the United States in a small pleasure craft during boating season; 5,000 responses; 830 hours; not applicable under 3504(h).

David Reed—395-7231.

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 83-13566 Filed 5-19-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of North Carolina

This notice announces the ending of the Extended Benefit Period in the State of North Carolina, effective on May 14, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of North

Carolina on February 13, 1983 and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on April 23, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on May 14, 1983.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on May 11, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-13536 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State of Ohio

This notice announces the ending of the Extended Benefit Period in the State of Ohio, effective on May 14, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Ohio on January 17, 1982 and has now triggered off.

Determination of "Off" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on April 23, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on May 14, 1983.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on May 12, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-13536 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Arthur Winer, Inc., et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

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

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date petition	Petition No.	Articles produced
Arthur Winer, Inc. (ACTWU)	Petersburg, VA	5/6/83	5/3/83	TA-W-14,635	Trousers, dress—men's.
E. I. du Pont de Nemours & Co., Inc., Photo Products Dept., Magnetic Products Div. (company).	Newport, DE	5/6/83	4/6/83	TA-W-14,636	Tape, recording—magnetic.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date petition	Petition No.	Articles produced
Eaton Corp., Axle Div. (MESA)	Cleveland, OH	5/9/83	5/1/83	TA-W-14,637	Parts for rear truck axles.
I. M. Industries (teamsters)	Lake St. Louis, MO	5/10/83	4/20/83	TA-W-14,638	Laporotomy sponges.
Jones & Laughlin Steel Corp., Memphis District Sales Office (workers).	Memphis, TN	5/6/83	5/2/83	TA-W-14,639	District sales office.
Melville Footwear Manufacturing (workers)	Aulander, NC	5/10/83	5/6/83	TA-W-14,640	Women's shoes.
Nannette Manufacturing Company (United Garment Workers of American).	Glassboro, NJ	5/11/83	5/5/83	TA-W-14,641	Baby dresses and toddlers clothing.
Sohio Chemical Company (OCAW)	Lima OH	5/9/83	5/2/83	TA-W-14,642	Ammonia and urea.
Bristol Steel & Iron Works, Inc. (Inter'l Assoc. of Bridge Structural & Ornamental Iron Wrks).	Bessemer, AL	5/13/83	5/9/83	TA-W-14,643	Fabrication of bridges, steel for buildings, locks, gates.

[FR Doc. 83-13664 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Hollis Manufacturing Co. et al.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period May 9, 1983–May 13, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,924; Hollis Manufacturing Co., Wrightsville, PA

Affirmative Determinations

TA-W-13,748; Bethlehem Steel Corp., Wire Rope Div., Williamsport, PA

A certification was issued covering all workers of the firm separated on or after January 1, 1982.

TA-W-13,867; Bethlehem Steel Corp., General Offices, Bethlehem, PA

A certification was issued covering all workers of the firm separated on or after September 28, 1981.

TA-W-13,911; Sloan Glass, Inc., Culloden, WV

A certification was isssued covering all workers separated on or after October 19, 1981.

TA-W-13,900; CTS of West Liberty, West Liberty, OH

A certification was issued covering all workers separated on or after July 4, 1982 and before January 1, 1983.

TA-W-13,732; R. M. Formed Products, Modulus Div., Gary, IN

A certification was issued covering all workers separated on or after August 11, 1981.

I hereby certify that the aforementioned determinations were issued during the period May 9, 1983–May 13, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 17, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-13663 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-83-29-C]

B.S.B. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

B.S.B. Coal Company, General Delivery, Pathfork, Kentucky 40863 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its K.O.K. No. 3 Mine (I.D. No. 15-13741) located in Harlan County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that cabs or canopies be installed on the mine's electric face equipment.

2. The mining height ranges from 42 to 66 inches, with rolls and fluctuations.

3. Petitioner states that the use of cabs or canopies on the mine's shuttle cars would result in a diminution of safety because the cab or canopy could strike and dislodge the roof support system. The cabs and canopies also cause a cramped operator compartment, forcing the operator to hang out from under the cab or canopy, exposing body parts to potential injury.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 20, 1983. Copies of the petition are available for inspection at that address.

Dated: May 10, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-13537 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-10-C]

Chrissy Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Chrissy Coal Company, Box 17, Beaver, Kentucky 41604 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Kim No. 2 Mine (I.D. No. 15-04085) located in Floyd County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the working place where self-propelled mining equipment is working must be illuminated.

2. The coal seam ranges from 25 to 34 inches in height.

3. Petitioner states that the installation of lighting devices on the self-propelled mining equipment would result in a diminution of safety for the miners affected. The lights are so bright that when the scoops come into the section, the lights temporarily blind the equipment operators and nearby persons, increasing the chances of an accident. All equipment have headlights and reflectors, as well as reflectors in each section.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 20, 1983. Copies of the petition are available for inspection at that address.

Dated: May 10, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-13538 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-5-M]

Hecla Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Hecla Mining Company, P.O. Box 320, Wallace, Idaho 83873 has filed a petition to modify the application of 30 CFR 57.4-43 (buildings near mine openings; fire resistance requirements) to its Sherman Mine (I.D. No. 05-00604) located in Lake County, Colorado. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that buildings and other structures located within 100 feet of mine openings used for intake air and those designated as escapeways in exhaust air be constructed of fire-resistant materials.

2. As an alternate method, petitioner proposes that:

a. The maintenance area will be moved from the portal end of the shop to the opposite end of the shop and a fire partition, build of noncombustible blocks, will be installed to separate the shop from the portal end of the building;

b. The cat-walk joining the stairs and the shop building will be lined on the inside with ⅝-inch, type X gypsum wallboard, on both the catwalk and shop side;

c. Gypsum wallboard will be nailed to the underside of the joists supporting the second floor on the portal side of the shop building; and

d. In the snowshed adjoining the underground haulage drift to the mine workings, gypsum wallboard will be nailed vertically to both sides of the adjacent upper portion of the snowshed. All wood inside and outside of the fan housing in the snowshed will be covered with sheet steel.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 20, 1983. Copies of the petition are available for inspection at that address.

Dated: May 10, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-13539 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-7-M]

Hecla Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Hecla Mining Company, P.O. Box 320, Wallace, Idaho 83873 has filed a petition to modify the application of 30 CFR 57.19-11 (flanges on drums) to its Republic Unit Mine (I.D. No. 45-00365) located in Ferry County, Washington. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that flanges on drum shall extend radially a minimum of four inches or three rope diameters beyond the last wrap, whichever is the lesser.

2. The hoist is used approximately 3 to 4 times per month to lower miners to inspect the secondary escapeway system or to repair or check the pumps and/or the air door located on the sixth level. No problems have been encountered concerning rope jumping the drum flange or any other related problems during the operating history of the hoist.

3. The hoist was made by Ottumwa and has a single drum which is 63 inches in diameter, and 36 inches wide, powered by a 112 horsepower electric motor, operating on AC current. It has a friction clutch with two braking systems, one manually operated and the other mechanically. The type of safety control is a Hubbell. The hoist rope is a ⅞ inch, 6 × 21 filler wire, RLL, with a fibre core, 875 feet long. The cage weighs approximately 600 pounds.

4. Petitioner states that when the cage is at the collar of the shaft, the hoist rope is 10 wraps into the second layer. At this point the flange on the drum extends one inch radially beyond the last wrap. The hoist operating speed is 250 feet per minute. Because of the limited use of this hoist, the slow operating speed, and the fact that there have been no problems due to the size of the flange, petitioner believes that the existing hoist flange construction guarantees the same measure of protection as that afforded by the standard, and therefore, request a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 20, 1983. Copies of the petition are available for inspection at that address.

Dated: May 10, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-13540 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-8-M]

Independent Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Independent Salt Company, P.O. Box 36, Kanopolis, Kansas 67454 has filed a petition to modify the application of 30 CFR 57.4-61A (ventilation doors) to its

mine (I.D. No. 14-00411) located in Ellsworth County, Kansas. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that ventilation doors be installled at or near shaft stations of intake shafts and at any shaft designated as an escapeway to prevent the spread of smoke or gas in the event of a fire.

2. The air intake shaft is the designated escape shaft and is located approximately 1800 feet northeast of the production shaft. The intake shaft is maintained solely for air intake and emergency escape. This wood-lined shaft is kept brine soaked.

3. The system is designed to control the air flow from the surface by opening and closing surface openings. The air is kept flowing into the secondary (escape) shaft and out of the primary (production) shaft to avoid contamination by fumes from operating equipment. Any fire and subsequent noxious fumes would be from the production shaft area. Petitioner states that if it becomes necessary to reverse air flow it would be more practical and effective to do so from the surface, where the openings are more stable and more quickly reached.

4. Petitioner states that the installation of a ventilation or fire door at either of the shafts would create additional uncertainties and potential danger to the personnel in the mine should a fire occur. With the constant movement of floor, sides and roof, it is impossible to install and maintain an airtight closure. With the salt and allowed moisture in the shaft area, keeping a remote or automatic closing system dependably operable, is also not feasible; surface control is much more dependable.

5. Fore these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 20, 1983. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

Dated: May 10, 1983.

[FR Doc. 83-13541 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-4-M]

Kentucky Stone Co.; Petition for Modification of Application of Mandatory Safety Standard

The Kentucky Stone Company, 400 Sherburn Lane, P.O. Box 7556, Louisville, KY 4007 has filed a petition to modify the application of 30 CFR 57.20-32 (telephones or two-way communication equipment) to its Mt. Vernon Operation (I.D. No. 15-00051) located in Rockcastle County, Kentucky, its Marion Operation (I.D. No. 15-00003) located in Crittenden County, Kentucky, its Tyrone Operation (I.D. No. 15-00043) located in Anderson County, Kentucky, its Princeton Operation (I.D. No. 15-00013) located in Caldwell County, Kentucky, and its Yellow Rock Operation (I.D. No. 15-00048) located in Lee County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that telephones or other two-way communication equipment with instructions for their use be provided for communication from underground operations to the surface.

2. The mines have multiple openings ranging in size from 40 to 50 feet wide and 30 feet high consisting of noncombustible limestone. Petitioner can drive straight in and out of the mines with a variety of vehicles, ranging from a small pickup to a large 35 ton haul truck. In case of a serious accident, the emergency vehicle would be able to drive to the exact location in a matter of minutes.

3. As an alternate method, petitioner proposes to use a system of CB radios located in the main office and in the superintendent's and mine foreman's trucks.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 20, 1983. Copies of the petition are available for inspection at that address.

Dated: May 10, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-13542 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-24-C]

Olga Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Olga Coal Company, Drawer B, Coalwood, West Virginia 24824 has filed a petition to modify the application of 30 CFR 49.6 (mine rescue teams, equipment and maintenance requirements) to its Olga No. 1 and No. 2 Mine (I.D. No. 46-01407), Roadfolk Mine (I.D. No. 46-05319) and its Cavetta Mine (I.D. No. 46-02858), all located in McDowell County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A Summary of the petitioner's statements follows:

1. The petition concerns the requirement that a mine rescue station be provided with equipment for two mine rescue teams.

2. As an alternate method, petitioner proposes to assure that at least two mine rescue teams and the necessary equipment for two teams, as required by the standard, are available when miners are underground. In this regard, petitioner proposes to maintain the appropriate equipment for one mine rescue team and provide a second equipped mine rescue team by agreement with the Shannon Branch Coal Company, which is within two hours ground travel time from the petitioner's mines.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 20, 1983. Copies of the petition are available for inspection at that address.

Dated: May 10, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-13543 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-22-C]

Plateau Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Plateau Mining Company, P.O. Drawer PMC, Price, Utah 84501 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Star Point No. 2 Mine (I.D. No. 42-00171) located in Carbon and Emery Counties, Utah. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that entries used as intake and return aircourses be separated from belt haulage entries.

2. Due to the geology of the coal seams, petitioner proposes, as an alternate method, to use a 2-entry panel development longwall mining system in lieu of room-and-pillar methods or 3-entry longwall systems, with the following safeguards:

a. A continuous low-level carbon monoxide (CO) monitoring system and a continuous methane monitoring system will be installed and maintained in the belt/return entry. Each system will be capable of providing an audio and visual signal at a continuously staffed location on the surface equipped with 2-way communications with the section;

b. Air will be monitored for CO at each belt drive, tailpiece and 2,000-foot intervals between the methane monitors will be placed near the mouth of the section and immediately outby the tailpiece;

c. At any time the CO monitoring system is inoperative and the belts continue to run, the belts will be patrolled by a qualified person who will physically monitor CO levels. The methane monitor system will sound an alarm at 0.8% methane content and de-energize the beltline and section face equipment if methane exceeds 1.0% at any location;

d. Both monitoring systems will be inspected at least once each twenty-four hours, tested at least once each seven days and calibrated at least every thirty days with known mixtures of carbon monoxide/air and methane/air, as applicable.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 20, 1983. Copies of the petition are available for inspection at that address.

Dated: May 10, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-13544 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-12-C]

Rob-Rob Mining Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Rob-Rob Mining Co., Inc., P.O. Box 426-A, East Stone Gap, Virginia 24246 has filed a petition to modify the application of 30 CFR 77.214(a) (refuse piles; construction) to its No. 1 Mine (I.D. No. 44-05964) located in Wise County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that refuse piles be located in areas which are a safe distance from all underground mine airshafts, preparation plants, tipples, or other surface installations, and that such piles not be located over abandoned openings or steamlines.

2. Petitioner seeks a modification of the standard to permit the placement of coal process waste over three known abandoned mine entries of the completely removed Imboden seam. In support of this proposal, petitioner will provide a conditional plan for control of mine water drainage should the abandoned Imboden works prove the discharge water from the works when cut into. The operator will provide a rock underdrain or pipe sized to convey such drainage approximately 180 feet across the East Fork Branch hollow into a known mine opening in the Imboden seam prior to disposal of refuse. Should the abandoned Imboden works be dry, the mine openings will be sealed through installation of a dry plug. These dry plug seals will extend into the mine openings for a minimum of 25 feet. The exposed coal seams to be covered with refuse will be covered with 3 feet of noncombustible material above and below the exposed outcrop.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 20, 1983. Copies of the petition are available for inspection at that address.

Dated: May 10, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-13545 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-28-C]

Saginaw Mining Co., Petition for Modification of Application of Mandatory Safety Standard

Saginaw Mining Company, P.O. Box 275, St. Clairsville, Ohio 43950 has filed a petition to modify the application of 30 CFR 75.1100-2(e)(2) (quantity and location of firefighting equipment) to its Saginaw Mine (I.D. No. 33-00941) located in Belmont County, Ohio. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that one portable fire extinguisher and 240 pounds of rock dust be provided at each temporary electrical installation.

2. As an alternate method, petitioner proposes to provide two portable fire extinguishers or one extinguisher having at least twice the minimum capacity in lieu of providing one portable fire extinguisher and 240 pounds of rock dust.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and

Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 20, 1983. Copies of the petition are available for inspection at that address.

Dated: May 10, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-13546 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-31-C]

Scorpio Energy, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Scorpio Energy, Inc., P.O. Box 355, Big Rock, Virginia 24603 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine. (I.D. No. 44-05244) located in Buchanan County, Virginia. The petition is filed under Section 10(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam measures about 43 inches in natural height with allowances for uneven contour areas. At present, approximately 2 inches of draw rock is giving an additional overall height; however, this condition is not expected to continue for an extended period of time.

3. The installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the canopies strike and catch roof bolts while the equipment is in motion. The canopies also hamper the equipment operator's visibility, forcing the operator to lean out from under the canopy, exposing body parts to potential injury.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 20, 1983. Copies of the petition are available for inspection at that address.

Dated: May 11, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-13547 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 1-5 of Executive Order 12196 of February 26, 1980, published in the **Federal Register** February 27, 1980 (45 FR 12769), will meet on June 9, 1983 starting at 10:00 AM at the Occupational Safety and Health Administration's Training Institute, 1555 Times Drive, Des Plaines, Illinois 60018. The meeting will be open to the public.

The agenda provides for:

I. Call to Order
II. Welcome
III. Approval of Minutes of January 12, 1983 Meeting
IV. Announcement of Appointments
V. Proposed OSHA Procedures
  A. Procedure for Handling Reports of Unsafe or Unhealthful Working Conditions
  B. Procedures for Handling Reports of Fatalities and Catastrophies, Agency Investigative Reports, and OSHA Investigations
VI. Reports
  A. Interdisciplinary Committee on Hazard Abatement
  B. Interdisciplinary Committee on Fleet Safety
  C. Subcommittee on Federal Accident Reporting Systems
  D. Ad Hoc Committee on Elevator Safety
VII. New Business
VIII. Adjournment

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business June 3, 1983, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business June 3, 1983. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to John E. Plummer, Director, Office of Federal Agency Programs, Department of Labor, OSHA, Frances Perkins Building, 200 Constitution Avenue, N.W., Room N3613, Washington, D.C. 20210, telephone (202) 523-8021.

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

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 83-13534 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Behavioral and Neural Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Behavioral and Neural Sciences.

Date and time: June 6 & 7 1983; 9:00 a.m.-5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, NW. Room 338.

Type of meeting: Part Open—Closed June 6; 9:00 a.m. to 5:00 p.m. Open June 7; 9:00 a.m. to 5:00 p.m.

Contact person: Dr. Richard T. Louttit, Director, Division of Behavioral and Neural Sciences; Room 320, National Science Foundation, Washington, DC 20550 (202) 357-7564.

Summary minutes: May be obtained from the Contact Person at the above stated address.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in the Division of Behavioral and Neural Sciences.

Agenda: Open—General discussion of the current status and future plans of the Division of Behavioral and Neural Sciences.

Closed—Review and comparison of declined proposals (and supporting documentation) with successful awards under the Division of Behavioral anod Neural Sciences, including review of peer review materials and other privileged materials. A report will be prepared on the Advisory Panel's findings and recommendations.

Reason for closing: The oversight portion of the meeting will deal with a review of grants and declinations in which the Advisory Panel will review materials containing the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This meeting will also include a review of peer review documentation pertaining to applicants. Any non-exempt material that may be discussed at this meeting (proposals that have been awarded) will be enextricably intertwined with the discussion of exempt material and

no further separation is practical. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

Dated May 17, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-13678 Filed 5-19-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–400/401]

Carolina Power & Light Co. and North Carolina Eastern Municipal Power Agency; Availability of Draft Environmental Statement for Shearon Harris Nuclear Power Plant, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG–0972) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Shearon Harris Nuclear Power Plant, Units 1 and 2, located in Wake and Chatham Counties, North Carolina. The owners of Shearon Harris are Carolina Power and Light Company and North Carolina Eastern Municipal Power Agency.

The Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurrence and their consequences.

Copies of NUREG–0972 are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and at the Wake County Public Library, 104 Fayetteville Street, Raleigh, North Carolina 27601. The document is also being made available at the State Clearinghouse, Office of the Governor, Office of State Budget and Management, 116 West Jones Street, Raleigh, North Carolina and at the Triangle J Council of Governments, P.O. Box 12276, Research Triangle Park, North Carolina 27709. Request for copies of the DES should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this DES for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES (other local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Wake County Public Library. Comments are due by July 5, 1983. After consideration of the comments submitted on the DES, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register.**

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 12th day of May 1983.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-13600 Filed 5-19-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Information Collection For OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed information collection submitted to OMB for clearance.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, this notice announces a proposed information collection from the public. Standard Form 2802—Application for Refund of Retirement Deductions, is used by the Civil Service Retirement System, Compensation Group, Office of Personnel Management, to collect pertinent information for use in determining whether all conditions for payment of refund are met as provided by Section 8342, Title 5, U.S. Code. The application also provides for the payee to make an election on whether Federal income tax should or should not be withheld from the interest portion of the refund as provided by Pub. L. 97–248. For copies of this proposal, call John F. Weld, Agency Clearance Officer, on (202) 632-7720.

DATE: Comments on this proposal should be received within 30 working days from the date of this publication.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 669, Washington, DC 20415

and

Frank Reeder, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: William J. Washington, (202) 632–5472, Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83-13444 Filed 5-19-83; 8:45 am]

BILLING CODE 6325-01-M

Excepted Service; Schedules A, B, and C

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This give notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on April 26, 1983 (48 FR 18974). Individual authorities established or revoked under Schedules A, B, or C between April 1, 1983 and April 30, 1983 appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exception is established:

Department of Defense

Not to exceed 30 positions at grades GS–11/15 in the Defense Mobilization Systems Planning Activity, Office of the

Deputy Assistant Secretary of Defense (Mobilization Planning and Requirements.) No new appointments may be made under this authority after March 31, 1984. Effective April 7, 1983.

The following exception revoked:

Department of Health and Human Services

In the National Center for Health Statistics, up to 20 positions of Health Examination Representative, GS-7 and 9, serving on the Health and Nutrition Examination Survey Teams. (Positions now excepted under Schedule B.) Effective April 21, 1983.

Schedule B

The following exceptions are established:

Department of the Army

Two Medical Officer (Surgery) positions, GS-12, in the Clinical Division, U.S. Army Institute of Surgical Research, whose incumbents are enrolled in medical school surgical residency programs. Employment under this authority shall not exceed 12 months. Effective April 19, 1983.

Department of Health and Human Services

Not to exceed 68 positions at GS-11 and below on the Health and Nutrition Examination Survey Teams of the National Center for Health Statistics. Effective April 21, 1983.

Schedule C

The following exceptions are established:

Department of Agriculture

One Confidential Assistant to the Administrator, Food and Nutrition Service. Effective April 4, 1983.

One Staff Assistant (Typing) to the Assistant Secretary for Administration, Office of the Secretary. Effective April 6, 1983.

One Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs. Effective April 18, 1983.

Department of the Army

One Assistant Director to the Chairman and Executive Director, President's Foreign Intelligence Advisory Board. Effective April 11, 1983.

One Confidential Staff Assistant to the Special Assistant to the President and Director, Office of Cabinet Affairs. Effective April 25, 1983.

Department of Commerce

One Congressional Liaison Officer, Office of the Secretary. Effective April 11, 1983.

One Special Assistant to the Director, Bureau of the Census. Effective April 14, 1983.

One Confidential Assistant to the Assistant Secretary for Trade Development, International Trade Administration. Effective April 18, 1983.

One Confidential Assistant to the Assistant Secretary for Trade Development, International Trade Administration. Effective April 19, 1983.

One Confidential Assistant to the Director, Office of Minority Business Development Agency. Effective April 22, 1983.

One Confidential Assistant to the Associate General Counsel for Legislation and Regulation, Office of the Secretary. Effective April 25, 1983.

One Congressional Affairs Specialist, National Oceanic and Atmospheric Administration. Effective April 25, 1983.

Department of Defense

One Private Secretary to the Assistant Secretary of Defense (Comptroller), Office of the Assistant Secretary of Defense (Comptroller). Effective April 18, 1983.

Department of Education

One Confidential Assistant to the Executive Assistant, Office of the Secretary. Effective April 4, 1983.

One Special Assistant to the Secretary, Office of the Secretary. Effective April 4, 1983.

One Confidential Assistant to the Executive Secretary, Office of the Secretary. Effective April 13, 1983.

One Special Assistant to the Under Secretary, Office of the Under Secretary. Effective April 13, 1983.

One Deputy Commissioner, Office of Special Education and Rehabilitative Services. Effective April 13, 1983.

One Confidential Assistant to the General Counsel, Office of the General Counsel. Effective April 25, 1983.

Department of Energy

One Intergovernmental Affairs Specialist, Office of the Assistant Secretary for Congressional, Intergovernmental and Public Affairs. Effective April 12, 1983.

One Confidential Assistant to the Commissioner, Federal Energy Regulatory Commission. Effective April 18, 1983.

Department of Health and Human Services

One Special Assistant to the Secretary, Office of the Secretary. Effective April 4, 1983.

One Special Assistant to the Secretary, Office of the Secretary. Effective April 6, 1983.

One Special Assistant for Private Sector Coordination, Office of Program Coordination and Review. Effective April 14, 1983.

Department of Housing and Urban Development

One Staff Assistant to the President, Government National Mortgage Association. Effective April 4, 1983.

One Confidential Assistant to the Under Secretary, Office of the Under Secretary. Effective April 22, 1983.

One Special Assistant to the General Manager, Office of the General Manager, New Community Development Corporation. Effective April 28, 1983.

Department of the Interior

One Staff Assistant to the Assistant to the Director for Royalty Management, Minerals Management Service. Effective April 25, 1983.

Department of Justice

One Staff Assistant to the General Counsel, Immigration and Naturalization Service. Effective April 14, 1983.

One Attorney-Advisor, Office of Justice Assistance, Research, and Statistics. Effective April 28, 1983.

Department of Labor

One Staff Assistant to the Director, Women's Bureau. Effective April 6, 1983.

One Secretary (Typing) to the Assistant Secretary for Employment and Training, Office of the Assistant Secretary. Effective April 19, 1983.

Department of State

Manager, President's Guest House, Office of the Chief of Protocol. Effective April 4, 1983.

One Special Assistant to the Counselor. Effective April 4, 1983.

One Special Assistant to the Counselor. Effective April 4, 1983.

One Secretary (Stenography) to the Assistant Secretary, Bureau of Economic and Business Affairs. Effective April 4, 1983.

One Deputy Assistant Secretary for Private Sector and Public Affairs, Bureau of African Affairs. Effective April 6, 1983.

One Secretary (Stenography) to the Assistant Secretary, Bureau of European Affairs. Effective April 17, 1983.

One Special Assistant to the Under Secretary, Office of the Under Secretary for Security Assistance, Science and Technology. Effective April 11, 1983.

One Deputy Assistant Secretary, Office of the Assistant Secretary for Congressional Relations. Effective April 28, 1983.

Department of Transportation

One Special Assistant to the Director, Office of Public Affairs. Effective April 5, 1983.

One Staff Assistant to the Maritime Administrator, Office of the Administrator. Effective April 6, 1983.

One Congressional Liaison Specialist, Office of the Secretary. Effective April 6, 1983.

Department of the Treasury

One Public Affairs Specialist, Office of the Assistant Secretary (Public Affairs). Effective April 18, 1983.

ACTION

One Special Assistant to the Assistant Director, Office of Compliance. Effective April 7, 1983.

Administrative Office of the United States Courts

One Supervisory Attorney-Adviser (Legislative). Effective April 14, 1983.

Agency for International Development

One Deputy Director, Women in Development, Bureau for Program and Policy Coordination. Effective April 6, 1983.

Equal Employment Opportunity Commission

One Congressional Affairs Officer. Effective April 14, 1983.

Environmental Protection Agency

One Special Assistant to the Associate Administrator for Policy and Resources Management, Office of Policy and Resources, Management. Effective April 6, 1983.

One Special Assistant to the Director, Office of Public Affairs. Effective April 6, 1983.

One Special Assistant to the Director, Office of Public Affairs. Effective April 6, 1983.

Federal Home Loan Bank Board

One Assistant to the Board Member, Office of Board Member Gray. Effective April 13, 1983.

General Services Administration

One Chief of Staff, Office of the Administrator. Effective April 29, 1983.

National Endowment for the Arts

One Congressional Liaison Specialist. Effective April 13, 1983.

Office of Personnel Management

One Special Assistant to the Executive Assistant Director, Office of Policy and Communications. Effective April 15, 1983.

One Confidential Assistant to the Director, Office of the Director. Effective April 15, 1983.

One Special Assistant to the Director, Office of the Director. Effective April 29, 1983.

Pension Benefit Gurarranty Corporation

One Secretary (Typing) to the Deputy Executive Director. Effective April 15, 1983.

Securities and Exchange Commission

One Secretary to the General Counsel, Office of the General Counsel. Effective April 18, 1983.

Small Business Administration

One Director, Office of Public Affairs. Effective April 20, 1983.

One Assistant Director of Public Affairs. Effective April 20, 1983.

U.S. Information Agency

One Special Assistant to the Associate Director for Programs, Bureau of Programs. Effective April 11, 1983.

One Special Assistant (Congressional Relations) to the General Counsel and Congressional Liaison, Office of General Counsel and Congressional Liaison. Effective April 18, 1983.

One Special Assistant (Media Relations) to the Director, Office of Public Liaison. Effective April 18, 1983.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83-13443 Filed 5-19-83; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Retainage Policy for Federal Construction Contracts

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Issuance of Policy Letter 83–1.

SUMMARY: Policy Letter 83–1, reprinted below, sets forth Government-wide policy regarding the retention or withholding of funds from progress payments made under Federal Construction contracts. The policy letter provides that retention of funds should not be used as a substitute for good contract management and Federal contracting officers should not with hold funds without cause.

The initial draft of the policy letter was published in the **Federal Register** on November 16, 1982, 47 FR 51643, for public and agency comment. Comments in response to the **Federal Register** notice were received from 5 agencies, 5 universities, and 28 private firms and associations.

The main issues raised about the policy letter by the various firms and organization that commented have been reconciled. Specifically:

1. Subcontractor organizations and firms suggested that retainage only be used for cause and, if used, it be limited to 10%. The policy now conforms to this suggestion.

2. Prime contractor organizations and firms suggested that language be dropped from the proposed policy that would encourage prime contractors not to withhold from subcontractors. The prime contractors viewed the proposed language as an unnecessary intrusion of the Government into private business relationships, and their suggestion has been adopted.

The major issue to surface during the circulation of the proposed letter that is not dealt with in the final letter is a concern expressed by the universities about lengthy contract close-out procedures and retention on cost reimbursable research contracts. The final draft (consistent with many comments received on the proposed draft) addresses only construction contracts. Contract close-out procedures for R&D and other types of contracts are being reviewed under the Executive Order 12352 program and corrective actions, as appropriate, will be considered by the Executive Committee on Procurement Reform.

EFFECTIVE DATE: July 6, 1983.

FOR FURTHER INFORMATION CONTACT: Charles W. Clark, Office of Federal Procurement Policy, (202) 395–3254.

Dated: May 6, 1983.

Donald E. Sowle,

Administrator.

Policy Letter No. 83–1

To the Heads of Executive Agencies and Departments

Subject: Withholding of Funds from Construction Contract Progress Payments

1. *Purpose.* This Policy Letter is intended to provide uniform policy guidance regarding the retention or withholding of funds from progress payments made under Federal construction contracts.

2. *Background.* Most construction contracts provide for monthly progress payments to be made to contractors. The progress payments are based on the contracting officer's estimate of the work completed by the contractor and the value of delivered materials. The general provisions for Federal construction contracts, Standard Form 23A, previously required contracting officers to

withhold 10% from progress payments made to a contractor prior to the contractor's completion of 50% of the contract work. This requirement for mandatory withholding has, however, been superseded (see CFR 1-16.401(h)). Present practice, as reflected in the Federal Procurement Regulations (1-7.602-7) and the Defense Acquisition Regulation (7-602.7), is that in making progress payments on construction contracts: (1) 10% of the estimated amount shall be retained until final completion and acceptance of the contract work; and (2) if the contracting officer finds that satisfactory progress is achieved during any period for which a progress payment is to be made, the payment may be made in full without retention of a percentage. These regulations are subject to varying interpretations. Some agencies routinely withhold a percentage of each progress payment. Others, such as the Department of Defense, have recently stated that retainage will not be used as "a routine administrative practice."

3. *Policy.* Retainage should not be used as a substitute for good contract management, and contracting officers should not withhold funds without cause. Determinations regarding the use of retainage and the specific levels to be withheld shall be made by contracting officers on a case-by-case basis. Such decisions will be based on the contracting officer's assessment of past performance and the likelihood that such performance will continue. The level of retainage withheld, if any, should not exceed ten percent of the amount billed by a contractor in accordance with the contract terms and may be adjusted as contracts approach completion to recognize better than expected performance, the ability to rely on alternative safeguards, and other factors. Upon completion of all contract requirements, retained amounts shall be paid promptly.

4. *Responsibilities.* This policy shall be implemented through the Defense Acquisition Regulation (DAR) and the Federal Procurement Regulations (FPR). Appropriate changes shall be made to these regulations to accommodate the policy. Agencies that do not use the DAR and FPR shall make appropriate procurement regulatory changes to implement the policy.

5. *Applicability.* This policy is applicable to Federal contracts. It is not applicable to Federal grants.

6. *Information Contact.* Information about this policy may be obtained by contacting Charles W. Clark, Office of Federal Procurement Policy, (202) 395-3254.

7. *Effective Date.* This policy is to be effective 60 days after issuance.

8. *Concurrence.* This Policy Letter has the concurrence of the Director of the Office of Management and Budget.

Donald E. Sowie,

Administrator.

[FR Doc. 83-13696 Filed 5-19-83; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Order No. 499; Docket No. A83-20]

Windsorville, Connecticut 06016; Scott and Marily Stolinas, Raymond and Helen Ross, Petitioners; Order of Filing of Appeal

Issued: May 17, 1983.

On May 9, 1983, the Commission received a petition from Scott and Marily Stolinas of Windsorville, Connecticut (hereinafter "Petitioner") concerning the alleged United States Postal Service (hereinafter "Postal Service" or "Service") intent to close the Windsorville, Connecticut post office. The petitioner contends that the Postal Service failed to consider the level of service to be provided, in its proposal to close the Windsorville, Connecticut post office. In addition the Commission received a handwritten letter from Raymond and Helen Ross which also complained of the level of service in the event this post office were closed.

The Act requires that the Service provide the affected community with at least 60 days notice prior to issuance of its Final Decision. The requirement is to "* * * ensure that such persons will have an opportunity to express their views."[1] Neither petition mentions whether this notice was provided. Moreover, there is no explicit mention in either petition of any hearings, nor is there any indication of any Final Determination, in this matter, pursuant to 39 U.S.C. 404(b)(3).[2] Furthermore, petitioners have neither attached a copy of the Postal Service's Final Determination to their petitions as is required by Commission rules of practice, nor made any specific reference to 39 U.S.C. 404(b), which gives the Postal Rate Commission jurisdiction in the matter.

However, both documents do clearly indicate that petitioners are requesting the type of review provided by statute. Furthermore, petitioners have made sufficient statements to enable the Commission to assume jurisdiction in this matter. Thus, we conclude that petitioners have substantially complied with Commission rules of practice and their petitions will be considered petitions for review pursuant to section 404(b) of the Postal Reorganization Act (hereinafter "Act").

Applicable Law in This Proceeding

The Postal Reorganization Act states:

The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[3]

section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close or consolidate post offices. The effect on the community is also a mandatory consideration under Section 404(b)(2)(A) of the Act.

Upon preliminary inspection, the petitioners appear to raise but one issue of law, namely, is the Postal Service's proposed closing of this post ofice consistent with the "maximum degree of effective and regular postal service" standard of section 404(b)(2)(C)?

Other issues of law may become apparent when the Commission has had an opportunity to examine the determination made by the Postal Service. Such additional issues may emerge during Commission review of the Service's determination. Conversely, the determinaton may be found to resolve adequately upon the issues described above.

Commission Procedure in This Docket

In view of the statory requirements, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the Determination and record pursuant to section 113 of the rules of practice [4] make the request by order specifying the issues to be addressed. When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on Petitioner by the Service.

In addition, the Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

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[1] 39 U.S.C. 404(b)(1).

[2] Petitioner has not supplied a copy of the Postal Service's Final Determination, if indeed one is in existence.

[3] 39 U.S.C. 101(b).

[4] 39 CFR 3001.113.

[5] CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

In briefing the case, or in filing any motion to dismiss for want of prosecution, in appropriate circumstances, the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases, and none is being appointed.*

The Commission orders:

(A) The petitions from Scott and Marily Stolinas, and Raymond and Helen Ross shall be construed as petitions for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)].

(B) The Acting Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(C) The Postal Service shall file the administrative record in this case on or before May 24, 1983, pursuant to the Commission's rules of practice [39 CFR 3001.112(a)].

By the Commission.

Cyril J. Pittack,

Acting Secretary.

May 9, 1983—Filing of Petition.
May 17, 1983—Notice and Order of Filing of Appeal.
May 24, 1983—Filing of Record by Postal Service [*see* 39 CFR 3001.113(a)].
May 31, 1983—Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
June 8, 1983—Petitioners' Initial Brief [*see* 39 CFR 3001.115(a)].
June 22, 1983—Postal Service Answering Brief [*see* 39 CFR 3001.115(b)].
July 11, 1983—(1) Petitioners' Reply Brief should Petitioners choose to file one [*see* 39 CFR 3001.115(c)].

(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.

September 6, 1983—Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 83-13603 Filed 5-19-83; 8:45 am]

BILLING CODE 7715-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[83-20]

Public Hearing on Multistate Charter Applications

AGENCY: Comptroller of the Currency, Treasury.

Notice: On March 3, 1983, the Office of the Comptroller of the Currency accepted for filing applications to charter 31 national banks in 25 states. The applications were all filed by Dimension Financial Corporation, a Deleware corporation recently organized for the purpose of establishing, owning and operating the proposed banks. The banks will be affiliated with Valley Federal Savings and Loans Association, an existing savings and loan association in Hutchinson, Kansas. The application proposes that the banks provide consumer loans, trust services, and consumer and commercial deposit services, including demand deposits; they would not offer commercial loans.

The proposed banks would be located in the following cities:

1. Phoenix, Ariz.
2. Northbrook, Ill.
3. Tulsa, Ok.
4. San Mateo, Cal.
5. Louisville, Ky.
6. Portland, Or.
7. Englewood, Col.
8. New Orleans, La.
9. Bryn Mawr, Pa.
10. Stamford, Conn.
11. Bethesda, Md.
12. Newport, R.I.
13. Wilmington, Del.
14. Newton, Mass.
15. Nashville, Tenn.
16. Boca Raton, Fla.
17. Edina, Minn.
18. Austin, Tx.
19. Ft. Myers, Fla.
20. Kansas City, Mo.
21. Dallas, Tx.
22. Sarasota, Fla.
23. Las Vegas, Nev.
24. Houston, Tx.
25. Winter Park, Fla.
26. Morristown, N.J.
27. San Antonio, Tx.
28. Atlanta, Ga.
29. White Plains, N.Y.
30. McLean, VA.
31. Bellevue, Wash.

The Comptroller will hold one or more public hearings on the applications. It is anticipated the hearing proceedings will take place in the summer of 1983. The location or locations of the proceedings have not been determined at this time.

All parties who wish to participate in the hearing proceedings ("participants") must notify this Office in writing on or before June 6, 1983. The notices should be sent to: Office of the Comptroller of the Currency, Patrick M. Frawley, Director, Bank Organization and Structure, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219.

The notice should state the nature of the issues or facts the participants wishes to present orally.

Based on the information in the notices and or other relevant factors the Comptroller will decide on the location and number of the hearings. This information will be provided in writing to all parties who submit a timely notice as described above.

The purpose of the hearing proceedings is to explore the broad issues of public policy involved in the applications. Therefore, participants are strongly encouraged to focus their oral presentations on those issues, rather than on public convience and needs issues of a strictly parochial nature. Because the broad public policy issues involved are intertwined with legal matters to a significant extent, oral presentations containing statements of legal opinion will be allowed. However, because the hearing proceedings are being held to develop issues of public policy, participants are strongly encouraged to avoid oral presentations containing detailed arguments of legal theories. The Office believes that such detailed arguments will be more useful if submitted in written form as provided below.

While participants are encouraged to focus their oral presentations on broad issues of public policy, the Office notes that participants and any other interested parties are free to submit written materials on any relevant topic whatsoever. Such written materials may be submitted up to the final day of the public hearings proceedings. Any party who submits a written request to participate at a hearing that conforms to the requirements of this notice will be informed in writing of the decision of this Office on that request.

Dated: May 16, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 13699- Filed 5-19-83; 8:45 am]

BILLING CODE 4810-33-M

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: A closed meeting of the Art Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held July 20, 1983.

FOR FURTHER INFORMATION CONTACT: Wiley Grant, CC:C:E:V, 1111 Constitution Avenue NW., Room 5545.

*In the Matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

Washington, D.C. 20224, Telephone No. (202) 566-4196 (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Advisory Panel will be held on July 20, 1983, beginning at 9:30 a.m. in Room 4132, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978 (43 FR 52122).

James I. Owens,

Acting Commissioner.

[FR Doc. 83-13722 Filed 5-19-83; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 99
Friday, May 20, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

Short notice additions and notice of closure of items for the May 19, 1983 meeting.

TIME AND DATE: 9:30., May 19, 1983.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

34. Docket 41207, *Report to Congress on Computer Reservations Systems*. Options Paper. (OGC, BDA).
35. Report on ECAC. (BIA).
36. Negotiations with the United Kingdom. (BIA).
37. Report on Spain. (BIA).
38. Report on Israel. (BIA).
39. Report on Jamaica. (BIA).
40. Report on Italy. (BIA).
41. Report on Thailand. (BIA).
42. Report on Egypt. (BIA).
43. Report on France. (BIA).
44. Report on Japan. (BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor The Secretary, (202) 673-5068.

[S-726-83 Filed 5-18-83; 3:55 pm]

BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (Eastern Time), Tuesday, May 24, 1983.

PLACE: Commission Conference Room No. 200 on the 2nd floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED.

1. Ratification of Notation Vote/s.
2. A Report on Commission Operations—EEOC Training Plan for fiscal year 1983.
3. Freedom of Information Act Appeal No. 83-3-FOIA-34-DA, concerning a request for an ADEA charge file.
4. Freedom of Information Act Appeal No. 82-12-FOIA-143-CH, concerning a request. for documents from a closed age discrimination charge file.
5. Freedom of Information Act Appeal No. 83-02-FOIA-23-CH, concerning a request for ADEA investigative file.
6. Freedom of Information Act Appeal No. 83-03-FOIA-032-MK, concerning a request for a copy of a Title VII charge file.
7. Regulations Implementing Section 4[g] of the Age Discrimination in Employment Act (TEFRA).
8. Proposed Section 603 of the Compliance Manual Identifying and Processing Charges which Raise Issues not covered by a Commission Decision Precedent.
9. Modification of Base Rate Payable. Under FY 1983 Title VII and ADEA Funding Principles.
10. Proposed Funding Principles for EEoC's Title VII and ADEA Funding Program for Fair Employment Practices Agencies for fiscal year 1984.

Closed

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

This Notice Issued May 17, 1983.

[S-723-83 Filed 5-18-83; 9:53 am]

BILLING CODE 6570-06-M

3

FEDERAL RESERVE SYSTEM,
Board of Governors.

TIME AND DATE: 10:00 a.m., Thursday, May 26,1983.

PLACE: 20th Street and Constitution Avenue, N.W., 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 18, 1983.

James McAfee,
Associate Secretary of the Board.

[S-727-83 Filed 5-18-83; 4:00 pm]

BILLING CODE 6210-01-M

4

FEDERAL TRADE COMMISSION

TIME AND DATE: 10:30 a.m., Tuesday, May 24, 1983.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Open.

MATTER TO BE CONSIDERED:
Consideration of resumption of Line of Business data collection for years subsequent to 1977.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information, (202) 523-1892; Recorded Message: (202) 523-3806.

[S-724-83 Filed 5-18-83; 10:53 am]

BILLING CODE 6750-01-M

5

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-83-11]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 22042, May 16, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, May 17, 1983.

CHANGE IN MEETING: A majority of the Board determined by recorded vote that the business of the Board required revising the agenda of this meeting and that no earlier announcement was possible. The following item was deleted from the agenda:

3. *Special Interest Briefs* of aviation accidents involving air traffic control as a cause or factor.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382-6525.

May 17, 1983.

[S-722-83 Filed 5-17-83; 3:14 pm]

BILLING CODE 4910-58-M

6

NEIGHBORHOOD REINVESTMENT CORPORATION

Annual meeting.

TIME AND DATE: 2:00 p.m., Wednesday, May 25, 1983.

PLACE: Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, DC 20552.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Associate Director, Communications, 202-653-2705.

AGENDA:

I. Call to Order and Remarks of the Chairman.
II. Approval of Minutes, March 15, 1983.
III. Election of Chairman.
IV. Election of Vice Chairman.
V. Committee Structure: Executive; Audit; Personnel; Budget.
VI. Election of Officers.
VII. Appointment of Assistant Secretary; Appointment of Assistant Treasurer.
VIII. Executive Director's Report.
IX. Treasurer's Report.

Deborah W. Smith,

Assistant Secretary.

[S-725-83 Filed 5-18-83; 3:39 pm]

BILLING CODE 0000-00-M

federal register

Friday
May 20, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California: CA 82-5112	July 16, 1982.
Alabama:	
AL83-1038	May 6, 1983.
AL83-1037	Do.
Alaska: AK82-5125	Oct. 22, 1982.
Delaware: DE82-30-15	June 4, 1982.
Florida: FL83-1031	Apr. 22, 1983.
Kansas:	
KS83-4015	Apr. 1, 1983.
KS83-4013	Feb. 4, 1983.
KS83-4014	Do.
Maryland:	
MD80-3047	Aug. 29, 1980.
MD81-3074	Oct. 9, 1981.
Virginia: VA82-3035	Dec. 3, 1982.
Maryland: MD81-3017	Apr. 3, 1981.
Louisiana: LA82-4053	Nov. 5, 1982.
Montana: MT83-5101	Feb. 18, 1983.
Oklahoma:	
OK83-4011	Jan. 14, 1983.
OK83-4012	Do.
Pennsylvania: PA82-3007	Feb. 26, 1982.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Maryland: MD81-3020(MD83-3020)	Mar. 20, 1981.
New Hampshire: NH81-3086(NH83-3012)	Nov. 13, 1981.
Ohio: OH81-2041(OH)83-2042)	July 6, 1981.
New York:	
NY82-3016(NY83-3018)	Mar. 6, 1981.
NY82-3025(NY83-3018)	Sept. 3, 1982.
NY81-3064(NY83-3018)	Sept. 18, 1981.

Signed at Washington, DC, this 13th day of May 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION NO. CA82-5112 - Mod. #13
(47 FR 31154 - July 16, 1982)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Area 2:		
Electricians	$14.15	$4.75+ 3%

DECISION NO. AL83-1038 - MOD. # 1
(48 FR 20604 - May 6, 1983)
HIGHWAY CONSTRUCTION
CALHOUN, ETOWAH, ST.CLAIR, SHELBY, TALLADEGA, TUSCALOOSA, & WALKER COS. IN ALABAMA

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
LABORERS:		
Air Tool	4.00	
Asphalt Raker	5.85	
Concrete Laborers	4.75	
Pipelayers	4.10	
Powderman & Blasters	5.50	
Saw	3.75	
Side Rail or Form Setters	5.03	
Unskilled	3.50	
Wagon Drill	5.00	

DECISION NO. AL83-1037 - MOD. # 1
(48 FR 20605 - May 6, 1983)
HIGHWAY CONSTRUCTION
MOBILE COUNTY, ALABAMA

	Basic Hourly Rates	Fringe Benefits
OMIT:		
POWER EQUIPMENT OPERATORS:		
Asphalt Spreader Operator	$7.90	

DECISION NO. AK82-5125 - Mod. #2
(47 FR 47155 - October 22, 1982)
Statewide, Alaska

	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers	$30.60	$2.33
Boilermakers	25.13	3.86
Carpenters:		
Area 1:		
Carpenters	23.51	4.85
Power actuated tool Operator: Dewalt or similar type saw operator; Marlite and acoustical; Fire or floor repair work Applicators: Nailing Machine Operator: Saw Filer	24.00	4.85
Millwrights	24.18	4.85

DECISION NO. DE82-3015
MOD. NO. 4
(47 FR 24326 - June 4, 1982)
State of Delaware

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Millwrights:		
Kent & New Castle Cos:	$18.80	4.14
Plumbers & Steamfitters:		
New Castle & Kent Cos: (South of the southern boundary of Dover City) Counties:		
Steamfitters	$15.85	2.55

DECISION NO. FL82-1031 -- MOD. # 1
(48 FR 17502 -- April 22, 1983)

BUILDING CONSTRUCTION
HILLSBOROUGH COUNTY, FLORIDA

	Basic Hourly Rates	Fringe Benefits
CHANGES:		
BRICKLAYERS:		
Industrial	$ 14.45	2.10
Commercial	9.35	2.10
IRONWORKERS	15.95	2.95
PILEDRIVERMEN	14.95	2.10
MILLWRIGHTS	15.55	2.72

DECISION #KS83-4015-MOD#2
(48 FR 14302-April 1, 1983)
Douglas, Jefferson, Shawnee, Miami & Leavenworth Counties, Kansas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Laborers:		
Zone 2:		
Group 1	8.45	2.30
Group 2	8.60	2.30
Group 3	8.70	2.30
Group 4	8.85	2.30
Zone 3:		
Group 1	8.85	2.25
Group 2	9.00	2.25
Group 3	9.10	2.25
Group 4	9.25	2.25

DECISION KS83-4015(Cont'd)

LABORERS (CONT'D):		
Zones 1 and 4:		
Group 1	7.65	2.30
Group 2	7.80	2.30
Group 3	7.90	2.30
Group 4	8.05	2.30

DECISION #KS83-4013-MOD#3
(48 FR 5446-February 4, 1983)
Shawnee County, Kansas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters-Lathers (building)	12.45	1.80
Millwrights	13.45	1.80
Piledrivermen	12.825	1.80
Laborers (building & (residential):		
Group 1	9.30	2.30
Group 2	9.50	2.30
Group 3	9.60	2.30
Group 4	9.70	2.30

DECISION #KS83-4014-MOD#3
(48 FR 5441-February 4, 1983)
Sedgwick County, Kansas

CHANGE:		
Ironworkers	14.29	2.14
Elevator Constructors	14.11	2.69+a
Elevator Constructors' Helper	9.88	2.69+a
Plumbers & Pipefitters	15.30	2.48
Tile, Marble & Terrazzo Setters	12.75	
Carpenters	13.50	1.08
Millwrights & Piledrivermen	12.80	1.08
Bricklayers	13.33	1.78
Laborers (building construction):		
Group 1	9.10	1.55
Group 2	9.30	1.55

FOOTNOTE:
a- Employer contributes 8% of basic hourly rate for over 5 years service, and 6% of basic hourly rate under 5 years service as Vacation Pay Credit. Also 7 paid holidays.

	Basic Hourly Rates	Fringe Benefits
DECISION NO. MD80-3047-MOD. #10 (45 FR 57922-Aug. 29,1980) Allegany & Garrett Ctys,MD		
CHANGE:		
POWER EQUIPMENT OPERATORS:		
HEAVY CONSTRUCTION:		
Group 1	$15.19	2.95
Group 2	14.65	2.95
Group 3	14.08	2.95
Group 4	13.62	2.95
Group 5	13.19	2.95
Group 6	12.66	2.95
HIGHWAY CONSTRUCTION:		
Group 1	14.98	2.95
Group 2	14.40	2.95
Group 3	13.78	2.95
Group 4	13.36	2.95
Group 5	12.90	2.95
Group 6	12.43	2.95
DECISION NO. MD81-3074-MOD. # 13 (46 FR 55238-October 9, 1981) ANNE ARUNDEL (EXCLUDING THE D.C. TRAINING SCHOOL) BALTIMORE & BALTIMORE CITY, MARYLAND, & FOR HEAVY CONSTRUCTION IN HARFORD & HOWARD CTYS.,MD		
CHANGE:		
ROOFERS:		
ANNE ARUNDEL COUNTY: All areas south of the following line: From the point where Maryland Route 175 crosses into Anne Arundel County from Howard County, southeast on Highway No. 175 into Highway No. 179 into Highway No. 50, then to Highway No. 2 to West Street:east to Bay Bridge Road, and follow Bay Bridge Road to the bay.		
Moomen	15.44	1.69
Composition Roofers	14.72	1.69
Material Handlers	9.92	1.69
REMAINDER OF JURISDICTION:		
Roofers	11.35	1.45

	Basic Hourly Rates	Fringe Benefits
DECISION NO. VA82-3035-MOD. #2 (47 FR 54747-December 3, 1982) YORK COUNTY, & THE CITIES OF HAMPTON & NEWPORT NEWS (INCLUDING LANGLEY AFB, FORT EUSTIS & FORT MONROE)		
OMIT:		
Unskilled		
Unskilled	7.80	.65
ADD:		
Laborers:		
Unskilled	7.80	.66
DECISION NO. MD81-3017-MOD. #1 (46 FR 2043-April 3,1981) CAROLINE,CECIL,DORCHESTER, HARFORD,KENT,QUEEN ANNES, SOMERSET,TALBOT,WICOMICO, & WORCESTER COUNTIES,MD		
OMIT:		
GRADERS	7.14	
ADD:		
GRADALLS	7.14	

	Basic Hourly Rates	Fringe Benefits
DECISION NO. LA82-4053 - MOD. #11 (47 FR 50421 - 11/5/82) Statewide Louisiana		
Roofers modified in Mod. #10 dated 5/6/83 on page 20602 should apply to ZONE 1		

	Basic Hourly Rates	Fringe Benefits
DECISION NO. MT83-5101 - Mod. #2 (48 FR 7370 - February 18, 1983) Statewide, Montana		
Change:		
Carpenters in Modification No. 1, published in the Federal Register, Volume 48, Page 17499, dated April 22, 1983, to read:		
CARPENTERS:		
Area 2		
Carpenter	$12.43	$2.46
Piledrivermen	12.68	2.46
Millwrights	13.43	2.46

	Basic Hourly Rates	Fringe Benefits
DECISION #OK83-4011-MOD.#6 (48 FR 1913 - January 14, 1983) Adair,Atoka,Bryan,Coal, Cherokee,Craig,Creek, Delaware,Haskell,Hughes, Leflore,Latimer,McIntosh,Mayes,Muskogee, Nowata,Okfuskee,Okmulgee,Osage,Ottawa,Pawnee, Pittsburg,Pushmataha, Rogers,Tulsa,Sequoyah, Wagoner & Washington Cos., Oklahoma		
CHANGE:		
Ironworkers:		
Area 1	15.59	2.92
Cement Masons:		
Area 2		
Cement Masons	13.83	.75
Power Tool Operators	14.08	.75

	Basic Hourly Rates	Fringe Benefits
DECISION #OK83-4012-MOD.#5 (48 FR 1916 - January 14, 1983) Alfalfa, Beckham,Blaine, Caddo,Canadian,Carter, Cleveland,Comanche,Cotton,Custer,Dewey,Ellis, Garfield,Garvin,Grady, Grant,Greer,Harmon,Harper,Jackson,Jefferson, Johnston,Kay,Kingfisher, Kiowa,Lincoln,Logan, Love,McClain,Major, Marshall,Murray,Noble, Oklahoma,Payne,Pontotoc, Roger Mills,Pottawatomie, Seminole,Stephens,Tillman,Washita,Woods & Woodward Cos., Oklahoma		
CHANGE:		
Ironworkers:		
Area 4	15.59	2.92
Painters:		
Area 2		
Brush	13.05	2.28
Spray under 30 ft.	13.55	2.28
Spray over 30 ft.	14.05	2.28
Paperhanging	14.05	2.28
Tapers using machine tools	13.55	2.28
Cement Masons:		
Area 1		
Cement Masons	10.80	
Power Tool Operators	11.50	
DECISION NO. PA82-3007 - MOD. #10 (47 FR 8529 - February 26, 1982) BUCKS, CHESTER, DELAWARE, MONTGOMERY & PHILADELPHIA COUNTIES, PENNSYLVANIA	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS		
ZONE 1	17.26	3.58
PAINTERS		
ZONE 2		
Commercial, Brush	14.83	2.75
Commercial, Spray	15.33	2.75
ROOFERS:		
Residential structure of not more than 4 stories re-roofing assistant		
ZONE 1	6.25	2.10

SUPERSEDEAS DECISION

STATE:MARYLAND COUNTY:BALTIMORE
DECISION NO.: MD83-3020 DATE: DATE OF PUBLICATION
Supersedes Decision No. MD81-3020 dated March 20, 1981 in 46 FR 17988
DESCRIPTION OF WORK:Highway Construction Projects (excluding tunnels,building structures in rest area projects & railroad construtions;bascule,suspension & spandrel arch bridges designed for commercial navigation;bridges involving marine construction, & other major bridges)

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$11.70	1.51
CEMENT MASONS	8.69	
IRONWORKER:STRUCTURAL	14.48	4.14
IRONWORKER:REINFORCING	12.00	
LABORERS	6.35	
ASPHALT RAKERS	6.70	
PIPELAYERS	7.00	
SCREEDMAN	6.35	
TRUCK DRIVERS	8.65	2.05
POWER EQUIPMENT OPERATORS:		
ASPHALT DISTRIBUTOR	7.59	
BACKHOE	8.83	
BULLDOZER	9.00	
CRANE	9.00	
GRADALL	10.73	
GRADER	10.30	
LOADER	8.00	
PILEDRIVER	12.72	1.44
ROLLER	8.60	
SCRAPER	9.00	

	Basic Hourly Rates	Fringe Benefits

SUPERSEDEAS DECISION

STATE: New Hampshire COUNTIES: Hillsborough and Merrimack
DECISION NUMBER: NH83-3012 DATE: Date of Publication
Supersedes Decision No. NH81-3086 dated November 13, 1981, in 46 FR 56126
DESCRIPTION OF WORK: Building (Hillsborough County Only) and Heavy Construction Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$17.56	$3.31
BOILERMAKERS	18.25	3.295
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONEMASONS, TERRAZZO WORKERS and TILE SETTERS	13.14	1.92
CARPENTERS:		
Area 1:		
Carpenters and Soft Floor Layers	15.81	3.52
Millwrights	17.00	3.20
Area 2:		
Carpenters and Soft Floor Layers	15.96	3.37
Millwrights	17.00	3.20
Area 3:		
Carpenters and Soft Floor Layers	12.36	1.55
Piledrivermen and Millwrights	13.46	1.55
ELECTRICIANS:		
Area 1	14.87	2.65+ 3%
Area 2	15.35	3%+.83
Area 3	15.35	3%+.83
Area 4:		
General Contracts $400,000 and over	13.07	1.32+ 3%
General Contracts less than $400,000	8.05	1.32+ 3%
ELEVATOR CONSTRUCTORS:		
Constructors	13.88	2.180 +a+b
Helpers	9.72	2.180 +a+b
GLAZIERS	9.47	1.49
IRONWORKERS:		
Structural, Ornamental, and Reinforcing	15.23	3.19

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Linemen	$12.00	$1.45+c 3-3/8%
Equipment Operator	10.20	1.45+c 3-3/8%
Groundman	9.60	1.45+c 3-3/8%
Driver Groundman	7.80	1.45+c 3-3/8%
PAINTERS:		
Brush	10.65	1.00
Paperhangers	11.65	1.00
Spray and Sandblasting	12.50	1.00
Structural Steel	11.90	1.00
Steeple Jack	11.65	1.00
Work 20 ft. and over, excluding steel work or Steeple Jack, for entire drop	11.90	1.00
PLUMBERS and STEAMFITTERS:		
Area 1	17.52	2.34
Area 2	15.60	2.10
ROOFERS	7.80	
SHEET METAL WORKERS	14.60	2.33
SPRINKLER FITTERS	14.37	2.83

DECISION NH83-3012 PAGE 2

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Building Construction:		
Group 1	$10.13	$2.35+d
Group 2	10.23	2.35+d
Group 3	10.49	2.35+d
Group 4	10.86	2.35+d
Group 5	11.43	2.35+d
Heavy Construction:		
Group 1	8.25	2.35+d
Group 2	8.75	2.35+d
Group 3	9.00	2.35+d
POWER EQUIPMENT OPERATORS:		
Building Construction:		
Class 1	14.01	2.30+e
Class 2	13.76	2.30+e
Class 3	13.56	2.30+e
Class 4	12.43	2.30+e
Class 5	12.40	2.30+e
Class 6	11.38	2.30+e
Class 7	11.58	2.30+e
Class 8	15.01	2.30+e
Class 9	14.51	2.30+e
POWER EQUIPMENT OPERATORS: (Cont'd)		
Heavy Construction:		
Class 1	$11.21	$1.95+f
Class 2	10.90	1.95+f
Class 3	10.66	1.95+f
Class 4	9.98	1.95+f
Class 5	9.965	1.95+f
Class 6	8.95	1.95+f
Class 7	11.82	1.95+f
TRUCK DRIVERS:		
Class 1	6.41	1.30+g
Class 2	6.64	1.30+g
Class 3	6.87	1.30+g
Class 4	7.02	1.30+g

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit

b. Holidays: New Year's Day; Memorial Day; Independence Day; Labot Day; Thanksgiving Day; and Christmas Day

c. Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day, plus Columbus Day, provided the employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday

d. Holidays: Memorial Day, Independence Day; and Thanksgiving Day provided employee works the day before and after each holiday

e. Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Veteran's Day; Washington's Birthday and Columbus Day

f. Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Veteran's Day; Washington's Birthday and Columbus Day

g. Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; Veteran's Day; and Columbus Day provided employee works two days in the calendar week in which the holiday falls; reports for work the last day assigend prior to the holiday and first day assigned following the holiday

DECISION NO. NH83-3012 Page 3

AREA DESCRIPTIONS

CARPENTERS:
Area 1: Hillsborough County (Pelham Township)
Area 2: Hillsborough County (Greenville Township)
Area 3: Remainder of Hillsborough County

ELECTRICIANS:
Area 1: Hillsborough (Pelham Township)
Area 2: Remainder of Hillsborough County
Area 3: Merrimack County (Hookset Township)
Area 4: Remainder of Merrimack County

PLUMBERS and STEAMFITTERS:
Area 1: Hillsborough County (Hudson and Pelham Townships)
Area 2: Remainder of Hillsborough County

GROUP DESCRIPTIONS

LABORERS
Building Construction

Group 1: Laborers

Group 2: Plasterers' Tenders

Group 3: Pipelayers, Fence and Guard Rail Erectors

Group 4: Pneumatic Tool Operators, Pavement Breakers, Drilling, Chipping Gun Operator, Creosote work, Powdermen and Blasters

Group 5: Pneumatic Tool Operators on Boiler and Stack Work

Heavy Construction

Group 1: Laborers and Pipelayers

Group 2: Pneumatic Tool Operator, Drillers, Concrete Vibrators, and Electric Chipping Machines

Group 3: Blasteters and Powdermen

POWER EQUIPMENT OPERATORS
Building Construction

Class 1: Shovel, Crane, Dragline, Derrick, Backhoe, Elevator with Chicago Boom, Gradall, Elevating Grader, Front End Loader 6 yds. and over, Cherry Picker, Pile Driving Rigs, Concrete Road Pavers, all three Drum Hoisting and Trenching Machines

Class 2: Rotary Drill with Mounted Compressor, Compressor House (3-6 compressors), Rock and Earth Boring Machines excluding McCarthy and similar Drills, Graders, 4 yds. and over, Front End Loader, Two Drum Hoists, High Fork Lifts with capacity of 15' and over, Scrapers, Sonic Hammer, Vibratory Hammer

Class 3: Bulldozers, Push Cats, Scrapers (tractor drawn), Asphalt Paver, Front End Loader 3/4 yds. to 4 yds., Well Driller, Mechanics, Pumpcrete Machines, Concrete Pumps and similar type Pumps, Engineer or Fireman on High Pressure Boiler (on job), Self Loading Batch Plant, Well Point Operators including installing, Engineer - in-charge of Power Grease Truck, all Automatic Elevators permanent or temporary operated manually or by remote controls

Class 4: Single Drum Hoist, Self powered Roller, Self Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, Front End Loaders under 3/4 yds., McCarthy and similar Drills, Batch Plant not Self Loading, Bulk Cement Plants Self-propelled Material Spreaders, A-Frame Trucks, Fork Lifts up to 15'

Class 5: Compressor 315 cu. ft. and over, (one or two), Pumps (4 inches and over total discharge) when total discharge is over 12 inches, Classification 3 will be paid, Tractor (without blade or Bucket) Drawing Roller Compactors or other Machines

Class 6: Compressors (up to 315 cu. ft.) Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines (when 3 or more heaters or welding Machines are used on one job, Classification 4 rate will be paid), Conveyor Oiler including Helpers on Grease Trucks and Grease Trucks with Hand Greasing Equipment

Class 7: Oilers on Truck Cranes and Gradalls

Class 8: Cranes with boom length of 200 feet or more

Class 9: Crane with boom length of 150 feet or more

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy Construction

Class 1: Shovel, Crawler, Tower Truck and Hydraulic Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Gradalls, Piledrivers, Concrete Pavers, Engineers on Site Processing Plant, Dragline, Clamshell, Cableways

Class 2: Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors) Rock and earth Boring Machine (excluding McCarthy and similar drills), Grader, Front End Loader (4 yds. or over)

Class 3: Bulldozer, Push Cats, Scraper (self-propelled or tractor drawn), Self-powered Asphalt Paver, (Front End Loader 3/4 to 4 yds.), Mechanics, Well Driller, Pumpcrete Machine, Engineer to Fireman on High Pressure Boiler (on job), Well Point Operators

Class 4: Hoists, Conveyors, Self-powered Rollers and Compactors, Self-propelled Material Spreaders, Self-powered Concrete Finishing Machine Mixers (2 bags with skip), Front End Loader (under 3/4 yd.), McCarthy and similar Drills, Batch Plant (not a self-loading), Bulk Cement Plant

Class 5: Compressor (315 C.F. or over - one or two), Pump 4" or over, Tractor without blades, Drawing Sheeps-foot, Rubber Roller or other type Compactor including Machines for Pulverizing and aerating Soil

Class 6: Compressor (up to 315 C.F.), Small Mixers with skip, Oiler Pumps up to 4", Grease Truck, Power Heaters, Welding Machines (when 3 or more Welding Machines Class 4 rate applied), A-Frame, Forklifts, (where Grease Truck contains powered grease equipment, Engineer in charge shall be paid Class 3 rate)

Class 7: Crane with boom length of 200 feet or more including jib

TRUCK DRIVERS

Class 1: Two Axle Equipment

Class 2: Three Axle Equipment including Low Beds

Class 3: Special Earth Hauling Equipment other than Conventional Type on the Road Truck and Semi-trailers Trailer Dumps

Class 4: Off Highway

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: OHIO
COUNTY: CLARK
DECISION NO. OH83-2042
DATE: Date of Publication
Supersedes Decision No. OH81-2041 dated July 6, 1981 in 46 FR 35013
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$6.62	
BRICKLAYERS; Blocklayers	10.46	
CARPENTERS	9.79	
CEMENT MASONS	8.00	
DRYWALL FINISHERS	8.00	
DRYWALL HANGERS	8.00	
ELECTRICIANS	9.80	
LABORERS	5.99	
PAINTERS	7.00	
PLUMBERS	8.93	
ROOFERS	8.00	
SHEET METAL WORKERS	7.14	
SOFT FLOOR LAYERS	8.42	
TILE SETTERS	7.75	
TRUCK DRIVERS	6.00	
POWER EQUIPMENT OPERATORS:		
Backhoes	7.43	
Bulldozers	7.50	
Front End Loaders	7.48	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTIES: DUTCHESS; ORANGE; ULSTER; SULLIVAN
DECISION NO.: NY83-3018
DATE: DATE OF PUBLICATION
Supersedes Decision No. NY81-3016 dated March 6, 1981 in 46 FR 15657, Decision No. NY82-3025 dated September 7, 1982 in 47 FR 39079, and Decision No. NY81-3064 dated September 18, 1981 in 46 FR 46519.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories), Heavy (except water well drilling) and Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
DUTCHESS; ORANGE	19.3675	3.3891
ULSTER; SULLIVAN	15.35	2.21
BOILERMAKERS	19.09	.04+ 32%
BRICKLAYERS; CEMENT MASONS; PLASTERERS; POINTERS; CAULKERS; CLEANERS; MARBLE MASONS; TILE AND TERRAZZO WORKERS:		
DUTCHESS & ULSTER:		
Building	12.15	5.96
Heavy & Highway	12.65	5.96+ a
BRICKLAYERS; STONE MASONS; CEMENT MASONS; PLASTERERS:		
Area 1:		
Building	13.35	4.37
Heavy & Highway	13.60	4.37+ b
Area 2:		
Building	13.96	3.80
Heavy & Highway	14.21	3.80+ c
CARPENTERS; SOFT FLOOR LAYERS; BRIDGE, DOCK & WHARF:		
ORANGE (Tuxedo, Woodbury, Monroe, part of Cornwall, Chester, Blooming Grove, Highlands)		
Building	13.40	4.60
Heavy & Highway	13.40	4.60+ d
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; DOCK-BUILDERS:		
ULSTER; SULLIVAN:		
Building	13.00	4.00
Heavy & Highway	13.20	4.00
CARPENTERS:		
ORANGE (Remainder of County):		
Building	13.00	4.00
Heavy & Highway	13.20	4.00
DUTCHESS (Wappinger Falls, New Hackensack, Pawling, Beacon)		
Building	14.91	3.02
Heavy & Highway	14.91	3.02+ e
DUTCHESS (Remainder of County)		
Building	14.89	3.30
Heavy & Highway	14.89	3.30+ e
DOCKBUILDERS		
DUTCHESS; ORANGE (Remainder of County)	16.35	5.835
ELECTRICIANS		
Area 1	13.90	3.05+ 3%
Area 2	14.20	2.65+ 13½%
Area 3	14.00	38%
Area 4	15.90	2.09+ 11%
Area 5	16.40	2.09+ 11%
ELEVATOR CONSTRUCTORS:		
DUTCHESS; ORANGE	16.07	2.69+f +g
ELEVATOR CONSTRUCTORS' HELPERS		
DUTCHESS; ORANGE	11.25	2.69+f +g
ELEVATOR CONSTRUCTORS HELPERS (PROBATIONARY)		
DUTCHESS; ORANGE	8.035	
GLAZIERS	16.75	5.35
IRONWORKERS	13.15	9.17
LABORERS (BUILDING)		
ULSTER; ORANGE; SULLIVAN:		
Where total contract price exceeds $200,000:		
Class 1	12.20	2.90
Class 2	12.45	2.90
Class 3	12.85	2.90
Where total contract price does not exceed $200,000:		
Class 1	10.98	2.90
Class 2	11.21	2.90

DECISION NO. NY83-3018	Basic Hourly Rates	Fringe Benefits
LABORERS (BUILDING) CONT'D:		
Class 3	11.57	2.90
DUTCHESS		
Class 1	9.84	4.20+h
Class 2	10.09	4.20+h
Class 3	10.24	4.20+h
LABORERS (HEAVY & HIGHWAY)		
ULSTER; ORANGE; SULLIVAN:		
Group 1	12.35	2.90+i
Group 2	12.60	2.90+i
Group 3	13.00	2.90+i
DUTCHESS:		
Group 1	10.31	4.20+j
Group 2	10.66	4.20+j
Group 3	10.06	4.20+j
LINE CONSTRUCTION		
SEE END OF DECISION		
PAINTERS		
DUTCHESS; ULSTER;		
SULLIVAN (except twsp. of Forrestburg):		
Brush	14.14	2.03+k
Structural Steel, Bridges, Towers, Fire Escapes, Smoke Stacks, Flagpoles, and other exposed areas 15' or more in height, Swing Stage, Window Jacks, Boatswain Chairs, Safety Belts and Spray gun	15.14	2.03+k
ORANGE; SULLIVAN (Forrestberg):		
Commercial Spray, Sandblasting, Steel, Smoke Stacks, Bridges, Power Plants, Radio Towers, Epoxy and other toxic materials	13.59	1.65
	12.59	1.65
PLUMBERS & STEAMFITTERS:		
SULLIVAN; ULSTER (Watwarsing, Shawangunk, Plattekill, Marlboro);		
ORANGE (except Tuxedo and Monroe)	15.62	4.33
DUTCHESS; ULSTER (Remainder of County)	15.35	5.30
POWER EQUIPMENT OPERATORS:		
DUTCHESS (Poughkeepsie & South thereof):		
BUILDING:		
Group I-A	18.8525	1.20+ 18.25% +1
Group I-B	17.035	*
Group II	17.94	*
Group III-A	17.2975	*
Group III-B	15.9775	*
Group IV-A	17.015	*
Group IV-B	15.835	*
Group V-A	16.0125	*
Group V-B	14.6925	*
Group VI-A-1	20.22	*
Group VI-A-2	19.3675	*
Group VI-A-3	18.3675	*
Group VI-A-4	19.0825	*
Group VI-A-5	23.0825	*
Group VI-A-6	16.5125	*
Group VI-A-7	22.7975	*
Group VI-B-1	13.7125	*
Group VI-B-2	14.6775	*
Group VI-B-3	13.7275	*
Group VI-B-4	16.91	*
Group VII	18.8525	*
HEAVY & HIGHWAY:		
Group I-A	17.25	1.20+ 17.75% +1
Group II	16.45	*
Group III	16.33	*
Group IV-A	15.20	*
Group IV-B	13.33	*
Group V-A-1	18.45	*
Group V-A-2	17.70	*
Group V-A-3	20.70	*
Group V-A-4	17.45	*
Group V-A-5	16.83	*
Group V-A-6	20.95	*
Group V-A-7	15.20	*
Group V-A-8	16.29	*
Group V-B-1	13.33	*
Group V-B-2	12.50	*

DECISION NO. NY83-3018	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
DUTCHESS (Remainder of County):		
BUILDING:		
Class I	13.81	2.85+m
Class II	14.70	2.85+m
Class III	15.21	2.85+m
Class IV	15.40	2.85+m
HEAVY & HIGHWAY:		
Class A	15.29	3.50+m
Class B	14.97	3.50+m
Class C	13.36	3.50+m
Class D	12.10	3.50+m
Class E	16.20	3.50+m
ORANGE; ULSTER; SULLIVAN:		
BUILDING, HEAVY, HIGHWAY, ROAD, STREET and SEWER:		
Class A	20.07	3.90
Class B	18.68	3.90
Class C	17.07	3.90
Class D	15.64	3.90
Class E	14.33	3.90
Class F	21.89	3.90
STEEL ERECTION:		
Class A	21.89	3.90
Class B	20.98	3.90
Class C	19.84	3.90
Class D	17.48	3.90
Class E	16.15	3.90
Class F	14.79	3.90
Class G	23.70	3.90
TANK ERECTION:		
Class A	22.56	3.90
Class B	21.72	3.90
Class C	23.70	3.90
Class D	20.83	3.90
Class E	15.52	3.90
GILOSTATIC MAINLINES & TRANSPORTATION PIPELINES:		
Class A	20.70	3.90
Class B	19.25	3.90
Class C	17.41	3.90
Class D	16.17	3.90
Class E	14.79	3.90
Class F	22.63	3.90
ROOFERS:		
Asphalt built-up, slate, asbestos tile or tiles, shingles, ceramic tile, tectum, spray roofing & isolation	13.90	4.75+n
Coal tar pitch, application of or ripping off or both in all built-up roofing	14.40	4.40+n
SHEET METAL WORKERS	15.65	.13+ 33%
SOFT FLOOR LAYERS:		
DUTCHESS; ORANGE:		
Soft floor layers	16.37	5.93
Hand sewers	10.52	5.93
SPRINKLER FITTERS	16.92	2.83
TRUCK DRIVERS (Building):		
Group 1	13.20	2.55+o
Group 2	13.10	2.55+o
Group 3	12.90	2.55+o
Group 4	12.80	2.55+o
Group 5	12.70	2.55+o
TRUCK DRIVERS (Heavy & Highway):		
Group 1	13.95	2.55+o
Group 2	13.85	2.55+o
Group 3	13.65	2.55+o
Group 4	13.55	2.55+o
Group 5	13.45	2.55+o

WELDERS - Receive the rate prescribed for the craft performing the operation to which the welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a)(1)(ii)).

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FOOTNOTES:

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

a. Employees receive 2 hours off with pay on election day for the purpose of voting.

b. Paid Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Election Day, and Veterans Day.

c. Paid Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Veterans Day and Election Day.

d. Paid Holidays: A through F, plus Good Friday and Veterans Day.

e. Paid Holidays: A through F, provided the employee works within 7 days before or after the holiday.

f. Paid Holidays: A through F, plus day after Thanksgiving.

g. Employer contributes 6% of the basic hourly rate for 6 months to 5 years of service or 8% of the basic hourly rate for 5 years or more of service as vacation pay credit.

h. Paid Holidays: A through F.

i. Paid Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, and Veterans Day, provided employee works one day in the calendar week in which the holiday falls and reports for work the first working day following the holiday.

j. Paid Holidays: A through F, plus Lincoln's Birthday, Columbus Day, Good Friday, Washington's Birthday, Veterans Day and November Election Day, providing the employee works 1 day within the calendar week in which a holiday falls. Whenever an employee physically works at least 10 days, excluding holiday pay, during the months of November, December, January or February, he shall be paid for all holidays in that month.

k. Paid Holidays: A through F, providing employee works within 7 days before or after the holiday.

l. Paid Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, November Election Day, Veterans Day.

m. Paid Holidays: A through F.

n. Two hours off with pay on General Election Day, provided the employee has received 4 hours pay on that day.

o. Paid Holidays: A through F, plus Washington's Birthday, Election Day, and Veterans Day, provided the employee works one day in the calendar week during which the holiday occurs.

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AREA DESCRIPTIONS

BRICKLAYERS; STONE MASONS; CEMENT MASONS; PLASTERERS:

AREA 1: SULLIVAN; ORANGE (Starting at the junction of Ulster, Sullivan and Orange Counties, Southeast along the Ulster County line to the New York, New Haven and Hartford R.R. line to a point south of Wisner, then east to the top of the Bellvale Mountain Range, then south to the New Jersey state line, including the towns of Warwick, New Milford and Bellvale).

AREA 2: ORANGE (Portion bounded on the east by the Hudson River to Woodbury Township line south of Bear Mt., along the Tuxedo township line to a point south of Lake Mombasha, due West to the Lehigh-Hudson River R.R. line, northerly along this R.R. line to Maybrook, northerly along the Penn Central R.R. line to the Ulster County line, and along this line east to the Hudson RIver.

ELECTRICIANS:

AREA 1: SULLIVAN; ULSTER (Hardenburg, Denning, Rochester, Warwarsing, portion of Gardiner & Shawangunkfrom Orange county line north to the Wallkill River and continuing north along the Wallkill River Lloyd New Paltz, Esopus, Rosendale, Marbletown, Ulster, Hurley).

AREA 2: DUTCHESS (Except Fishkill & part of East Fishkill, Beekman, Pawling).

AREA 3: ORANGE (Otisville, Middletown, Goshen, Florida, Warwick, Port Jervis, Sparrow Bush, Monroe, Harman, Southfield, Tuxedo Lake, Tuxedo).

AREA 4: ORANGE (Remainder of County); ULSTER (Plattekill, Marlborough) DUTCHESS (Remainder of County West of Taconic State Parkway).

AREA 5: DUTCHESS (Remainder of County East of Taconic State Parkway).

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CLASSIFICATION DESCRIPTIONS

LABORERS (BUILDING CONSTRUCTION):
ULSTER, ORANGE; SULLIVAN:

CLASS 1: Common laborers, mason tenders, mortar mixers, hod carriers, scaffold builders, concrete men, signalman, vibrator men, poured gypsum roof work, wrecking, walking power buggy, landscaper, chipping hammer (air or electric 1" or under), operation and tending of all power driven hand fed mortar or concrete mixers, pumpcrete machines, plastering, fireproofing, and accoustic pumps and mixers.

CLASS 2: Asphaltmen, pipelayers, air or electric jackhammer, air track, wagon, joy and jib drills, powdermen, gunite or sandblasting barmen, chain saw operator, riding power buggy, vibro barco, joy tamper or similar type tamper (air or gas), walk behind roller, granite curbing, all fork lifts and laser operations.

CLASS 3: Blasters, form setters, burner acetylene torch, Ingersoll Rand, heavy duty crawler-master type HCM2, drill machine or equivalent all wrecking work 50' or more above the ground.

DUTCHESS:

CLASS 1: General laborers, mason tender, carpenter tender, labor stripping, cleaning forms, labor sweepers, cleaners, grading, digging ditches.

CLASS 2: Hod carriers, plasterers tenders, scaffold builders (padlock and self supporting scaffold 14 feet or under all runways), mortar mixers (machine and hand); concrete mixers (by machine under 21E), vibrators, form setters, pipelayers, asphalt rakers, handling reinforcement rods, drillers, jackhammer operator, signalman, gunniting, motorbugs, water pump 2" or under, barco machine, wreckers, paving breakers, power saw operators, other machine operators.

CLASS 3: Blasters, laser beam operator.

LABORERS (HEAVY & HIGHWAY CONSTRUCTION):
ULSTER; ORANGE; SULLIVAN:

GROUP 1: Laborer, pitman, chuck tender, dump men, handling and distributing drinking water, placing and maintenance of all flares, lights, barracades and all reflective type materials for traffic control.

GROUP 2: Concrete men, vibrator men, asphalt men, joint setter, signal men, mason tenders, mortar men, pipelayers, rip rap and dry stone layers, steel rod carriers, jackhammer, pavement breaker, wagon drill, air track, jib rig and joy drill op., power buggy op., gunnite and sandblasting, coal passers and other machine op., sprayer and nozzle men on mulching and seeding machines, all seeding and sod laying, all landscape work, grade checkers, all bridge work, walk behind self propelled power saw, walk behind rollers and tampers of all types, wrecking laborers (including barmen and burnermen), sheeting and sharing, bit grinder, operator of form pin pullers and drivers, joint and jet sealers and filling and wiring of baskets for gabion walls, permanent sign man.

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LABORERS (HEAVY & HIGHWAY CONSTRUCTION):
ULSTER; ORANGE; SULLIVAN: (CONT'D)

GROUP 3: Concrete finisher on highways, form setter, granite stone layer, Ingersoll Rand heavy duty crawler-master type HCM2 or equivalent or any drill using a 4" or larger bit.

DUTCHESS (Pookeepsie and south thereof):

GROUP 1: Concrete men, signal man, mason tender, pipelayers, riprap and dry stone layers, asphlat workers, screed bar operator, steel rod carrier, jackhammerman, wagon driller, airtrack operator, nippers, powder man high scalers, power buggy operator, vibratory operator compactor, wrecking laborers, gunite and sandblasting coal passer, water pumps 2" or under.

GROUP 2: Concrete finisher on highways, blaster, form setter, laser beam operator.

GROUP 3: General laborers.

POWER EQUIPMENT OPERATORS:
DUTCHESS (Poukeepsie and south thereof):
BUILDING CONSTRUCTION:

GROUP I-A: Backhoe Oliver 88, Fordson, Dynahoe dual purpose and similar machines; Barber green loader-euclid loader or similar type; Conway or similar mucking machines; dragline, gradall, shovel, backhoe, etc. (crawler or truck); front end loaders; hydraulic boom; Jersey spreader; Letourneau or tournapull (scrapers over 20 yards struck); mucking machines; pavement breaker (air ram); paver (concrete); road boring machine; road mix machines; Ross carrier and similar machines; post hole digger; shovel (tunnels); side boom; spreader (asphalt); scoopmobile-tractor-shovel over 1½ yards; trenching machines-vermeer concrete saw trencher and similar; tractor type demolition equipment; winch truck (A Frame); hydraulic crane 10 ton to 25 ton; cherry picker under 25 ton.

GROUP I-B: Compressor (steel erection); pulser meter; push button (buzz box) elevator

GROUP II: Compactor self-propelled; grader; bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over; bulldozer D6; mechanic (outside) all types; welder; scrapers-20 yards struck and under; machine pulling sheep's foot roller; vibratory rollers, etc.; roller 4 ton and over

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POWER EQUIPMENT OPERATORS:
DUTCHESS (Poukeepsie and south thereof):
BUILDING CONSTRUCTION: (CONT'D)

GROUP III-A: Asphalt plant; boiler (high pressure); concrete mixing plants; concrete pump; firemen; forklift; forklift (electric); joy drill or similar tractor drilling machine; loader-1½ yards and under; locomotive (all sizes); mixer concrete-21E and over; portable asphalt plant; portable batch plant; portable crusher; quarry master; stone crusher; well drilling machine; well point system; cherry picker under 10 ton; hydraulic crane under 10 ton.

GROUP III-B: Compressor over 125 cu. feet; conveyor belt machine regardless of size,; lighting unit (portable & generator); welding machine (steel erection and excavation); compressor plant.

GROUP IV-A: Air tractor drill; batch plant; bending machine; concrete breaker; concrete spreader; curb cutter machine; farm tractor (all types); finishing machine-concrete; material hopper-sand stone-cement; mixer-concrete-under 21E; mulching grass spreader; pump-gypsum, etc., pump-plaster; roller under 4 ton; spreading and fine grading machine; steel cutting machine; syphone pump-air-steam; tar joint machine; turbo jet burner or similar equipment; vibrator (1 to 5); fine grading machine; roof hoist (tugger hoist).

GROUP IV-B: Compressor to 125 feet; dust collector; heater all types; pump; pump station (water and sewer); steam Jenny; sweeper.

GROUP V-A: Concrete saw; oiler fuel truck, oiler grease truck.

GROUP V-B: Oiler; paint compressor; motorized roller (walk behind).

GROUP VI-A-1: Master mechanic; assistant master mechanic.

GROUP VI-A-2: Helicopter hoist operator

GROUP VI-A-3: Welder certified

GROUP VI-A-4: Engineer pile driver

GROUP VI-A-5: Helicopter pilot

GROUP VI-A-6: Helicopter signalman

GROUP VI-A-7: Engineer,-all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 Manitowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

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POWER EQUIPMENT OPERATORS:
DUTCHESS (Poukeepsie and south thereof):
BUILDING CONSTRUCTION: (CONT'D)

GROUP VI-B-1: Utility man.

GROUP VI-B-2: Second engineer.

GROUP VI-B-3: Oiler (asphalt paver).

GROUP VI-B-4: Cable splicer.

GROUP VII: Concrete-portable hoist; crane & hoist engineer-steel (concrete, material, super structure sub-structure); derrick (stone-steel); elevator & cage; hoist-single, double, or triple drum; hoist-portable mobile unit; hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material; overhead crane power house plant, telephies (cableway), whirly, maintenance engineer, Lull hi-lift or similar, hydraulic crane 25 ton and over, cherry picker 25 ton and over.

DUTCHESS: (Poukeepsie and south thereof):
HEAVY & HIGHWAY CONSTRUCTION:

GROUP I-A: Auger; auto grader; Dynahoe; dual purpose and similar machines; Barber green loader - euclid loader or similar type machine; central mix plant operator; cherry picker (Cableway) -hydraulic compactor with blade; concrete portable hoist; C.M.I. or similar; Conway or similar mucking machines; crane (crawler or truck) dragline; gradall, shovel backhoe, etc., grader; derrick (stone-steel); elevator & cage; front end loaders over 1½ yds.; hoist single, double, triple drum; hoist portable mobile unit; hoist engineer-concrete (crane-derrick-mine hoist); hoist engineer-material; hydraulic boom; Letourneau or tournapull (scrapers over 20 yards struck); mucking machines; overhead crane; paver (concrete); pulsemeter; push button (buzz box) elevator; road mix machines, Ross carrier and similar machines; shovels (tunnels), side boom; spreader (asphalt); scoopmobile-tractor-shovel over 1½ yards; trenching machines; telphies-vermeer concrete saw trencher and/or similar tractor type demolition equipment, whirly.

GROUP II: Compactor self-propelled; bulldozer D6 and over-similar tractors; mechanic (outside) all types; welder; scraper - 20 yards struck and under; vibrator roller, etc.; roller 4 ton and over.

GROUP III: Air track drill; asphalt plant; batch plant; boiler (high pressure); concrete breaker; concrete; pump,; concrete spreader; curb cutter machine; farm tractor (all types); finishing machine (concrete) fine grading machine; fireman; forklift; forklift (electric); joy drill or similar tractor drilling machine; loader - 1½ yards and under; locomotive (all sizes), maintenance engineer; machine pulling sheeps foot roller; material hopper; mixer concrete - 21-E and over; mulching grass spreader, portable asphalt plant, portable batch plant, portable crusher, powerhouse plant; quarry master; roller

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POWER EQUIPMENT OPERATORS:
DUTCHESS: (Poukeepsie and south thereof):
HEAVY & HIGHWAY CONSTRUCTION: (CONT'D)

GROUP III (CONT'D): under 4 ton; spreading and fine grading machine; steel cutting machine; stone crusher; sweeper; tubo jet burner or similar; well drilling machine (except water well drilling); winch truck "A" frame.

GROUP IV-A: Concrete saw; oiler (fuel or grease truck).

GROUP IV-B: Compressor-compressor plant-paint compressor-steel erection; conveyor belt machine; lighting unit (portable & generator); oiler; pumps-pump station-water-sewer-gypsum-plaster, etc.; roller-motorized (walk-behind); welding machine (steel erection excavation); well point system; bending machine; dust collector; mixer concrete under 21-E; heater all types; steam Jenny; syphon pump-air-steam; tar joint machine; vibrator (1 to 5).

GROUP V-A-1: Master mechanic; assistant master mechanic.

GROUP V-A-2: Helicopter hoist operator.

GROUP V-A-3: Engineer-all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 Manitowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

GROUP V-A-4: Hoist Engineer-steel-sub-structure; Engineer-pile driver.

GROUP V-A-5: Welder-certified.

GROUP V-A-6: Helicopter - pilot.

GROUP V-A-7: Helicopter - signalman.

GROUP V-A-8: Jersey-spreader, pavement breaker (air ram); post hole digger.

GROUP V-B-1: Second eng. 60 ton crane and over.

GROUP V-B-2: Oiler; asphalt paver; utility man.

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POWER EQUIPMENT OPERATORS: (CONT'D)
DUTCHESS (Remainder of County):
BUILDING CONSTRUCTION:

CLASS I - Oiler, fireman and heavy-duty greaser, boilers, and steam generators, pump, vibrator, mortar mixer, air compressor, dust collector, welding machine, well point, mechanical heater, generators, temporary light plants, concrete pumps, electric submersible pump 4" and over, murphy type diesel generator, conveyor, elevators, concrete mixer and beltcrete power pack (belcrete system),

CLASS II - Bulldozer, push cat, tractor, traxcavator scraper, LeTourneau grader, form fine grader, road roller, blacktop roller, blacktop spreader, power brooms, sweepers, trenching machine, Barber Green loader, side booms, hydro hammer, concrete spreader, concrete finishing machine, high lift, fork lift, one drum hoist, power hoisting (single drum), hoist - two drum or more, three drum engine, power hoisting (two drum and over), two drum and swinging engine, three drum swinging engine, hod hoist, A-L frame winches, core and well drillers (one drum), post hole digger, model CHB Vibro-Tamp or similar machine, batch bin and plant operator, dinkey locomotive, seeding and mulching machines.

CLASS III - Crane, hydraulic cranes, tower crane, locomotive crane, piledriver, cableway, derricks, whirlies, dragline, shovel, backhoe, gradalls, power road grader, all CMI equipment, front-end rubber tire loader, tractor-mounted drill (quarry master), mucking machine, concrete central mix plant, concrete pump, belcrete system, automated asphalt concrete plant, and tractor road paver.

CLASS IV - Maintenance Engineer

DUTCHESS (Remainder of County):
HEAVY & HIGHWAY CONSTRUCTION:

GROUP I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated) (gradall or similar), fork lift (factory rated 15 ft. and over), front end loader (4 c.y. and over), head tower (saberman or equal), hoist (2 or 3 drum), Holland loader mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power garder, quad 9, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver, tractor drawn belt-type loader, truck crane, truck or trailer mounted log chipper (self feeder), tug operator (except manned rented equipment); tunnel shovel.

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POWER EQUIPMENT OPERATORS:
DUTCHESS (Remainder of County):
HEAVY & HIGHWAY CONSTRUCTION: (CONT'D)

GROUP II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill (truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders, L.C.M. work boat operator, locomotive, maintenance engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), sea mule tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

GROUP III - A-frame truck, ballast regulator (ride-on), compressors (4 not to exceed 2000 C.F.M. combined capacity; or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), dust collectors, generators, pumps, welding machines, light plants (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), grout pump gunite machine, hammers (hydraulic-self-propelled), hydra-spiker (ride-on), hydro-blaster water, post hole digger and post driver, power sweeper, roller (grade and fill), scarifier (ride-on spansaw (ride-on), submersible electric pump (when used in lieu of well point system), tamper (ride-on), tie extractor (ride-on), tie handler, tie inserter (ride-on), tie spacer (ride-on), track liner, tractor with towed accessories, vibratory compactor, vibro tamp, well point.

GROUP IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), dust collectors, generators, pumps, welding machines, light plants (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), light plants, mulching machine, oiler, parapet-concrete or pavement grinder, power broom (towed), power heaterman, Revinius widener, shell winder, steam cleaner, tractor.

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POWER EQUIPMENT OPERATORS:
ORANGE; ULSTER; SULLIVAN:
BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION:

CLASS A: Autograde-combination sub-grader, base mtl. spreader 7 base trimmer (CMI & similar Types); autograde placer-trimmer spreader-combination (CMI & similar types); autograde slipform paver (CMI & similar types); backhoe; central power plants (all types); concrete paving machines; cranes (all types, including Overhead & straddle travelling type); cranes, gantry; derricks (land or floating); drillmaster, quarrymaster (down the hole drill) rotary drill, self-propelled hydraulic drill, self-powered drill; draglines; elevator graders; front end loaders (5 yds. and over); gradalls; grader, rago; locomotive (large); mucking machines; pavement & concrete breaker, i.e., superhammer & hoe ram; pile driver, length of boom including length of leads, shall determine premium rate applicable; roadway surface grinder, scooper (loader & shovel); shovels; tree chopper with boom; and trench machines.

CLASS B: "A" frame; backhoe (combination); boom attachment on loaders rate based on size of bucket) not applicable to pipehook; boring & drilling machines; brush chopper, shredder and tree shredder, tree shearer; cableways; carryalls; concrete pump; concrete pumping system, pumpcrete & similar types; conveyors, 125 ft. and over; drill doctor (including dust collector maintenance); front end loaders (2 yds. but less than 5 yds.); graders (finish); groove cutting machine (ride on type); heater planer; hoists (All type hoists, shall also include steam, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, snorkel roof, and/or any other similar type hoisting machines, portable or stationary, except Chicago Boom type); hoist - (Chicago boom type); hydraulic cranes-10 tons and under; hydro-axle; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); log skidder; pans; pavers (all) concrete; pumpcrete machines, squeezecrete & concrete pumping (regardless of size); scrapers; sidebooms; "straddle" carrier, Ross and similar types and winch trucks (hoisting).

CLASS C: Asphalt curbing machine; asphalt plant engineer; asphalt spreader; autograde tube finisher & texturing machine (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk, shoulder, slipform (CMI & similar types); Bar bending machines (power); batchers, batching plant & crusher on site; belt conveyor systems; boom type skimmer machines; bridge deck finisher; bulldozers (all); car dumpers (railroad); compressor and blower type units (used independently or mounted on dual purposes trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials); compressor (2 or 3) in a battery; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders, hetrel, rexomatic and similar types; concrete vibrators; conveyors, under 125 ft.; crushing

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POWER EQUIPMENT OPERATORS:
ORANGE; ULSTER; SULLIVAN:
BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION: (CONT'D)

CLASS C (CONT'D): machines; ditching machine, small (ditchwitch or similar type); dope pots (mechanical with or without pump); dumpsters; elevator; fireman; fork lifts (economobile, lull & similar types of equipment); front end loaders (1 yd. and over but less than 2 yds.); generators (2 or 3) in battery; giraffe grinders; graders & motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoists (roof, tugger, aerial platform hoist and house cars); hoppers; hopper doors (power operated); ladders (motorized); laddervator; locomotive, dinky type; maintenance, utility man; mechanics; mixers (excepting paving mixers); motor patrols & graders; pavement breakers, small, self-propelled ride on type (also maintaining compressor or hydraulic unit); pavement breaker, truck mounted; pipe bending machine (power); pitch pump; plaster pump (regardless of size); post hole digger (post pounder and auger); rod bending machines (power); roller, black top; scales, (power); seaman pulverizing mixer; shoulder widener; silos; skimmer machines (boom type); steel cutting machine, service & maintaining; tractors; tug captain; vibrating plants (used in conjunction with unloading) and welder & repair mechanics.

CLASS D: Brooms and sweepers; chippers; compressor (single); concrete spreaders (small type); conveyor loaders (not including elevator graders); engines, large diesel (1620 H.P.) and staging pump; farm tractors; fertilizing equipment (operation and maintenance); fine grade machine (small type); form line graders graders (small type); front loader (under 1 yd.); generator (single); grease, gas, fuel and oil supply trucks; heaters (Nelson or other type including propane, natural gas or flowtype units); lights, portable generating light plants; mixers, concrete small; mulching equipment (operation and maintenance); pumps (2 of less, than 4 inch suction); pumps (4 inch suction and over including submersible pumps); pumps (diesel engine & hydraulic) immaterial of power; road finishing machines (small type); rollers, grade, fill or stone base; seeding equipment (operation and maintenance of); sprinkler and water pump; steam jennies and boilers; stone spreader; tamping machines, vibrating ride on; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); water and sprinkler trucks; welding machines (gas, diesel, and/or electric convertors of any type, single; two or three in a battery); welding system, multiple (rectifier transformer type), trucks and wellpoint systems

CLASS E: Oiler.

CLASS F: Helicopters-Pilot.

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POWER EQUIPMENT OPERATORS:
ORANGE; ULSTER; SULLIVAN: (CONT'D)
STEEL ERECTION

CLASS A: Cranes - (all cranes, land or floating with booms including jib, 140 ft. and over, above ground); derricks-(all derricks, land or floating with booms including jib, 140 ft. and over, above ground).

CLASS B: Cranes-(all cranes, land or floating with booms including jib, less than 140 ft. above ground); derricks-(all derricks, land or floating with booms including jib, less than 140 ft. above ground).

CLASS C: "A" frame; cherry pickers 10 tons and under; hoists: all types hoists shall also include steam, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, or any other similar type hoisting machines, portable or stationary, except Chicago Boom type; jacks-screw air hydraulic power operated unit or console type (not hand jack or pile load test type); side booms.

CLASS D: Aerial platform used hoist; compressor, 2 or 3 in battery; elevators or house cars; conveyors and tugger hoists; fireman; forklift; generators, 2 or 3 maintenance-utility man; rod bending machine (power); welding machines--(gas or electric, 2 or 3 in battery, including diesels); captain power boats; tug master power boats.

CLASS E: Compressor, single, welding machine, single, gas, electric converters of any type, diesel; welding system multiple (rectifier transformer type); generator, single.

CLASS F: Straddle carrier.

CLASS G: Helicopter-pilot.

TANK ERECTION:

CLASS A: Operating engineers--on all cranes, derricks, etc. with booms including jib 140 ft. or more above the ground.

CLASS B: Operating engineers--on all equipment, including cranes, derricks, etc. with booms including jib, less than 140 ft. above the ground.

CLASS C: Helicopter--pilot.

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POWER EQUIPMENT OPERATORS:
ORANGE; ULSTER; SULLIVAN: (CON'T'D)
TANK ERECTION:

CLASS D: Air compressors, welding machines and generators (gas, diesel, or electrical driven equipment and sources of power from a permanent plant, i.e., steam, compressed air, hydraulic or other power, for the operating of any machine or automatic tools used in the erection, alteration, repair and dismantling of tanks and any and all "dual purpose" trucks used on the construction job site.

CLASS E: Oiler.

OILOSTATIC MAINLINES & TRANSPORTATION PIPELINES:

CLASS A: Backhoe; cranes (all types); drag lines; front end loaders (5 yds. & over); gradalls; scooper (loader & shovel) Koehring and trench machines.

CLASS B: "A" frame; backhoe (combination hoe loader); boring & drilling machines; ditching machine, small ditchwitch or similar type; fork lifts; front end loaders (2 yds. & over but less than 5 yds.); graders, finish (fine); hydraulic cranes-10 tons & under (over 10 tons, crane rate applies); side booms and winch trucks (hoisting).

CLASS C: Backfiller; brooms & sweepers; bulldozers; compressors (2 or 3 in battery); front end loaders (Under 2 yds.); generators; giraffe grinders; graders & motor patrols; mechanic; pipe bending machine (power); tractors; water & sprinkler trucks; welder & repair mechanic.

CLASS D: Compressor (single); dope pots (mechanical with or without pump); dust collectors; farm tractors; pumps (4 inch suction & over); pumps (2 of less than 4 inch suction); pumps, diesel engine & hydraulic (immaterial or power); welding machines, gas or electric converters of any type-single; welding machines, gas or electric converters of any type- 2 or 3 in batery multiple welders; wellpoint systems (including installation & maintenance).

CLASS E: Oiler; grease, gas, fuel & oile supply trucks; tire repair & maintenance.

CLASS F: Helicopter-pilot.

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TRUCK DRIVERS:
BUILDING CONSTRUCTION AND HEAVY & HIGHWAY CONSTRUCTION:

GROUP I: Drivers on Letourneau tractors, Double Barrel Euclids, Athey Wagons and similar equipment (except when hooked to scrapers). Drivers of low beds, 1-Team and pole Trailers, Drivers of Road Oil Distributors, Tire Trucks and Tractors and Trailers with 5 axles and over.

GROUP II: Drivers on all equipment 25 yards and over, up to and including 30 year bodies and cable Dump Trailers and Powder and Dynamite Trucks.

GROUP III: Drivers on all equipment up to and including 24 yard bodies, Mixer Trucks, Dump Crete Trucks and similar types of equipment, Fuel Trucks and all other Tractor Trailers.

GROUP IV: Drivers of Ten- wheelers, Grease Trucks and Tillermen; Drivers of Straight Trucks.

GROUP V: Drivers on Pick-up trucks used for materials & parts, Drivers on escort man over-the-road.

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	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION Electrical Overhead & Underground Distribution Work & Signal Work For RR And For R.E.A. Where No Other Trade Is Or Has Been Involved		
Journeyman Lineman & Technician	13.22	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	11.90	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	10.58	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer)	11.24	5%+3.60 +a
Driver Mechanic, Groundman - Experienced	9.92	5%+3.60 +a
All Overhead Transmission Line Work and Lighting for Athletic Fields		
Journeyman Lineman & Techanician	15.18	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	13.66	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class Groundman Truck Driver	12.14	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	12.90	5%+3.60 +a
Driver Mechanic Groundman	11.39	5%+3.60 +a
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems Where Other Trades Involved		
Journeyman Lineman & Technician	15.99	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	14.39	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	12.79	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Driver Mechanic, Groundman	11.99	5%+3.60 +a
All Pipe type Cable Installations Maintenance Jobs or Projects		
Journeyman Lineman	15.99	5%+3.60 +a
Certified Lineman Welder	16.79	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Equipment Operator	15.99	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Groundman Truck Drivers	12.79	5%+3.60 +a
Groundman	11.99	5%+3.60 +a

FOOTNOTE:
a. Paid holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence day, Labor Day, Thanksgiving Day, Chirstmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday.

[FR Doc. 83-13384 Filed 5-19-83; 8:45 am]

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federal register

Friday
May 20, 1983

Part III

Department of Labor

Employment and Training Administration

Procedures for Classifying Civil Jurisdictions as High Unemployment Areas Under Public Law 98-8

DEPARTMENT OF LABOR

Employment and Training Administration

Procedures for Classifying Civil Jurisdictions as High Unemployment Areas Under Public Law 98-8

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: These procedures are effective on April 23, 1983.

SUMMARY: The Employment and Training Administration is announcing the procedures for classifying civil jurisdictions as areas having high unemployment, pursuant to Pub. L. 98-8.

FOR FURTHER INFORMATION CONTACT: Mr. Richard C. Gilliland, Director, United States Employment Service, Employment and Training Administration, Room 8000, 601 D Street, NW., Washington, D.C. 20213. Telephone: 202-376-6289.

SUPPLEMENTARY INFORMATION: Section 101(a)(3) of Pub. L. 98-8, 97 Stat. 13 (March 24, 1983), (the "Act") requires the Assistant Secretary for Employment and Training, United States Department of Labor, to

> Classify a civil jurisdiction as having high unemployment whenever, as determined by the Bureau of Labor Statistics using the latest comparable data available from Departmental, State, or local sources, the civil jurisdiction has had an average unadjusted unemployment rate over the previous twelve months of not less than ninety percent of the unadjusted average unemployment rate for all States during the same period. The Assistant Secretary, upon petition submitted by the appropriate State agency, may classify a civil jurisdiction as having high unemployment whenever the civil jurisdiction has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

97 Stat. at 29-30.

Section 101(a)(3) of the Act further requires the Assistant Secretary to publish a list of civil jurisdictions with high unemployment, together with descriptions thereof, as soon as practicable, but no later than 30 days after the date of enactment of the Act. 97 Stat. at 30. That list was published at 48 FR 17456 (April 22, 1983).

The list will be updated on a monthly basis hereafter, by adding civil jurisdictions that the Assistant Secretary deems to meet the above criteria. *Id.* The procedures by which civil jurisdictions are placed on the list are set forth below:

I. *Definitions.* For the purposes of these procedures:

(a) "Assistant Secretary" shall mean the Assistant Secretary for Employment and Training, U.S. Department of Labor.

(b) "Civil jurisdiction" shall mean:

(1) A city of 50,000 population on the basis of the most recently available Bureau of the Census estimates; or

(2) A town or township in the State of New Jersey, New York, Michigan, or Pennsylvania of 50,000 or more population and which possesses powers and functions similar to those of cities; or

(3) A county, except those counties which contain any type of civil jurisdictions defined in paragraphs (b)(1) or (2) above; or

(4) A "balance of county" consisting of a county less any component cities and townships identified in paragraphs (b)(1) or (2) above;

(5) A county equivalent which is a town in the State of Massachusetts, Rhode Island, and Connecticut.

(c) "State" shall mean each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) "Appropriate State agency" shall mean the State employment security agency in the respective States.

(e) "Reference period" shall mean the most recent 12-month period for which comparable data on unemployment are available.

II. *Classification of high unemployment areas:*

(a) *Basic criteria.* The Assistant Secretary shall classify a civil jurisdiction as having high unemployment whenever, as determined by the Bureau of Labor Statistics, using the latest comparable data available from Departmental, State or local sources, the civil jurisdiction has had an average unadjusted unemployment rate over the previous 12 months of not less than 90 percent of the unadjusted average unemployment rate for all States during the same period. The reference period for which comparable data were available for the most recent 12 months was January through December 1982. The unadjusted average unemployment rate for all States during this reference period was 9.8 percent. The average unadjusted unemployment rate during the reference period necessary for a civil jurisdiction to be classified as having high unemployment was 8.8 percent (90 percent of the unemployment rate of 9.8 percent for all States during the reference period).

(b) *Criteria for Monthly Updates.* The Assistant Secretary, upon petition submitted by the appropriate State agency, may classify a civil jurisdiction as having high unemployment whenever the civil jurisdiction has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the unemployment rate of the area. The initial list of high unemployment areas will be updated on a monthly basis to add those civil jurisdictions which meet these criteria for classification as areas with high unemployment.

III. *Effective dates of high unemployment area classifications.* The initial list of high unemployment areas (48 FR 17456), together with the monthly updates to the list, will remain in effect through September 30, 1983.

Signed at Washington, D.C., this 11th day of May, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-13533 Filed 5-19-83; 8:45 am]

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federal register

Friday
May 20, 1983

Part IV

Department of Health and Human Services

Food and Drug Administration

Performance Standard for Sunlamp Products; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1040

[Docket No. 82N-0188]

Sunlamp Products; Performance Standard

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the performance standard for sunlamp products and ultraviolet lamps intended for use in these products to accommodate new products, employing design concepts significantly different from those for which the current standard was developed. Also, FDA's experience in applying the current standard, which went into effect on May 7, 1980, indicates that some requirements are either inappropriate for, or inapplicable to, some products. The proposed amendments are intended to establish a standard that conforms with the present technology of suntanning and new sunlamp product designs.

DATE: Comments by July 19, 1983. FDA intends that any final rule based on this proposal would become effective 1 year after the date of publication of the final rule in the **Federal Register**. The agency will not object to manufacturers complying voluntarily with this proposed amended standard, and any final rule based on this proposal, prior to the effective date of the amended standard.

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

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, National Center for Devices and Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under authority of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602 (42 U.S.C. 263b et seq.)), FDA administers an electronic product radiation control program to protect the public health and safety. This authority provides for developing and administering radiation safety performance standards for electronic products. In the **Federal Register** of November 9, 1979 (44 FR 65352), FDA published the radiation safety performance standard for sunlamp products and ultraviolet lamps intended for use in sunlamp products (21 CFR 1040.20). The standard became effective on May 7, 1980.

This proposed rule, which would amend the present standard, was developed by FDA's National Center for Devices and Radiological Health (the Center) (formerly the Bureau of Radiological Health). On October 15, 1981, the Center wrote to all sunlamp product and ultraviolet lamp manufacturers or importers known to the Center, and to all interested persons, including professional associations, consumer groups, government agencies, and individuals who had requested information about sunlamp products. The letter transmitted for review and comment informal views of the agency on the problems with the performance standard along with draft proposed amendments to the standard. The Center mailed nearly 900 copies of the letter and received 11 comment letters in return. The comments were generally supportive of the proposed changes.

In addition to sending out the October 15, 1981 letter, FDA has taken action to allow interested persons to participate in the development of the proposed amendments to the standard. The Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC) was established by the Secretary of Health and Human Services pursuant to 42 U.S.C. 263f(f) and is composed of technically qualified members from State and Federal governments, affected industries, and the general public. The agency is required to consult with TEPRSSC prior to prescribing any standard under the Radiation Control for Health and Safety Act of 1968. A status report on the agency's experience with the current sunlamp standard and with tanning booths was presented on December 3 and 4, 1980, at the meeting of TEPRSSC. The draft proposed amendments and the comments that the agency received were reviewed by TEPRSSC at its meeting on December 9, 1981. The draft proposed amendments, the comments received, and the summary of TEPRSSC meetings are on file with the Dockets Management Branch (address above) under Docket No. 75N-0047.

In developing this proposal, FDA has considered all comments received on the draft of the proposed amendments, the latest available scientific and medical data concerning radiation hazards associated with sunlamp products, and the results of FDA testing and research.

Background

Changes in product technology and design. The technology of tanning and the design of sunlamp products to induce skin tanning have changed substantially since the current performance standard was developed. Recently, FDA has observed, in the United States, a shift to the use of longer ultraviolet (UV) wavelengths for tanning purposes, especially for commercial tanning equipment. More than 95 percent of the radiant energy of some new tanning systems is at wavelengths longer than 320 nanometers (nm), the upper limit of the wavelength range of a sunlamp product under the current standard. For these wavelengths, the risks of the acute hazards of corneal keratitis and erythema (reddening of the skin—a prelude to sunburn) are reduced. However, there is additional risk associated with deeper penetration into the skin of radiation at these wavelengths. There has also been a rapid growth in new sunlamp product designs in which an array of fluorescent and/or mercury vapor sunlamps is used in the configuration of a "tanning booth"; a bed, with or without an overhanging irradiator; or as a room in which the lamps are installed on the ceiling and walls, and which may accommodate many people. Tanning booths, beds, couches, rooms, and facial units may have almost any intensity and spectral distribution in the UV region of the light spectrum. Thus, these new products are in considerable contrast to the typical over-the-counter suntanning lamp and fixture that the current standard was primarily designed to control.

Biological effects. The standard currently applies to products intended to induce tanning by irradiating the human body with UV radiation in the wavelength region between 180 and 320 nm. The wavelengths which elicit melanogenesis (delayed, long-term tanning) also elicit deleterious biological responses. Therefore, as with natural sunlight, emissions from sunlamps are hazardous. The user must decide whether the tanning as a benefit is worth the risk.

In the UV region of the spectrum, two wavelength regions are of importance in tanning: UVB (280 to 320 nm) and UVA (320 to 400 nm). This division is made because the biological responses are somewhat different for each region and may result from different photobiological and photochemical processes (Ref. 8).

The most effective wavelengths for melanogenesis are in the UVB region

(Ref. 8). Also, UVB and the shorter wavelengths to 200 nm are also effective in causing erythema. The individual variation of sensitivity for UVB erythema is at least threefold (Ref. 11) and there is a variation in sensitivity from one part of the body to another.

An important relation exists between erythema and melanogenesis: the exposure necessary for UVB radiation to elicit erythema is less than that necessary to elicit melanogenesis (Ref. 9). Further, the effects of such exposures are cumulative for both biological responses, so that the effect of each exposure depends on previous exposures (Refs. 5 and 9). The cumulative effect even occurs for exposures which do not elicit a detectable single-exposure response (Refs. 5 and 9). Also, once the radiant exposure level which elicits a minimal erythema is reached, small increases in exposure to UVB radiation can result in large increases in erythema and edema. Therefore, the difference in magnitude between an exposure which elicits tanning and one which can cause severe buring is small. An exposure that is just enough to elicit melanogenesis in one individual may cause severe sunburn in another.

Tanning and erythema are considered acute effects because these responses occur within a few hours or days after UV exposure. Also, there are several other quite serious responses which occur much later and usually result from long-term, chronic exposures; these include precancerousactinic damage, basal and squamous cell carcinomas, and skin aging. FDA has previously discussed in detail these effects and part of the suspected cellular basis for the delayed responses (Ref. 1).

Radiation in the UVA region can cause increased pigmentation by mechanisms resulting in immediate tanning as well as delayed tanning (Ref. 8). Immediate tanning is transient, does not result in a long-term tan, and will not be considered further in this discussion. Delay tanning is longer lasting and presumably is similar to the melanogenesis elicited by UVB.

UVA is approximately one thousand times less effective than UVB at eliciting erythema (Ref. 9). The individual variation of sensitivity for UVA erythema is at least fourfold (Ref. 8). There is evidence that within the UVA region the different wavelength segments differ in effectiveness by more than an order of magnitude, with the shorter wavelengths (near 320 nm) being more effective (Ref. 12). However, at present the erythema-eliciting potential of a given UVA emission spectrum cannot be predicted as accurately as desired.

UVA radiation differs from UVB radiation in that an erythemogenic exposure does not appear to be necessary to elicit melanogenesis (Ref. 9). An exposure less than that which causes erythema can result in tanning. As with UVB radiation, the effectiveness for both tanning and erythema production depend on previous cumulative exposures (Refs. 5 and 9), but for UVA radiation, the cumulative tanning effect is greater than the cumulative erythema effect, so that with controlled multiple exposures it is possible to obtain melanogenesis without suffering erythema (Ref. 9).

However, melanogenic UVA exposures are not without hazard. Severe edema and damage to vascular structures can occur at the greater depths to which UVA radiation penetrates. The photosensitivity induced by medication or cosmetics can be expected to be particularly important in the UVA region, where the sensitivity may be greatly enhanced. In addition, the effective wavelengths may be different for each cause of photosensitivity. Although the biological effects of UVA radiation have not been studied to the same extent as those induced by UVB radiation, many of the same risks to the skin exist (Ref. 8).

Numerous studies have shown that optical radiation below 400 nm is hazardous to both the cornea and lens of the eye (Refs. 7 and 10). Although some authors hav suggested that beneficial endocrine and behavioral effects may result from UVA exposure to the eye (Ref. 4), little direct experimental evidence has been published in the scientific literature to substantiate or document these claims. Acute exposure to UVB can induce corneal keratitis and lens cataracts, while chronic or repeated subthreshold exposures to UBV or UVA radiation can induce cataract formation (Ref. 10). The lens absorbs UVA radiation, thereby inducing browning of the lens (brunescent cataract) (Ref. 7). The proportion of UVA transmitted to the retina is small because most is absorbed by the lens. However, there are some exceptions to this: (1) the lens has a window of low transmission of UVA near 325 nm resulting in higher transmission of UVA in that wavelength region (Ref. 10); (2) some individuals have lenses removed for medical reasons; (3) lenses of children under 8 years of age, as reported by on investigator, may transmit 2 to 4 times more UVA to the retina than do the lenses of older individuals (Ref. 6). In these circumstances, the retina is also sensitive to damage from UVA radiation (Ref. 2).

UVA and UVB sunlamp products. Comments on the draft proposed amendments on which this proposal is based suggested that, because of the reduced erythemogenic potential of the UVA wavelength region, FDA should make a regulatory distinction between those sunlamp products that emit primarily in the UVA and those that emit primarily in the UVB. The agency does not believe the performance standard should distinguish between UVA and UVB products because the products all are broad-band sources of UV radiation and they generally overlap is spectral distribution. Moreover, as discussed above, both UVA and UVB radiation can cause adverse biological effects.

Commercial tanning equipment. The rapid development of the commercial tanning industry after issuance of § 1040.20 caused FDA to consider the effectiveness and appropriateness of the standard for control of the hazards of commercial tanning equipment, especially tanning booths. FDA issued recommendations for users of tanning booths and other similar products and worked with manufacturers of tanning equipment and owners of commercial tanning establishments to increase the overall safety of both their new and prestandard equipment. Careful consideration was given to possible different requirements in the performance features and the labeling of various categories of sunlamp products, e.g., commercial use products, home use products, UVA products, and UVB products. The agency believes that performance features and warning statements that are valid for commercial use products also are valid for the other types of products. Therefore, the proposed amended standard would apply to all sunlamp products manufactured on or after the effective date of the new provisions.

Proposed Amendments

Minimum use distance. FDA believes that the concept of "minimum use distance" should be generalized. This term as currently defined in § 1040.20(b)(5) was included in the standard to assist the user of portable, over-the-counter sunlamps in selecting an appropriate exposure distance. The current definition is not appropriate for some commercial tanning equipment such as booths where the user stands in the center of the booth for a uniform tan, of for certain tanning rooms where the user stands, sits, or lies wherever he or she chooses, or for beds in which there

generally is only one location where the user can be positioned. In these circumstances, the position for exposure is determined by product design or by positioning indicators. FDA believes that the concept of "minimum use distance" should be generalized to include the concepts of position, orientation, and location relative to the radiation source. Therefore, FDA proposes to delete the definition of "minimum use distance" and to establish in § 1040.20(b)(1) a new definition of "exposure position."

Wavelength range of applicability. The agency proposes to change the wavelength range of applicability of the standard from the current limits of 180 nm through 320 nm to new limits of 200 nm through 400 nm.

The trend in sunlamp product design is toward the longer wavelengths, between 320 nm and 400 nm (UVA), a wavelength range that has associated risks. Typical UVA sunlamp products are subject to the current sunlamp standard because they emit measurable amounts of UV radiation at wavelengths shorter than 320 nm, that is, a small portion of the radiation which they emit is in the UVB region. However, there are sunlamp products currently being marketed outside of the United States that do not emit measurable levels of radiation at wavelenghts shorter than 320 nm. These products are outside the scope of the existing standard but would be subject to the proposed standard when marketed here. Also, the agency has determined that UV emissions from sunlamp products at wavelengths shorter than 200 nm are negligible. The lower wavelength limit of 180 nm requires the use of expensive measurement equipment that FDA believes is not justified by any corresponding gain in radiation safety. Thus, FDA proposes to revise the definitions of sunlamp product and ultraviolet lamp in § 1040.20(b) (9) and (11) to include those products emitting UV radiation between 200 nm and 400 nm.

Maximum timer interval. Section 1040.20(c)(2)(ii) currently provides that the timer on a sunlamp product shall have a maximum timer interval that does not exceed the manufacturer's recommended maximum exposure time, or 10 minutes, whichever is less. For many present-day products, the 10-minute interval is too short.

The purposes of the timer are to provide for reliable control of exposures and to limit acute damage from unintentionally long exposures. The timer limits the maximum exposure to UV radiation that can be achieved during one timer interval, but does not prevent intentional long exposures because a timer can be reset as many times as the user wants. Therefore the maximum timer interval, by itself, does not guarantee that users will not receive injurious, acute exposures. Reliance must be placed on the user's following instructions for use in order to prevent injuries from occurring. Instructions for safe use are required to be provided by the manufacturer with the sunlamp product.

Several comments on the draft proposed amendments suggested that the concept of specific maximum timer intervals should be retained for sunlamp products. These comments suggested that FDA should establish a 30-minute maximum interval for UVA systems and continue the 10-minute maximum interval for UVB systems.

FDA disagrees. To establish a system of specific timer intervals that would be appropriate under all use conditions and product designs or configurations would be difficult and unjustifiably complicated. A sunlamp product may have almost any spectral distribution and irradiance depending upon varying factors, e.g., product design, lamp design, and lamp age. Further, human skin varies greatly from individual to individual in sensitivity to burning. Sensitive individuals could use a timer setting at less than the maximum timer interval but individuals whose skin is not particularly sensitive may need to restart the sunlamp product several times.

FDA also has recognized the need for different timer intervals for some UVA products, and under the provisions of 21 CFR 1010.4, the Center has granted variances from the current 10-minute maximum timer interval. A condition under which these variances were granted is that the maximum timer interval shall not exceed the manufacturer's recommended maximum exposure time as stated on the product. The manufacturer is thus responsible for specifying the maximum timer interval. The Center's experience has been that manufacturers do select appropriate maximum timer intervals for their products. Based on these considerations, the agency proposes to revise § 1040.20(c)(2) to require only that the maximum timer interval may not exceed the manufacturer's recommended maximum exposure time as stated on the product and in its instructions.

Resumption of radiation emission. Previously, the General Electric Co., the GTE Products Corp., and the National Electrical Manufacturers Association had submitted petitions to the agency to stay § 1040.20(c)(4) and to amend the standard to permit automatic resumption of emissions under certain circumstances. The petitioners argued that to require the user in all instances to reactivate the timer manually is unnecessarily restrictive with negligible increase in radiation safety, especially when momentary losses of line power are considered. The petitioners also argued that the requirement adds significantly to the cost of small portable sunlamp units.

On September 25, 1980, the Center announced its intent to delay until January 1, 1981, the enforcement of § 1040.20(c)(4) and requested comments from manufacturers and potential manufacturers. Several comments and additional petitions were received. The center subsequently delayed the enforcement of the provision proscribing automatic resumption of radiation emissions in order to allow time to consider adequately these comments and petitions.

Having reconsidered the issues, the agency tentatively concludes that the potential hazard associated with resumption of radiation emission after termination is small. The human exposure to UV radiation after restart could only be to that time remaining in the unused portion of the maximum timer interval. Thus, total exposure would be no greater than that to which the user potentially would be exposed by the initial timer setting. Thus, FDA proposes to provide, in renumbered § 1040.20(c)(2)(iv), only that the timer may not automatically reset and cause radiation emission to resume when emission from the sunlamp product has been terminated.

Protective eyewear. By design, UVA sunlamp products emit UVA radiation at levels which are much higher than those associated with the conventional, over-the-counter UVB sunlamp product marketed at the time the current standard was developed. As a result, the UVA levels transmitted through protective eyewear that comply with current § 1040.20(c)(5)(ii) could be greater than those envisioned when the standard was issued.

There is no need for radiation at wavelengths below 400 nm to reach the eyes because eyes are not involved in skin melanogenesis. Therefore, protective goggles should be used to limit UV radiation incident on the eye (Ref. 3). Protective eyewear must be highly absorbing in the UV wavelengths shorter than the UVA spectral region if acute injury to the cornea is to be prevented. FDA believes that a spectral transmittance not exceeding 0.001 over the wavelength range from 200 nm through 320 nm would be small enough

to meet this criterion, and FDA proposes to so provide (in renumbered § 1040.20(c)(4)(ii)), for the wavelength range from 320 nm through 400 nm, the agency proposes to permit a spectral transmittance that does not exceed 0.01. The agency believes that protective eyewear with this degree of absorption would reduce the UVA radiation transmitted to the eye, from the products that emit the most intense levels, to the ambient level outdoors on a sunny day.

Two clarifying changes to the protective eyewear requirements also are proposed in new § 1040.20(c)(4)(ii). The agency proposes to add the phrase "to the eye" to emphasize that the function of protective eyewear is to provide protection to the eye from UV radiation, including that which may enter from the sides of the eyewear. Also, in response to a comment on the draft proposed amendments, the agency proposes to remove the phrase "read the labels and". This change would make the visualization requirement consistent with the Underwriters Laboratory Standard (UL–482) Paragraph 14.3 and with FDA's initial intent (see paragraph 12 in the preamble to the November 9, 1979 final rule; 44 FR 65354).

Label requirements. FDA proposes to revise § 1040.20(d)(1)(i) to require manufacturers to provide a warning statement that is more appropriate for sunlamp products, including those with enhanced emissions in the UVA range. The sentence "Avoid overexposure" is proposed to be added to the warning statement as prudent advice.

The sentence "As with natural sunlight, overexposure can cause eye injury and sunburn" would be changed (1) to include the term "allergic reactions" because these reactions occur from exposure to UV radiation and (2) to substitute the more appropriate general term "skin injury" for "sunburn." Contrary to facts, some manufacturers of the new design sunlamps have implied in their product literature that the UV radiation from their products is not hazardous to the eyes. Accordingly, the explicit warning statement "FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES" is proposed to be added to assure that the user is warned that exposure of the eyes (cornea, lens, and retina) to UV radiation is hazardous and is unnecessary to the tanning process.

The phase "applied to the skin" is proposed to be removed from the present warning that reads, "Medications or cosmetics applied to the skin may increase your sensitivity to ultraviolet light," because the warning is incorrectly restrictive. The advice to consult a physician before use of the sunlamp when a person has a history of skin problem is proposed as additional prudent advice.

The statement "If you do not tan in the sun, you are unlikely to tan from the use of this product" also is proposed to be added to the current warning statement for the benefit of individuals who are most susceptible to injury.

New proposed § 1040.20(d)(1)(ii) would require that the label for sunlamp products include the manufacturer's recommended exposure position or positions. The new provision would permit the manufacturer to use markings on the product, or any other means that would clearly indicate the recommended exposure position to the person being exposed. However, for those products for which use distance is stated, the current requirement that distance be specified both in metric and U.S. customary units would continue to apply.

A comment on the draft proposed amendments objected to the requirement in the current standard that "exposure position" be stated both in meters and in feet. FDA advises that the proposal is consistent with the objectives of the Metric Conversion Act of 1975 (Pub. L. 94–168; 15 U.S.C. 205a) and with the requirements of the current sunlamp products standard. Accordingly, the agency believes that the requirement for dual declaration should be retained.

Some manufacturers of sunlamp products also make special, unique UV lamps which are designed for use only in their products and which are not compatible with other sunlamp products. These lamps do not appear on the open market either as an original or as a replacement component for other sunlamp products. FDA believes that any manufacturer that maintains and services sunlamp products that it has manufactured would be unlikely to cause an inappropriate lamp and timer combination by substituting an incompatible or incorrect UV lamp. Thus, the agency believes that ultraviolet lamps that are uniquely designed for a particular sunlamp product may be exempted from compliance with the standard's labeling requirements and proposes to revise § 1040.20(d)(2) to so provide.

Label specifications. The specifications for labels should provide for greater flexibility in relating the label to the product. FDA believes that in some cases a label as required by the current standard may be inappropriate for the product to which the label is applied. The agency anticipates that size, configuration, design, or function of future products may, in certain instances, preclude compliance with some or all label requirements or may render inappropriate some or all of the wording required.

Manufacturers frequently contact FDA to obtain permission to make additions to labels. Many of these additions could be made without the agency's permission if appropriate criteria are available. The current standard does not adequately provide for positioning of required labels for certain commercial sunlamp products, e.g., tanning booths or rooms. Labels for all sunlamp products should be positioned so that the person who is to be exposed to UV radiation in order to obtain a tan can read the labels prior to use of the product. Labels for UV lamps need to be permanent, legible, and readily accessible to view by the user.

To resolve these problems, FDA proposes to establish label specifications for sunlamp products and UV lamps in new § 1040.20(d)(3) (i), (ii), (iii), and (v). Existing § 1040.20(d)(3) would be renumbered as § 1040.20(d)(3)(iv).

Instructions to be provided to users. The agency proposes that the user instructions provided with any sunlamp product be more explicit concerning instructions for "safe use." New § 1040.20(e)(1) (iii) and (iv) would add requirements that the user instructions include instructions for proper operation of the product, use of protective eyewear, and determination of the correct exposure time.

The language of the standard is simplified by deleting § 1040.20(f) (1)(ii) and (2)(ii). Amendments to paragraphs (e) (1)(i) and (2)(ii) retain the required instructions.

Testing requirements. The agency proposes to revise current § 1040.20(e) as new § 1040.20(f) to allow for increased flexibility in testing sunlamp products for compliance. The revision would provide general criteria for determining compliance and would remove the currently specified test voltages and test instrument positioning requirements. As amended, the regulation would provide that the measurements are to be made under those operational conditions for lamp voltage, lamp current, and exposure position recommended by the manufacturer. However, as in the current standard, in determining compliance, the manufacturer would still need to account for all errors and statistical uncertainties in the measurement process as well as to account for changes in UV emission or

degradation of radiation safety of the product with age.

General. Except for minor editorial changes and the renumbering of several paragraphs of § 1040.20 to accommodate the proposed revisions, other existing provisions of § 1040.20 would be reissued without revision.

Effective Date

FDA intends that any final rule based on this proposal would become effective 1 year after its date of publication in the **Federal Register**. The agency will not object to manufacturers complying voluntarily with this proposed amended standard, and any final rule based on this proposal, prior to the effective date of the amended standard, provided that the manufacturer specifies on the certification label that the product complies with this proposed amended standard and provided that the manufacturer complies with the recordkeeping and reporting requirements of 21 CFR 1002.

References

The references and pertinent background data and information supporting the proposal are on file under the docket number appearing in the heading of this document and are available for public review at the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

1. Andersen, F. A., L. E. Bockstahler, P. G. Chissler, K. B. Hellman, J. I. Levine, C. D. Lytle, L. F. Mills, and P. Segal, "A Review of Biological Effects Considered in the Development of a Performance Standard for Sunlamp Products," FDA Bylines No. 2, pp. 65–85, April 1981.

2. Ham, W. T., Jr., H. A. Mueller, J. J. Ruffolo, D. Guerry, III, and R. K. Guerry, "Retinal Sensitivity of Rhesus Monkeys to Near UV Radiation," 9th Annual Meeting, American Society of Photobiology, Williamsburg, VA, 1981.

3. Ham, W. T., Jr., H. A. Mueller, J. J. Ruffolo, and D. Guerry, III, "Solar Retinopathy as a Function of Wavelength: Its Significance for Protective Eyewear," *in* "The Effects of Constant Light on Visual Processes" (ed. T. P. Williams and B. N. Baker), New York, Plenum Publications, 1980, pp. 319–346.

4. Hollwich, F., "The Influence of Ocular Light Perception on Metabolism in Man and in Animal," New York, Springer-Verlag, 1979.

5. Kaidbey, K. H. and A. M. Kligmen, "Cumulative Effects from Repeated Exposures to Ultraviolet Radiation," *Journal of Investigative Dermatology*, 76: 352–355, 1981.

6. Lerman, S., "Radiant Energy and the Eye," New York, Macmillan, 1980, pp. 88–91.

7. Lerman, S., "Radiant Energy and the Eye," New York, Macmillan, 1980, pp. 131–165.

8. Parrish, J. A., R. R. Anderson, F. Urbach, and D. Pitts, "UV–A: Biological Effects of Ultraviolet Radiation with Emphasis on Human Responses to Longwave Ultraviolet," New York, Plenum Press, 1978.

9. Parrish, J. A., S. Zaynoun, and R. R. Anderson, "Cumulative Effects of Repeated Subthreshold Doses of Ultraviolet Radiation," *Journal of Investigative Dermatology*, 76: 356–358, 1981.

10. Zuclich, J. A., "Hazards to the Eye from UV," *in* "Non-ionizing Radiation: Proceedings of a Topical Symposium" (ed. M. E. LaNier and W. E. Murray), The American Conference of Governmental Industrial Hygienists, Inc., Washington, DC, 1980.

11. Everett, M. A., R. M. Sayre, and R. L. Olson, "Physiologic Response of Human Skin to Ultraviolet Light," *in* "The Biologic Effects of Ultraviolet Radiation" (ed. F. Urbach), New York, Pergamon Press, 1969, pp. 181–186.

12. Parrish, J. A., K. F. Jaenicke, and R. R. Anderson, "Erythema and Melanogenesis Action Spectra of Normal Human Skin," *Photo-chemistry and Photobiology*, 36: 187–191, 1982.

FDA has evaluated the economic consequences of this proposed action in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354). This action has been determined not to be a major rule as defined in Executive Order 12291. Further, the agency certifies that the final rule, if implemented, would not have a significant impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act. A threshold assessment supporting this conclusion is on file with the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 1040

Electronic products, HID lamps, Lasers, Medical devices, Radiation protection, Standards, Sunlamps.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 1040 be amended by revising § 1040.20, to read as follows:

PART 1040—PERFORMANCE STANDARDS FOR LIGHT-EMITTING PRODUCTS

§ 1040.20 Sunlamp products and ultraviolet lamps intended for use in sunlamp products.

(a) *Applicability.* The provisions of this section are applicable as specified herein to the following products manufactured on or after May 7, 1980.

(1) Any sunlamp product.

(2) Any ultraviolet lamp intended for use in any sunlamp product.

(b) *Definitions.* As used in this section the following definitions apply:

(1) "Exposure position" means any position, distance, orientation, or location relative to the radiating surfaces of the sunlamp product at which the user is intended to be exposed to ultraviolet radiation from the product, as recommended by the manufacturer.

(2) "Intended" means the same as "intended uses" in § 801.4 of this chapter.

(3) "Irradiance" means the radiant power incident on a surface at a specified location and orientation relative to the radiating surface divided by the area of the surface, as the area becomes vanishingly small, expressed in units of watts per square centimeter (W/cm^2).

(4) "Maximum exposure time" means the greatest continuous exposure time interval recommended by the manufacturer of the product.

(5) "Maximum timer interval" means the greatest time interval setting on the timer of a product.

(6) "Protective eyewear" means any device designed to be worn by users of a product to reduce exposure of the eyes to radiation emitted by the product.

(7) "Spectral irradiance" means the irradiance resulting from radiation within a wavelength range divided by the wavelength range as the range becomes vanishingly small, expressed in units of watts per square centimeter per nanometer ($W/(cm^2\ nm)$).

(8) "Spectral transmittance" means the spectral irradiance transmitted through protective eyewear divided by the spectral irradiance incident on the protective eyewear.

(9) "Sunlamp product" means any electronic product designed to incorporate one or more ultraviolet lamps and intended for irradiation of any part of the living human body, by ultraviolet radiation with wavelengths in air between 200 and 400 nanometers, to induce skin tanning.

(10) "Timer" means any device incorporated into a product that terminates radiation emission after a preset time interval.

(11) "Ultraviolet lamp" means any lamp that produces ultraviolet radiation in the wavelength interval of 200 to 400 nanometers in air and that is intended for use in any sunlamp product.

(c) *Performance requirements.*—(1) *Irradiance ratio limits.* For each sunlamp product and ultraviolet lamp, the ratio of the irradiance within the wavelength range of greater than 200 nanometers through 260 nanometers to the irradiance within the wavelength range of greater than 260 nanometers through 320 nanometers may not exceed

0.003 at any distance and direction from the product or lamp.

(2) *Timer.* (i) Each sunlamp product shall incorporate a timer with multiple timer settings adequate for the recommended exposure time intervals for different exposure positions and expected results of the products as specified in the label required by paragraph (d) of this section.

(ii) The maximum timer interval may not exceed the manufacturer's recommended maximum exposure time that is indicated on the label required by paragraph (d)(1)(iv) of this section.

(iii) No timer interval may have an error greater than 10 percent of the maximum timer interval of the product.

(iv) The timer may not automatically reset and cause radiation emission to resume when emission from the sunlamp product has been terminated.

(v) The timer requirements do not preclude a product from allowing a user to reset the timer before the end of the preset time interval.

(3) *Control for termination of radiation emission.* Each sunlamp product shall incorporate a control on the product to enable the person being exposed to terminate manually radiation emission from the product at any time without disconnecting the electrical plug or removing the ultraviolet lamp.

(4) *Protective eyewear.*—(i) Each sunlamp product shall be accompanied by the number of sets of protective eyewear that is equal to the maximum number of person that the instructions provided under paragraph (e)(1)(ii) of this section recommend to be exposed simultaneously to radiation from such product.

(ii) The spectral transmittance to the eye of the protective eyewear required by paragraph (c)(4)(i) of this section shall not exceed a value of 0.001 over the wavelength range of greater than 200 nanometers through 320 nanometers and a value of 0.01 over the wavelength range of greater than 320 nanometers through 400 nanometers, and shall be sufficient over the wavelength greater than 400 nanometers to enable the user to see clearly enough to reset the timer.

(5) *Compatibility of lamps.* An ultraviolet lamp may not be capable of insertion and operation in either the "single-contact medium screw" or the "double-contact medium screw" lampholders desribed in American National Standard C81.10–1976, Specifications for Electric Lamp Bases and Holders—Screw-Shell Types.

(d) *Label requirements.* In addition to the labeling requirements in Part 801 of this chapter and the certification and identification requirements of §§ 1010.2 and 1010.3 of this chapter, each sunlamp product and ultraviolet lamp shall be subject to the labeling requirements prescribed in this paragraph and paragraph (e) of this section.

(1) *Labels for sunlamp products.* Each sunlamp product shall have a label(s) which contains:

(i) A warning statement with the words "DANGER—Ultraviolet radiation. Follow instructions. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer. FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult physician before using sunlamp if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from the use of this product."

(ii) Recommended exposure position(s). Any exposure position may be expressed either in terms of a distance specified both in meters and in feet (or in inches) or through the use of markings or other means to indicate clearly the recommended exposure position.

(iii) Directions for achieving the recommended exposure position(s) and a warning that the use of other positions may result in overexposure.

(iv) A recommended exposure schedule including the duration and spacing of sequential exposures and a maximum exposure time in minutes.

(v) A statement of the time it may take before the expected results appear.

(vi) Designation of the ultraviolet lamp type to be used in the product, except that this provision does not apply to a sunlamp product that incorporates lamps uniquely designed for that product and is maintained and serviced only by the manufacturer of the product or by the agent of the manufacturer.

(2) *Labels for ultraviolet lamps.* Each ultraviolet lamp, except that uniquely designed and intended for use only in the sunlamp product of the same manufacturer, shall have a label which contains:

(i) The words "Sunlamp—DANGER—Ultraviolet radiation. Follow instructions."

(ii) The model identification.

(iii) The words "Use ONLY in fixture equipped with a timer."

(3) *Label specifications.* (i) Any label prescribed in this paragraph for sunlamp products shall be permanently affixed or inscribed on an exterior surface of the product when fully assembled for use so as to be legible and readily accessible to view by the person being exposed immediately before the use of the product.

(ii) Any label prescribed in this paragraph for ultraviolet lamps shall be permanently affixed or inscribed on the product so as to be legible and readily accessible to view.

(iii) If the size, configuration, design, or function of the sunlamp product or ultraviolet lamp would preclude compliance with the requirements for any required label or would render the required wording of such label inappropriate or ineffective, or would render the required label unnecesary, the National Center for Devices and Radiological Health, on the Center's own initiative or upon written application by the manufacturer, may aprove alternate means of providing such label(s), alternate wording for such label(s), or deletion, as applicable.

(iv) In lieu of permanently affixing or inscribing tags of labels on the ultraviolet lamp as required by §§ 1010.2(b) and 1010.3(a) of this chapter, the manufacturer of the ultraviolet lamp may permanently affix or inscribe such required tags or labels on the lamp packaging uniquely associated with the lamp, if the name of the manufacturer and month and year of manufacture are permanently affixed or inscribed on the exterior surface of the ultraviolet lamp so as to be legible and readily accessible to view. The name of the manufacturer and month and year of manufacture affixed or inscribed on the exterior surface of the lamp may be expressed in code or symbols, if the manufacturer has previously supplied the National Center for Devices and Radiological Health with the key to such code or symbols and the location of the coded information or symbols on the ultraviolet lamp. The label or tag affixed or inscribed on the lamp packaging may provide either the month and year of manufacture without abbreviation, or information to allow the date to be readily decoded.

(v) A label may contain statements or illustrations in addition to those required by this paragraph if the additional statements are not false or misleading in any particular; e.g., diminishing the impact of the required statements; and are not prohibited by this chapter.

(e) *Instructions to be provided to users.* Each manufacturer of a sunlamp product and ultraviolet lamp shall provide or cause to be provided to purchasers and, upon request, to others at a cost not to exceed the cost of

publication and distribution, instructions for safe use, including the following technical and safety information as applicable:

(1) *Sunlamp products.* The users' instructions for a sunlamp product shall contain:

(i) A reproduction of the label(s) required in paragraph (d)(1) of this section prominently displayed at the beginning of the instructions.

(ii) A statement of the maximum number of people who may be exposed to the product at the same time and a warning that ony that number of protective eyewear has been provided.

(iii) Instructions for the proper operation of the product including the function, use, and setting of the timer and other controls, and the use of protective eyewear.

(iv) Instructions for determining the correct exposure time and schedule for persons according to skin type.

(v) Instructions for obtaining repairs and recommended replacement components and accessories which are compatible with the product, including compatible protective eyewear, ultraviolet lamps, timers, reflectors, and filters, and which will, if installed or used as instructed, result in continued compliance with the standard.

(2) *Ultraviolet lamps.* The users' instructions for an ultraviolet lamp not accompanying a sunlamp product shall contain:

(i) A reproduction of the label(s) required in paragraph (d)(1)(i) and (2) of this section, prominently displayed at the beginning of the instructions.

(ii) A warning that the instructions accompanying the sunlamp product should always be followed to avoid or to minimize potential injury.

(f) *Test for determination of compliance.* Tests on which certification pursuant to § 1010.2 of this chapter is based shall account for all errors and statistical uncertainties in the process and, wherever applicable, for changes in radiation emission or degradation in radiation safety with age of the product. Measurements for certification purposes shall be made under those operational conditions, lamp voltage, current, and position as recommended by the manufacturer. For these measurements, the measuring instrument shall be positioned at the recommended exposure position and so oriented as to result in the maximum detection of the radiation by the instrument.

Interested persons may, on or before July 19, 1983, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 22, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-13449 Filed 5-19-83; 8:45 am]

BILLING CODE 4160-01-M

Federal Register

Friday
May 20, 1983

Part V

Department of Labor

Mine Safety and Health Administration

Safety Standards for Electricity

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 55, 56, and 57

Safety Standards for Electricity

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of availability of preproposal draft.

SUMMARY: The Mine Safety and Health Administration (MSHA) has developed a preproposal draft of revisions to existing electricity standards for the metal and nonmetal mining industry. MSHA seeks comment from all interested parties on the preproposal draft. Copies of the draft may be obtained by contacting the Agency.

DATE: Comments must be received on or before July 19, 1983.

ADDRESS: Send comments to the Office of Standards, Regulations, and Variances, MSHA, Room 631, Ballston Towers #3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235-1910.

SUPPLEMENTARY INFORMATION: On March 25, 1980, MSHA published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** (45 FR 19267) announcing its comprehensive review of existing metal and nonmetal mine safety and health standards in 30 CFR Parts 55, 56, and 57. The Agency is reviewing the standards to eliminate duplicative and unnecessary standards, provide alternative methods of compliance, reduce recordkeeping requirements, and upgrade provisions consistent with advances in mining technology.

MSHA believes this review will result in more effective regulations for assuring the safety and health of miners. The review is consistent with the specific goals of Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act.

On November 20, 1981, MSHA published a subsequent ANPRM in the **Federal Register** (45 FR 57253) listing eight sections the Agency had selected for priority review. Standards related to electrical hazards were included in the priority group.

On March 9, 1982, MSHA published a notice in the **Federal Register** announcing public conferences to discuss issues related to the standards under priority review. The Section .12 conferences were concluded in the Spring of 1982. During the conferences many commenters requested that the Agency make available a preproposal draft of the standards under review before issuing a proposed rule.

MSHA has now completed development of the preproposal draft for Section .12. In addition to revising the substance of the existing standards, the Agency has reorganized Parts 55, 56, and 57 into a single Part 58. This reorganization would eliminate the current repetition of identical standards in the Code of Federal Regulations. The proposed revisions designate each standard as: "General" (G), applies to both surface and underground mines; or "Surface" (S) applies to the surface areas of any mine; or "Underground" (U) applies to underground mines. These designations ensure that the standards will apply only to the appropriate types of operations, thus eliminating unnecessary duplication. In addition, the standards in Section .12 have been reorganized to provide more logical groupings and an index has been developed to enable ready reference among existing standard numbers and their new numerical designations.

The Agency requests comment on the substance of the preproposal standards, as well as on the reorganization of the standards. In addition, the Agency is interested in any economic data or other regulatory impact information commenters may wish to submit. A copy of the preproposal draft notice has been mailed to persons and organizations known to MSHA. A copy of the preproposal draft may be obtained by submitting a request to the address provided above. The draft document contains the Agency's recommended revisions, a comparison with existing provisions, and a summary explanation of the proposed changes.

Dated: May 17, 1983.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 83-13623 Filed 5-19-83; 8:45 am]

BILLING CODE 4510-43-M

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Vol. 48, No. 99

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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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

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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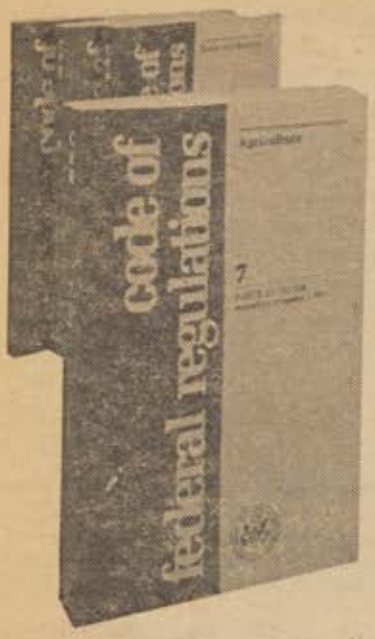

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