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Federal Register

Monday
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Selected Subjects

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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.

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1805, 1809, 1872, 1910, 1943, 1944, 1951, 1955, 1962, and 1965

Forms Reference Changes

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations to change the titles of Forms FmHA 410–4 and 431–3 and change the number and title of Form FmHA 422–8 wherever they are referenced in FmHA regulations and remove a reference to a form letter for authenticating alien registration cards.

The circumstances requiring this action are changes in the titles of forms referenced in FmHA regulations. The intended effect is to avoid confusion regarding titles of FmHA forms when referenced in Agency regulations.

EFFECTIVE DATE: November 21, 1983.

FOR FURTHER INFORMATION CONTACT: Ruth Smith, Loan Specialist, Single Family Housing Processing Division, Farmers Home Administration, USDA, Room 5349 South Building, 14th and Independence Avenue, SW., Washington, DC 20250, telephone (202) 382–1468.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1521–1 which implements Executive Order 12291, and has been determined exempt since it is an Agency management function.

Form FmHA 410–4 was revised on September 28, 1982, to comply with the Equal Credit Opportunity Act of 1975. Form FmHA 431–3 was revised on September 24, 1982, to better reflect eligibility requirements for loan repayment ability, and Form FmHA 422–8 was revised on October 6, 1982, to better describe the factors analyzed in arriving at the final value estimate. The title of Form FmHA 410–4 has been changed from "Application for Rural Housing Loans (Nonfarm Tract)" to "Application for Rural Housing Assistance (Non Farm Tract)." The title of Form FmHA 431–3 has been changed from "Family Budget" to "Household Financial Statement and Budget." The form number and title has been changed from "Form FmHA 422–8, 'Property Information and Appraisal Report, Rural Housing Nonfarm Tract' " to "Form FmHA 1922–8, 'Residential Appraisal Report.'"

A sample letter used by FmHA County Offices for authenticating alien registration cards with the nearest Immigration and Naturalization Service district offices was replaced by INS Form G–641, "Application for Verification of Information from Immigration and Naturalization Service Records." The sample letter has been removed from Exhibit B of Subpart A of Part 1944 but a reference to it in Exhibit B was inadvertently overlooked.

This action does not directly affect any FmHA programs or projects which are subject to A–95 clearinghouse review.

The Catalog of Federal Domestic Assistance programs affected are Nos. 10.410—Low to Moderate Income Housing Loans (Rural Housing Loans—Section 502-Insured), 10.413—Recreation Facility Loans, and 10.417—Very Low-Income Housing Repair Loans and Grants.

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

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 533 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of the change is administrative in nature and publication for comment is unnecessary.

Accordingly, Chapter XVIII, Title 7 of the Code of Federal Regulations is amended as follows:

PART 1805—VOLUNTARY DEBT ADJUSTMENT

§ 1805.4 [Amended]

1. Section 1805.4(a) is amended by changing the title of Form FmHA 431–3, in the third sentence from "Family Budget" to "Household Financial Statement and Budget," and by removing the reference to "FmHA 410–2, Supplement to Application for FmHA Services (For Applicants Who Depend on Off-Farm Income)."

PART 1809—APPRAISALS

Subpart A—Appraisals of Farms and Leasehold Interests

§ 1809.1 [Amended]

2. Section 1809.1(b) is amended by changing the reference from "Form FmHA 422–8, 'Appraisal Report (Non-Farm Tracts and Small Farms)' " in the third sentence to "Form FmHA 1922–8, 'Residential Appraisal Report.' "

PART 1872—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases

§ 1872.3 [Amended]

3. Section 1872.3(h) is amended by changing the title of Form FmHA 431–3 in the first sentence from "Family Budget" to "Household Financial Statement and Budget," and by changing "FmHA 422–8, 'Property Information and Appraisal Report—Rural Housing Nonfarm Tract' " to "FmHA 1922–8, 'Residential Appraisal Report.' "

§ 1872.18 [Amended]

4. Section 1872.18(g)(2)(iii) is amended by changing the title of Form FmHA 431–3 in the table of transfer docket forms from "Family Budget" to "Household Financial Statement and Budget," by changing the title of Form 410–4 from "Application for Rural Housing Loans (Non-Farm Tract)" to "Application for Rural Housing Assistance (Non-Farm Tract)," and by

changing "422–8, Property Information and Appraisal Report—Rural Housing Nonfarm Tract" to "1922–8, Residential Appraisal Report."

PART 1910—GENERAL

Subpart A—Receiving and Processing Applications

§ 1910.3 [Amended]

5. Section 1910.3(b)(1) is amended by changing title of Form FmHA 410–4 in the first sentence from "Application for Rural Housing Loans (Nonfarm Tract)" to "Application for Rural Housing Assistance (Non Farm Tract)."

6. Section 1910.3(b)(1) is amended by changing the title of Form FmHA 431–3 in the first sentence from "Family Budget" to "Household Financial Statement and Budget."

§ 1910.7 [Amended]

7. Section 1910.7(a) is amended by changing the title of Form FmHA 431–3 is the first sentence.

PART 1943—FARM OWNERSHIP, SOIL AND WATER AND RECREATION

Subpart C—Insured Recreation Loan Policies, Procedures and Authorization

§ 1943.132 [Amended]

8. Section 1943.132(a) is amended by changing the title of Form FmHA 431–3 in the table of forms from "Family Budget" to "Household Financial Statement and Budget."

PART 1944—HOUSING

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

§ 1944.30 [Amended]

9. Section 1944.30(a) is amended by changing the number and title of Form 422–8, "Property Information and Appraisal Report, Rural Housing Nonfarm Tract," to "Form FmHA 1922–8, 'Residential Appraisal Report.' "

Exhibit A—[Amended]

10. Exhibit A is amended by changing the title of Form FmHA 410–4 in paragraph I B from "Application for Rural Housing Loans (Nonfarm Tract)" to "Application for Rural Housing Assistance (Non Farm Tract)."

Exhibit B—[Amended]

11. Exhibit B is amended by changing the words "by writing to" "from" in the second sentence of the first paragraph and removing the third sentence of the first paragraph.

Subpart J—Section 504 Rural Housing Loans and Grants

§ 1944.458 [Amended]

12. Section 1944.458(a)(8) is amended by changing the title of Form FmHA 431–3 in the fourth sentence from "Family Budget" to "Household Financial Statement and Budget."

§ 1944.467 [Amended]

13. Section 1944.467(a) is amended by changing the title of Form FmHA 410–4 from "Application for Rural Housing Loans (Non-Farm Tract)" to "Application for Rural Housing Assistance (Non Farm Tract)."

14. Section 1944.467(b)(1) is amended by removing the title of Form FmHA 431–3 in the first sentence.

PART 1951—SERVICING AND COLLECTIONS

Subpart E—Servicing of Community Program Loans and Grants

Exhibit D—[Amended]

15. Exhibit D, "Forms to Be Used in Processing Transfers and Assumptions," is revised to remove reference to "Form 422–8, 'Property Information and Appraisal Report, Rural Housing Nonfarm Tract.' " and add reference to "Form FmHA 1922–8, 'Residential Appraisal Report.' "

Subpart G—Borrower Supervision, Servicing and Collection of Single Family Housing Loan Accounts

§ 1951.312 [Amended]

16. Section 1951.312(d) is amended by changing the title of Form FmHA 431–3 in the first sentence from "Family Budget" to "Household Financial Statement and Budget."

17. Section 1951.312(e)(2) is amended by changing "Family Budget Form 431–3" to "Form FmHA 431–3" in the fourth sentence.

18. Section 1951.312(e)(2)(i) is amended by removing the words "the Family Budget."

§ 1951.313 [Amended]

19. Section 1951.313(b)(1)(i) is amended by changing the reference from § 1944.26(c) of Subpart A of Part 1944" to "Section 1944.26(d) of Subpart A of Part 1944."

§ 1951.314 [Amended]

20. Section 1951.314(b)(5) is amended by changing the reference in the second sentence from "Form FmHA 444–6" to "Form FmHA 1944–6."

PART 1955—PROPERTY MANAGEMENT

Subpart A—Liquidation of Loans and Acquisition of Property

§ 1955.10 [Amended]

21. Section 1955.10(f)(1) is amended by changing the title of Form FmHA 431–3 in the table of forms from "family budget" to "household financial statement and budget," and by changing "422–8, property information and appraisal report—rural housing nonfarm tract" to "1922–8, residential appraisal report."

Subpart C—Disposal of Acquired Property

§ 1955.116 [Amended]

22. Section 1955.116(b)(4)(i) is amended by changing the title of Form FmHA 431–3 in the second sentence from "Family Budget" to "Household Financial Statement and Budget."

PART 1962—PERSONAL PROPERTY

Subpart A—Servicing and Liquidation of Chattel Security

§ 1962.17 [Amended]

23. Section 1962.17(a) is amended by changing the title of Form FmHA 431–3 in the first sentence from "Family Budget" to "Household Financial Statement and Budget."

24. Section 1962.17(c)(3) is amended by changing the reference in the first sentence from "Table H" to "Part I."

PART 1965—REAL PROPERTY

Subpart B—Security Servicing for Multifamily Loans

§ 1965.65 [Amended]

25. Section 1965.65(f)(7) is amended by changing the number and title of Form FmHA 422–8, "Property Information and Appraisal Report, Rural Housing Nonfarm Tract," to "Form FmHA 1922–8, 'Residential Appraisal Report.' "

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70)

Dated: November 26, 1983.

Michael E. Brunner,

Acting Administrator, Farmers Home Administration.

[FR Doc. 83-31276 Filed 11-18-83; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL ELECTION COMMISSION

11 CFR Part 110

[Notice 1983-29]

Honoraria; Modification of the Definition of "Acceptance"

AGENCY: Federal Election Commission.

ACTION: Final rule; technical amendment.

SUMMARY: The Commission is publishing today a technical amendment to its regulations on acceptance of honoraria (11 CFR 110.12) to conform that section to Pub. L. 98-63. The Public Law modified the Federal Election Campaign Act regarding the payment of honoraria to charitable organizations, by eliminating the requirement that the honorarium payor select a charity from a list of five charitable organizations supplied by a federal officeholder or employee. The technical amendment appearing here removes that requirement from the Commission's regulations.

EFFECTIVE DATE: November 21, 1983.

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel, 1325 K Street, N.W., Washington, D.C. 20463. (202) 523-4143 or toll-free (800) 424-9530.

SUPPLEMENTARY INFORMATION: Pub. L. 98-63, 97 Stat. 338, amended the Federal Election Campaign Act of 1971 in part by eliminating the requirement that to avoid acceptance of an honorarium, a federal officeholder or employee who had earned an honorarium must provide a list of five charitable organizations to the honorarium payor, so that person could select one to pay. Under the amendment, the federal officeholder or employee can avoid acceptance of an honorarium by either paying the honorarium to a charity, or by having the honorarium paid to a charity on his or her behalf. The technical amendment published in this notice modifies the Commission's regulations governing the acceptance of honoraria, to bring the regulations into conformance with the Act. The revision follows the language of 2 U.S.C. 44li, as amended.

Because the amendment is merely technical, it is exempt from the notice and comment requirements of the Administrative Procedure Act (see 5 U.S.C. 553(b)(B)) and 2 U.S.C. 438(d) (relating to legislative review of Commission regulations). It is therefore made effective November 21, 1983.

List of Subjects in 11 CFR Part 110

Government employees, Federal officeholders.

PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

11 CFR 110.12(b)(5) is revised to read as follows:

§ 110.12 Honoraria (2 U.S.C. 44li).

* * * * *

(b) * * *

(5) *Accepted.* "Accepted" means that there has been actual or constructive receipt of the honorarium and that the federal officeholder or employee exercises dominion or control over it and determines its subsequent use. However, an honorarium is not deemed accepted for the purposes of 11 CFR 110.12 if the federal officeholder or employee pays the honorarium to a charitable organization, or if the honorarium is paid to a charitable organization on behalf of the federal officeholder or employee. Nothing in this paragraph shall be construed as an interpretation of relevant provisions of the Internal Revenue Code (Title 26, United States Code).

* * * * *

Certification of no Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

I certify that the attached final rule will not have a significant economic impact on a substantial number of small entities. The basis for this certification is that only federal officeholders and employees are affected, and therefore, no small entity is affected under the final rule.

(2 U.S.C. 44li)

Dated: November 16, 1983.

Danny L. McDonald,

Chairman Federal Election Commission.

[FR Doc. 83-31201 Filed 11-18-83; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Parts 7 and 28

[Docket No. 83-51]

National Bank Borrowing Limits

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

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency is adopting final amendments to its regulations and interpretive rulings regarding national bank borrowing limits. These amendments are being published to make the Office's interpretive rulings consistent with the repeal of national bank borrowing limits by Section 402 of the Garn-St Germain Act (Oct. 15, 1982). This Congressional action repealed the 12 U.S.C. 82 provision which provided that no national banking association could be liable in an amount exceeding the amount of its capital stock plus 50 percent of the amount of its unimpaired surplus fund, subject to certain exceptions.

In light of the technical nature of the revisions, the lack of the imposition of any substantive new requirements, and the effective date of the Act, the Office for good cause finds that the procedures prescribed by 5 U.S.C. 553 relating to notice, public hearing and comment, and deferred effective date are unnecessary and would serve no useful purpose.

EFFECTIVE DATE: November 21, 1983.

FOR FURTHER INFORMATION CONTACT: Larry J. Stein, Senior Attorney, Legal Advisory Services Division, (202) 447-1880; or Emily R. McNaughton, National Bank Examiner, Commercial Examinations Division, (202) 447-1165, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Background

The nature of the banking business has changed dramatically over the nearly 120 years that the national bank borrowing limit has been in effect. That restriction has hampered the ability of national banks to compete, on an equal basis, with other providers of financial services. Its repeal should serve to stimulate product innovation and provide national banks with a wider array of funding options.

This deregulatory action also places more responsibility on bank chief executives for sound asset and liability management. As the variety and volume of non-deposit liabilities increase, the job of maintaining stable net interest margins and adequate liquidity will become more difficult and complex. As always, national bank asset and liability management policies and practices will be closely scrutinized by national bank examiners.

As noted in the Senate Banking Committee Report (S. Rept. No. 536, 97th Cong., 2nd Sess. 27 (1982)), this legislation does not affect the authority of this Office under other provisions of the national banking laws. This Office may limit banking transactions, including liability transactions, in general categories or specific instances through these other provisions of law as well as under the safety and soundness

provisions of the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1818).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act are not applicable. The Act does not apply when an agency is not required to issue a notice of proposed rulemaking under 5 U.S.C. 553 or any other statute.

Executive Order 12291

The Office of the Comptroller of the Currency has determined that the regulation does not constitute a "major rule" and therefore does not require a regulatory impact analysis.

List of Subjects

12 CFR Part 7

National banks, Management and ownership rights, Other powers

12 CFR Part 28

Federal branches and agencies of foreign banks.

Accordingly, for the reasons set out in the preamble and under the authority of 12 U.S.C. 1 *et seq.*, the Comptroller of the Currency hereby amends Parts 7 and 28 of Title 12 of the Code of Federal Regulations as follows:

PART 7—[AMENDED]

1. The authority for Part 7 reads as follows:

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

2. Section 7.7000 is revised to read as follows:

§ 7.7000 Guaranty or endorsement of notes or other obligations sold by the bank.

A national bank may lawfully endorse or otherwise guarantee notes or other obligations sold by the bank for its own account. The amount of the obligations covered by such guaranty or endorsement should be reflected as a liability on the records and in the reports of condition of the bank.

3. Section 7.7355 is revised to read as follows:

§ 7.7355 Debts of affiliates.

(a) A national banks's bad debts do not include bad debts due to an affiliate for purposes of 12 U.S.C. 56 except to the extent of each debt of, or other claim against, the affiliate with respect to which the bank is personally liable either as obligor or guarantor.

(b) This section does not apply, however, to debts of operating subsidiaries.

4. Section 7.7519 is revised to read as follows:

§ 7.7519 Loan repurchase agreements.

The sale by a national bank of notes or other paper in its loan portfolio under a repurchase agreement is to be considered a borrowing by the selling bank. The liability of the bank to the purchaser of such paper is equal to the total amount of the obligations covered by the repurchase agreement.

PART 28—[AMENDED]

5. The authority for Part 28 is:

Authority: Sec. 4 and 13(a) of the International Banking Act of 1978 (Pub. L. 95-369, 12 U.S.C. 3101 *et seq.*).

6. Section 28.101 is amended by revising 3. (second paragraph) and 5. to read as follows:

§ 28.101 Policy statement on applicability of national banking laws to foreign banks operating at Federal branches and agencies in the United States.

* * * * *

3. *Rights and privileges.*

* * * * *

The basic corporate and banking powers exercisable by a national bank are stated in a general way in 12 U.S.C. 24. In addition, a national bank is specifically authorized, under prescribed conditions, to hold real estate (12 U.S.C. 29); receive interest on loans and evidences of debt (12 U.S.C. 85 and 86); exercise trust powers (12 U.S.C. 92a); make real estate loans (12 U.S.C. 371); pay interest on time and savings deposits (12 U.S.C. 371b); accept drafts or bills of exchange drawn upon it (12 U.S.C. 372, 373); invest in an Edge Corporation (12 U.S.C. 618); and invest in a bank service corporation (12 U.S.C. 1861-1867).

* * * * *

5. *Limitations based on capital and surplus.* The following statutory limitations and restrictions based upon the capital and surplus of a national bank apply to Federal branches and agencies: Investment securities (12 U.S.C. 24); lending limits (12 U.S.C. 84); real estate loans (12 U.S.C. 371); investment in bank premises (12 U.S.C. 371d); acceptance of drafts and bills of exchange (12 U.S.C. 372 and 373); and investment in an Edge Corporation (12 U.S.C. 618). However, as applied to a Federal branch or agency, the dollar equivalent to the capital and surplus of the parent foreign bank is the reference point for determining compliance with any limitation. Furthermore, if the foreign bank has more than one Federal branch or agency, the business transacted by all such branches and agencies shall be aggregated in determining compliance.

Example: Assume the foreign bank has 100 million dollars in capital stock and surplus and operates at four Federal branches in the United States. The 15 percent lending limit in 12 U.S.C. 84 applies to the four branches in the aggregate. Thus, unless one of the exceptions in 12 U.S.C. 84 is available, no more than 15 million dollars can be lent to a single borrower. If one branch lends 5 million dollars to a borrower, and another branch lends 10 million dollars to the same borrower, the lending limit would have been reached and no more funds could be extended by any of the four branches to the borrower in question.

* * * * *

Dated: October 21, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-31230 Filed 11-18-83; 8:45 am]

BILLING CODE 4810-33-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Federal Credit Union Leasing of Personal Property to Members; Interpretive Ruling and Policy Statement Number 83-3

AGENCY: National Credit Union Administration (NCUA).

ACTION: Interpretive Ruling and Policy Statement 83-3.

SUMMARY: The NCUA Board has determined that when certain requirements are met, leasing of personal property is the functional equivalent of secured lending by Federal credit unions ("FCUs") and, therefore, is a permissible activity.

EFFECTIVE DATE: November 17, 1983. Although this is a final Ruling, comments will be accepted until January 20, 1984. Send comments to Rosemary Brady, Secretary, NCUA Board, 1776 G Street, N.W., Washington, D.C. 20456. The NCUA Board will review all comments and determine whether substantive amendments to this Ruling are appropriate.

FOR FURTHER INFORMATION CONTACT: Robert M. Fenner, Director, or Hattie M. Ulan, Attorney, Department of Legal Services, National Credit Union Administration, at the above address or telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION: The NCUA Board has determined that leasing can be the functional equivalent of lending for FCUs. Prevailing Federal case law holds that national banks may, as a proper exercise of their incidental powers, engage in certain forms of leasing as the functional equivalent of lending. (See, *M & M Leasing Corporation v. Seattle First National Bank*, 563 F.2d 1377 (9th Cir. 1977), *cert. denied*, 436 U.S. 956 (1978).) The NCUA Board has concluded that, by analogy, an FCU may engage in lease financing for personal property to its members as long as the leases are the functional

equivalent of secured loans for personal property. That is, the lessor (FCU) may not assume burdens or subject itself to risks greater than those ordinarily incident to a secured loan. *M & M Leasing* suggests certain criteria for leases so that they are the functional equivalent of secured loans.

In order to be considered permissible leases, Federal credit unions must enter into net, full payout leases. Both the net and full payout requirements were cited by the court in *M & M Leasing* as indicia of a permissible leasing transaction. A net lease places all of the burdens of ownership on the lessee who is responsible for maintenance and repair, purchasing of parts and accessories, renewal of licensing and registration and insurance on the leased property. Lessees are required to maintain insurance on leased property. The full payout requirement means that over the term of the lease the lessor must recoup its entire investment in the leased property plus the cost of the financing. The lessor's return will come from the monthly payments made by the lessee, estimated tax benefits (although these will not be used directly by FCUs, considering their tax-exempt status) and the estimated residual value of the property. The residual value of the property is determined at the outset of the lease. It is the value of the property at lease end that will be relied upon by the FCU to meet the full payout requirement. In *M & M Leasing*, supra, the court states that the residual value of the leased property at the expiration of the lease may contribute only insubstantially to the recovery under the lease. Following the example of the Office of the Comptroller of the Currency, the NCUA Board has determined that FCUs shall place a maximum limit of 25 percent of the original cost of the leased item on residual value estimates to be relied upon to meet the full payout requirement. Higher estimates will be allowed if the residual value is guaranteed by a financially capable party. The guarantor may be the manufacturer, the lessee or a third party who is not an affiliate of the FCU. In all cases, the residual value relied upon must be reasonable in light of the circumstances. This policy is adopted so that FCUs will not place excessive reliance on residual values that may be somewhat speculative and may, therefore, subject FCUs to increased risk.

Federal credit unions may engage in both open-end and closed-end leasing. The responsibility for depreciation costs determines whether the lease is open or closed end. In open-end leasing, the lessee member takes responsibility for any decrease between the relied upon residual value of the property and its actual value at lease end. In closed-end leasing, the FCU takes on this responsibility. The lessee is always responsible for a decrease in value due to excessive wear and tear on the leased property. Closed-end leasing presents greater risk for the FCU whereas open-end leasing places the greater risk on the lessee member. This risk is not substantial, however, due to the 25 percent limit placed on residual values for full payout purposes discussed in the preceding paragraph.

Federal credit unions may engage in both indirect and direct leasing. In indirect leasing, the FCU purchases the lease and the leased property after the lease has been executed between a vendor and an FCU member. In direct leasing, the FCU will become the owner of personal property at the request of the lessee member who wishes to lease it from the FCU. The FCU will purchase the property from a vendor and then lease it to the member.

It is the understanding of the NCUA Board that the common practice of most financial institutions engaging in lease financing is to maintain a contingent liability insurance policy with an endorsement for leasing. This is used to protect the financial institution should it be sued as owner of the leased property. Federal credit unions participating in leasing must maintain a contingent liability insurance policy with an endorsement for leasing to protect themselves from loss.

The FCU should also retain certain salvage powers over the leased property. Thus, if the FCU in good faith believes that there has been an unanticipated change in conditions (e.g., failure of lessee to maintain insurance or to properly license and register leased property, among other things) that threaten its financial position by significantly increasing its exposure to risk, the FCU shall not be subject to the net, full payout requirements discussed above and may: (1) As the owner and lessor under a net, full payout lease, take reasonable and appropriate action to salvage or protect the value of the property or its interests arising under the lease; or (2) as the assignee of a lessor's interest in a lease, become the owner and lessor of the leased property pursuant to its contractual right and/or take any reasonable and appropriate action to salvage or protect the value of the property or its interests arising under the lease.

In *M & M Leasing* the court recognized that national banks were not subject to state usury laws while engaging in leasing. The NCUA Board has determined that the usury ceiling for FCUs does not apply to their leasing function, because while the *functional* equivalency of leasing and lending is recognized, they are not *legal* equivalents. The Office of the Comptroller of the Currency and the Federal Home Loan Bank Board have determined that usury ceilings are inapplicable to their respective regulated financial institutions while engaging in lease financing under the authority granted by *M & M Leasing*, supra. In any event, all financial institutions, including Federal credit unions, are subject to the requirements of the Consumer Leasing Act and Regulation M, which implements that Act, while engaging in consumer lease financing. The Consumer Leasing Act and Regulation M require that certain disclosures be made in all consumer leases so that the consumer lessee will be able to compare various lease terms available.

Interpretive Ruling and Policy Statement 83-3

Federal credit unions may engage in leasing of personal property to their members when certain requirements are met. The leases may be either direct or indirect and either open end or closed end. The leases must be net, full payout leases, with a maximum limit of 25 percent residual value to be relied upon for the full payout requirement. Any reliance beyond the 25 percent is permissible if guaranteed. Federal credit unions shall retain salvage powers over the leased property. Federal credit unions are not subject to the usury ceiling while engaging in lease financing. Federal credit unions engaging in leasing must maintain a contingent liability insurance policy with an endorsement for leasing.

By the National Credit Union Administration Board on November 10, 1983.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 83-31235 Filed 11-18-83; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-30-AD; Amdt. 39-4771]

Airworthiness Directives; Avions Marcel Dassault-Breguet Aviation (AMD-BA) Model Falcon 10 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to AMD-BA model Falcon 10 airplanes which requires modification of the overwing emergency exit lighting. The existing lighting system does not provide adequate illumination to permit safe evacuation of the airplane at night, as required by FAR 25.812(f).

EFFECTIVE DATE: December 23, 1983.

ADDRESSES: The service bulletins specified in this AD may be obtained upon request to AMD-BA representative, c/o F.J.C., Teterboro Airport, New Jersey 07608 or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Subsequent to the issuance of the U.S. type certificate for the Avions Marcel Dassault-Breguet Aviation model Falcon 10 airplane, it was found that the exterior emergency lighting system did not provide the illumination at the overwing emergency exit required by FAR 25.812(f). The manufacturer issued Service Bulletin AMD-BA F10 0222 (F10 33 003) which contains instructions for accomplishing the modification.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of an additional exterior emergency light at the overwing emergency exit on Avions Marcel Dassault-Breguet Aviation model Falcon 10 airplanes was published in the **Federal Register** on May 9, 1983 (48 FR 20727). The comment period closed on June 27, 1983.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received.

Several commenters pointed out that the Falcon 10 airplane had been in operation for almost 10 years before the FAA decided to require the installation of an additional emergency overwing exit light. This non-compliance item was not discovered during certification of the airplane; the FAA discovered the condition when a modification was incorporated on a Falcon 10 airplane in 1980. Also, some commenters stated that the existing emergency exit light was adequate. The FAA disagrees; the existing light does not provide enough illumination for a safe emergency exist from the airplane at night; this was confirmed by another commenter. It was also proposed that the additional emergency exit light be considered a product improvement, not a mandatory requirement. The FAA cannot accept this proposal in view of the mandatory lighting requirement of FAR 25.812(f)(1).

A commenter mentioned that the Falcon 10 has only one overwing emergency exit, on the right hand side of the fuselage, not two exits as written in the proposal; the FAA agrees and the final rule mentions only one exit. This commenter also indicated that the time required for compliance was too short and proposed a longer compliance time. The FAA realizes that it would be advantageous to the Falcon 10 operators to perform the modifications during their major maintenance or inspection and agrees to the longer compliance time. It was also proposed that Supplemental Type Certificate SA4996SW be approved as an alternate means of compliance with the requirements of the proposed AD. The FAA agrees with this request since STC SA4996SW complies with the requirements of FAR 25.812(f).

The manufacturer's U.S. representative informed the FAA that the installation of lights as described in AMD-BA Service Bulletin F10 33 003 was not compatible with the lighting system existing on airplanes completed in the U.S. Later, a solution to this problem was obtained and reported in Falcon Jet Corporation Service Bulletin No. 15 (ATA No. 33-1). The FAA agrees and the final rule reflects this change. The modification described in this service bulletin does not increase the burden to operators as compared to the modification described in AMD-BA Service Bulletin F10 33 003.

It is estimated that 130 U.S. registered airplanes will be affected by this AD, that it will take approximately 45 manhours per airplane to accomplish the required actions, and that the average labor cost will be $35 per manhour. Modification parts are estimated at $100 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators will be $217,750. For these reasons, this rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act will be affected.

Therefore, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously mentioned.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Avions Marcel Dassault-Breguet Aviation: Applies to all Model Falcon 10 airplanes specified in the Planning Information of the service bulletins, certificated in all categories. To assure adquate exterior emergency lighting accomplish the following unless previously accomplished:

A. Within the next 400 hours time in service or 270 days, whichever occurs first, after the effective date of this AD, perform the actions described in the Accomplishment Instructions of one of the following Service Bulletins:

(1) Avions Marcel Dassault-Breguet Aviation AMD-BA F10 0222 (F10 33 003), dated November 12, 1981, for airplanes completed by AMD-BA with option 25-20-02, or

(2) Falcon Jet Corporation No. 15 (ATA No. 33-1), dated August 17, 1983, for airplanes completed in the United States.

B. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note.—Incorporation of the emergency exit lighting features of Supplemental Type Certificate SA4996SW constitutes compliance with this AD.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

This amendment becomes effective December 23, 1983.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 through 1430, and 1502]; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, Jan. 12, 1983); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant

under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on substantial number of small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on November 8, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-31156 Filed 11-18-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-46-AD; Amdt. 39-4770]

Airworthiness Directives; British Aerospace Aircraft Group Model HS 748 Series 2A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to British Aerospace Aircraft Group Model HS 748 Series 2A airplanes which requires repetitive inspections for fatigue cracks and repairs, as necessary, of certain components of the wing structure. Cracks have been found in these components which could lead to structural failure.

EFFECTIVE DATE: December 23, 1983.

ADDRESS: The service bulletin specified in this AD may be obtained upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041 or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority of the United Kingdom (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of reports of cracks on certain components of the wing structure of British Aerospace Aircraft HS 748 series 2A airplanes. The growth of these cracks decreases the wing's residual strength and eventually can lead to structural failure. The CAA has classified British Aerospace HS 748 Service Bulletin 57/34, Revision 3, as mandatory.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspections and repairs, if needed, of certain sections of the wing skin and wing structure was published in the **Federal Register** on June 27, 1983 (48 FR 29538). The comment period closed on August 16, 1983, and interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received.

One airplane will be affected by this AD, it will take approximately 12 manhours to accomplish the required actions, and the average labor cost is estimated to be $35 per manhour. Repair parts are estimated at $250. Based on these figures, the total cost impact of this AD is estimated to be $670. For these reasons, this rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act will be affected.

Therefore, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace Aircraft Group: Applies to Model HS 748 series 2A airplanes, certificated in all categories. To prevent failure of the wing structure, accomplish the following, unless already accomplished:

A. Prior to accumulation of 10,000 landings, or within the next 750 landings after the effective date of this AD, whichever occurs later, visually inspect the wing structure in accordance with paragraph 2.B of the Accomplishment Instructions of British Aerospace HS 748 Aircraft Service Bulletin 57/34, Revision 3, dated March 3, 1983.

B. Repeat the inspections as specified in Table No. 1 of the service bulletin.

C. If any cracks are found, accomplish paragraph 2.D of the service bulletin.

D. For the purpose of this AD, and when approved by an FAA maintenance inspector, the number of landings may be computed by dividing each airplane's time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

E. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

This amendment becomes effective December 23, 1983.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, Jan. 12, 1983); and 14 CFR 11.89).

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington, on November 8, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-31156 Filed 11-18-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-97-AD; Amdt. 39-4773]

Airworthiness Directives; General Dynamics Model 240 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspection, test, and repair, if necessary, of the main entry door latching system on General Dynamics Model 240 series airplanes. The AD is prompted by a report of an in-flight door separation. This condition could result in loss of control of the airplane due to door impact with the empennage or propeller.

DATES: Effective November 28, 1983. Compliance required within the next 30 days or 100 hours time in service after the effective date of this AD, whichever occurs first, unless already accomplished.

ADDRESSES: The applicable service bulletins and technical manuals may be obtained from General Dynamics, P.O. Box 80877, San Diego, California 92138.

ATTN: Larry Hayes, Manager, Product Support, Convair Division, or may be examined at the address shown below.

A copy of each applicable service bulletin and technical manual is contained in the Rules Docket at FAA, Office of Regional Counsel, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Daley, Airframe Section, ANM–172W, Western Aircraft Certification Office, FAA, Northwest Mountain Region, 15000 Aviation Boulevard, Hawthorne, California.

Mailing Address: Federal Aviation Administration, Western Aircraft Certification Office, ANM–172W, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, telephone (213) 536–6374.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration has received a report of an incident wherein a main entry door on a General Dynamics, Convair Model 240 airplane departed the aircraft in flight and struck the horizontal stabilizer, causing moderate damage. As a result of inspections of the airplane involved and other airplanes of the same type design, numerous discrepancies have been revealed which could contribute to this problem. Many of these discrepancies involve inadequate maintenance or inspection requirements and, in some cases, modification. Convair reciprocating engine aircraft in service today are around 30 years old. The majority are now used in general aviation operations with much lower utilization and maintained in accordance with general aviation regulations. This AD establishes a visual inspection and functional test of the door latching system to be accomplished within 100 hours and annually thereafter. The specific discrepancies involved in this incident are stuck or jammed plungers in the door open primary warning system, broken or weak pin springs which control plunger motion, corrosion and coagulated grease combined with sand or dirt in the door operating mechanism, maladjusted operating linkages, and removal of the secondary door lock warning system. Since this condition is likely to exist on other airplanes on the same type design, an airworthiness directive is being issued which requires inspection, test, and repair if necessary, of the main entry door latching system on General Dynamics Convair Model 240 Series airplanes.

Since a situation exists that requires the immediate adoption of this Regulation, it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

General Dynamics (Convair): Applies to Model 240 series and all military models eligible or to be made eligible for civil use under Type Certificate A–793 and all such model airplanes converted to turbo propeller power, certificated in all categories, equipped with a forward right hand cabin "Main Entrance Door and Stairs—Mechanism Installation," P/N 240–3110695, regardless of whether or not the stairs have been replaced with a crew ladder.

Compliance is required as indicated unless already accomplished. To prevent separation of the main entrance door in flight due to a malfunction of the door latching systems, accomplish the following:

A. Within the next 30 days or 100 hours time in service, whichever occurs first after the effective date of this AD, perform a visual inspection and functional test of the forward right hand cabin main entrance door primary and secondary latch mechanisms, linkages, switch plungers, and switches to insure that these elements function properly. Accomplish this using paragraphs (1) and (2), below, and the instructions as specified in paragraph 2, "Accomplished Instructions," of General Dynamics, Convair Division Service Bulletin 600 (240D) No. 53–6 dated May 25, 1983, or equivalent means approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region.

(1) In the primary latching mechanism, the main entrance door latch link attaching arms must be thrown up, inboard, then down and over-center on both forward and aft door hooks. Each hook will move a plunger and lever to actuate separate warning switches to indicate that the primary latching mechanism is in the closed position.

(2) In the secondary latching mechanism a forward moving linkage rod will guide separate pins through each door hook in the closed position, then up against stops in the aft and forward latch housings. This action simultaneously activates a door open warning switch to indicate that the secondary latching mechanism is in the closed position, and that the main entrance door is now securely closed and locked.

Note 1.—Failure of the primary latching mechanism to operate as designed may be caused by numerous conditions. One condition defeating the warning light exists when the main entrance door lock indicating pin or plunger is restricted in the depressed position. This may be due to rust, corrosion, a weak or broken pin spring, grease that has aged and hardened, or an accumulation of dirt and sand in the latch housing. Refer to appropriate Convair-Liner maintenance manual for other conditions.

Note 2.—Failure of the seondary latching mechanism to operate as designed may also be caused by numerous conditions. One condition exists when a linkage rod fails to move the pins completely through tthe door hooks due to a bent rod, loose adjustment nuts or actuating linkage out of adjustment. Refer to appropriate Convair-Liner maintenance manual for other conditions.

B. Defective units of the primary and secondary main entrance door latch locking mechanism discovered during accomplishment of paragraph A, above, must be repaired or replaced prior to further flight.

C. Repeat the inspections and tests specified in paragraph A of this AD at intervals not to exceed twelve calendar months since the last such inspection.

D. Prior to issuance of a Certificate of Airworthiness for military aircraft being converted for civil certification, the airplane must be inspected and tested in accordance with paragraph A of this AD.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes unpressurized to a base in order to comply with the inspections and tests required by paragraph A of this AD.

F. Alternative means of compliance providing an equivalent level of safety may be used when approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region, Hawthorne, California.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to General Dynamics, P.O. Box 80877, San Diego, California 92138, ATTN: Mr. Larry Hayes, Manager, Product Support, Convair Division. These documents also maybe examined at Regional Rules Docket, Office of Regional Counsel, FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Western Aircraft Certification Office, FAA, Northwest Mountain Region, 15000 Aviation Blvd., Hawthorne, California.

This Amendment becomes effective November 28, 1983.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It is impracticable for the agency to follow procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It is certified that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in

the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington, on November 8, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-31180 Filed 11-18-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-98-AD; Amdt. 39-4772]

Airworthiness Directives; General Dynamics, Convair 240-27 Converted From T-29B and Convair 240-52 Converted From T-29D Aircraft for Civil Passenger or Cargo Use by Hamilton Aviation Company STC SA4025WE or SA4026WE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires wiring changes in the door open warning light circuit on the General Dynamics (Convair) 240-27 (T-29B) and 240-52 (T-29D) aircraft modified by Hamilton Aviation Company STC SA4025WE or SA4026WE. The AD is prompted by a report of the main entrance door opening in flight and separating from the aircraft. A review has indicated that changes have been made to the wiring which reduces the protection provided by the warning light. This condition could result in damage to the propeller, wing, or empennage and loss of airplane control.

DATES: Effective November 28, 1983. Compliance required within the next 30 days or 100 hours time in service after the effective date of this AD, whichever occurs first, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Hamilton Aviation Company, Attn: Gordon Hamilton, P.O. Box 11746, Tucson, Arizona 85734; and General Dynamics, Convair Division, P.O. Box 80877, San Diego, California 92138, Attn: L. Hayes, Product Support.

A copy of these documents is contained in the Rules Docket at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington. A copy is available for viewing by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

FOR FURTHER INFORMATION CONTACT: Mr. Paul Wells, Aerospace Engineer, ANM-173W, FAA, Northwest Mountain Region, Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California, telephone (213) 536-6364.

SUPPLEMENTARY INFORMATION: There has been a report of undetected failure of the door open warning system which became known after a main entrance door opened in flight and separated from the aircraft. The door was reported to have struck the horizontal stabilizer and a communication antenna. The aircraft landed without further damage. The original Convair 240 type certification design data and Military T-29B and T-29D design specifications include a door open warning circuit with a warning light in series with door open warning switches on the aft cargo door, forward main entrance door, and lower forward compartment door. The main entrance door latches operate two plungers which close two switches (one per plunger), and a third switch which is operated by a secondary lock pin. All three main entrance door open warning switches are wired in series and in series with the aft cargo and lower forward compartment door open warning switches. The original circuit on the T-29B, T-29D, and CV 240 aircraft applies 28 volts DC through each door open warning switch in series to energize the door open warning relay which extinguishes the warning light when the doors are closed and locked properly. Hamilton Aviation Company's STCs No. SA4025WE and SA4026WE require removal of the secondary lock warning switch from the main entry door and applying ground through the switches in series to the door open warning relay rather than 28 volts DC. The 28 volts for system power comes to the door open warning relay on aircraft with STCs No. SA4025WE and SA4026WE installed from the door open warning circuit breaker. This Hamilton Aircraft Company circuitry is not considered satisfactory and does not meet the intent of CAR 4b.606(b) or 4b.356(a), since a grounded wire at any door open warning switch will cause the loss of door open warning for all door switches from the aft cargo door to the grounded wire. Also, removal of the secondary lock warning switch from the main entry door causes the loss of positive indication that the door is locked in place. It is not possible to determine which specific aircraft have been modified in accordance with STCs SA4025WE and SA4026WE.

Since this condition is likely to exist on other airplanes of the same modified type design, an airworthiness directive is being issued which requires rewiring of the entrance door warning system on General Dynamics (Convair) 240-27 (T-29B) and 240-52 (T-29D) aircraft which have STC SA4025WE or SA4026WE incorporated.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

General Dynamics (Convair): Applies to General Dynamics (Convair) Models 240-27 converted from T-29B and 240-52 converted from T29D Aircraft for civil passenger or cargo use by Hamilton Aviation Company STC SA4025WE or SA4026WE, certificated in all categories.

Compliance is required within 30 days or 100 hours time in service, whichever occurs first, after the effective date of this AD, unless already accomplished.

To prevent undetected failure of the door open warning system, accomplish the following:

A. Install the secondary lock warning switch on the main entrance door and connect it in series with the other two main entrance door open warning switches in accordance with Hamilton Aviation Company Drawing 3623015, Revision D, or Convair Drawing No. 240-0067361, Change G of Sheet 2, dated September 18, 1983.

B. Reconfigure the 28 volts DC and ground circuits associated with the aft cargo door open warning switch, the door open warning relay, the lower forward compartment door open warning switch, and the main entry door warning switches in accordance with Hamilton Aviation Company Drawing No. 3623015, Revision D, or Convair Drawing No. 240-0067361, Change G of Sheet 2, dated September 18, 1983.

C. Perform a functional check of door open warning system as follows:

1. Inspect and check main entrance door (MED) primary lock door open warning switch.

2. Inspect and check MED secondary lock door open warning switch.

3. Check all door open warning light circuitry for proper operation.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

E. Alternative inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved

by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region, Hawthorne, California.

All persons affected by this directive who have not already received these documents may obtain copies upon request to General Dynamics, Convair Division, P.O. Box 80877, San Diego, California 92138, Attn: Larry Hayes, Manager, Product Support; and Hamilton Aviation Company, Attn: Gordon Hamilton, P.O. Box 11746, Tucson, Arizona 95734. These documents also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington. This amendment becomes effective November 28, 1983.

(Secs., 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It is certified that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington, on November 8, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-31159 Filed 11-18-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-62-AD; Amdt. 39-4725]

Piper Models PA-60-600 (Aerostar 600), PA-60-601 (Aerostar 601), PA-60-601P (Aerostar 601P) and PA-60-602P (Aerostar 602P) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects Airworthiness Directive (AD) 83-14-07, Amendment 39-4725, applicable to Piper Models PA-60-600 (Aerostar 600), PA-60-601 (Aerostar 601), PA-60-601P (Aerostar 601P) and PA-60-602P (Aerostar 602P) airplanes. The correction is necessary because this revision inadvertently omitted instructions for removing existing paragraph (c) when adding a new paragraph (c) when the amendment was published in the **Federal Register.**

EFFECTIVE DATE: November 21, 1983.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, ACE-120A, Atlanta Aircraft Certification Office, 1075 Inner Loop Road, College Park, Georgia 30337, Telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: Subsequent to the revision of AD 83-14-07 by Amendment 39-4725 (48 FR 43170), applicable to Piper Model PA-60-600 (Aerostar 600), PA-60-601 (Aerostar 601), PA-60-601P (Aerostar 601P) and PA-60-602P (Aerostar 602P) airplanes, it was discovered that existing paragraph (c) was inadvertently not deleted when new paragraph (c) was added to the AD and published in the **Federal Register.**

Therefore, action is taken herein to make this correction. Since this action is clarifying in nature, notice and public procedure thereon are not considered necessary.

List of Subjects in 14 CFR 39

Aviation safety, Aircraft.

In FR Doc. 83-25852 (48 FR 43170), appearing on page 43170 in the **Federal Register** of September 22, 1983, correct paragraph 2 to read as follows:

"2. Delete existing paragraph (c) and add a new paragraph (c) which reads as follows:

(c) Install Piper Kit 764 969V. This kit includes FAA approved AFM/POH Supplement for applicable airplane models."

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)

Issued in Kansas City, Missouri, on November 9, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-31163 Filed 11-18-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-62-AD; Amdt. 39-4759]

Piper Models PA-60-600 (Aerostar 600), PA-60-601 (Aerostar 601), PA-60-601P (Aerostar 601P) and PA-60-602P (Aerostar 602P) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 83-14-07, Amendment 39-4686, as amended by Amendments 39-4720 and 39-4725, applicable to Piper Models PA-60-600 (Aerostar 600), PA-60-601 (Aerostar 601), PA-60-601P (Aerostar 601P) and PA-60-602P (Aerostar 602P) airplanes by allowing normal use of wing flaps when certain Supplemental Type Certificates (STCs) are installed. Additional data is now available to the FAA which shows that when STCs SA980NM or SA2143NM are installed, the airplane is controllable during power on stalls with wing flaps extended at the original aft CG limits. This revision makes available additional alternate means of compliance with the AD for those operators who do not desire to comply with the restriction required in the original AD.

EFFECTIVE DATE: November 25, 1983. Compliance within the next 25 hours time-in-service after the effective date of this AD, unless already accomplished.

ADDRESS: Information pertaining to this AD is contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, ACE-120A, Atlanta Aircraft Certification Office, 1075 Inner Loop Road, College Park, Georgia 30337, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: AD 83-14-07, Amendment 39-4686 (48 FR 32553, 32554) applicable to Piper Models PA-60-600 (Aerostar 600), PA-60-601 (Aerostar 601), PA-60-601P (Aerostar 601P) and PA-60-602P (Aerostar 602P) airplanes prohibited use of wings flaps for all operations and limited the aft CG to 166.0 inches. Subsequent to the issuance of this AD, additional data became available to the FAA which showed that when an aft CG limit of 163.0 is used, the airplane is controllable during power on stalls with wing flaps extended. Therefore, the FAA revised AD 83-14-07 by Amendment 39-4720 (48 FR 39451, 39452) by adding an alternate means of compliance which limited the aft CG to 163.0 inches and did not prohibit use of flaps. Subsequent to the revision by Amendment 39-4720, additional data became available to the FAA which showed that when Piper Kit No. 764 969V was installed, the airplane is controllable during power on stalls with wing flaps extended for an aft CG limit of 166.0. Therefore, the FAA revised AD 83-14-07 by Amendment 39-4725 (48 FR 43170) by adding another alternate means of compliance which requires installation of the Piper

modification and does not prohibit use of flaps. Subsequent to the revision by Amendment 39–4725, still more data became available to the FAA which showed that when either STC SA2143NM (Machen, Inc., Stall Improvement Kit) alone or in combination with STC SA1658NM (Machen, Inc., Superstar I) is installed or STC SA980NM (Machen, Inc., Superstar II) is installed, the airplane is controllable during power on stalls with wing flaps extended and at the original aft CG limits. Therefore, the FAA is again revising AD 83–14–07 by adding these additional alternate means of compliance. This amendment provides additional options having an equivalent level of safety which may be used at the operator's discretion and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary and not in the public interest and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, AD 83–14–07, Amendment 39–4686 (48 FR 32553, 32554), 39–4720 (48 FR 39451, 39452), 39–4725 (48 FR 43170) and Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is revised as follows:

(1) Redesignate existing paragraph "(e)" as "(g)".

(2) Add the word "or" following the Note in paragraph (c).

(3) Add new paragraphs (d) and (e) which read as follows:

"(d) Modify the airplane in accordance with Supplemental Type Certificate (STC) SA980NM (Machen, Inc., Superstar II); or

(e) Modify the airplane in accordance with STC SA2143NM (Machen, Inc., Stall Improvement Kit) alone or in combination with STC SA1658NM (Machen, Inc., Superstar I)."

(4) Redesignate existing paragraph "(d)" as "(f)" and have it read as follows:

"(f) Paragraph (a) of the AD may be accomplished by the holder of a pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by him. The person accomplishing the AD must make the appropriate aircraft maintenance record entry as prescribed by FAR 91.173."

The amendment becomes effective on November 25, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)

Note.—As discussed earlier in the preamble, the FAA has determined that this document involves an amendment which provides optional alternate means of compliance without any reduction in the level of safety in the operation of these airplanes and does not impose any additional burden on any person. Therefore: (1) It is not a major rule under Executive Order 12291, and (2) it is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on November 9, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-31102 Filed 11-18-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASO-33]

Alteration of Transition Area, Tallahassee, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment increases the size of the Tallahassee, Florida, transition area to accommodate Instrument Flight Rule (IFR) operations at Quincy Municipal Airport. This action lowers the base of controlled airspace from 1200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure, predicated on the Tallahassee VORTAC facility, has been developed to serve the airport and the additional controlled airspace is required for the protection of IFR aeronautical activities.

EFFECTIVE DATE: 0901 G.m.t., January 19, 1984.

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

SUPPLEMENTARY INFORMATION:

History

On Tuesday, September 6, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by increasing the size of the Tallahassee, Florida, transition area to accommodate IFR operations at Quincy Municipal Airport (48 FR 40270). An instrument approach procedure has been developed to serve the Quincy Municipal Airport and the airport operating status is changed from VFR to IFR. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. All comments received in response to the circularization were favorable. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Tallahassee, Florida, transition area by lowering the base of controlled airspace in the vicinity of Quincy Muncipal Airport from 1200 to 700 feet above the surface.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Tallahassee, Florida, transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t. January 19, 1984, as follows:

Tallahassee, FL—[Revised]

The airspace extending upward from 700 feet above the surface within a 10-mile radius of Tallahassee Municipal Airport (lat. 30°23'45"N., long. 84°21'02"W.); within three miles each side of the ILS localizer south course, extending from the 10-mile radius area to 9 miles south of the OM; within a 6.5-mile radius of Tallahassee Commercial Airport (lat. 30°33'02"N., long. 84°22'31"W.); within a 6.5-mile radius of Quincy Municipal Airport (lat. 30°35'45"N., long. 84°33'30"W.).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is

so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on November 7, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-31161 Filed 11-18-83; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 3

Amendment to Commission Rules of Practice

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This amends the Commission's Rules of Practice to provide that initial decisions by administrative law judges are not to be considered final agency action and that failure to raise an objection to an initial decision or portion thereof in an appeal to the Commission shall be deemed to constitute waiver of such objection.

DATE: Effective November 10, 1983.

FOR FURTHER INFORMATION CONTACT: Clarence R. Laing, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3722.

SUPPLEMENTARY INFORMATION: In conformity with Section 10(c) of the Administrative Procedure Act, 5 U.S.C. 104, § 3.51 of the Commission's Rules of Practice, 16 CFR 3.51, is being amended to make explicit that any objection to a ruling by an administrative law judge must be made part of an appeal to the Commission to give the Commission the opportunity to review the ruling before the complaining party can seek review in a court of appeals. The Commission believes this result is already required by its rules and applicable law but is making this change to eliminate any possible ambiguity.

PART 3—[AMENDED]

Section 3.51 is amended by revising paragraph (a), redesignating paragraphs (b) through (c) as (c) through (e), respectively, and by adding a new paragraph (b) to read as follows:

§ 3.51 Initial decision.

(a) *When filed and when effective.* The Administrative Law Judge shall file an initial decision within ninety (90) days after completion of the reception of evidence, or within thirty (30) days after a default or the granting of a motion for summary decision or waiver by the parties of the filing of proposed findings of fact, conclusions of law and order, or within such further time as the Commission may by order allow upon written request from the Administrative Law Judge. The initial decision shall become the decision of the Commission thirty (30) days after service thereof upon the parties or thirty (30) days after the filing of a timely notice of appeal, whichever shall be later, unless a party filing such a notice shall have perfected an appeal by the timely filing of an appeal brief or the Commission shall have issued an order placing the case on its own docket for review or staying the effective date of the decision.

(b) *Exhaustion of administrative remedies.* An initial decision shall not be considered final agency action subject to judicial review under 5 U.S.C. 704. Any objection to a ruling by the Administrative Law Judge, or to a finding, conclusion or a provision of the order in the initial decision, which is not made a part of an appeal to the Commission shall be deemed to have been waived.

* * * * *

List of Subjects in 16 CFR Part 1

Administrative practice and procedure.

By direction of the Commission, dated November 10, 1983.

Emily H. Rock,

Secretary.

[FR Doc. 83-31094 Filed 11-18-83; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-20368]

Delegation of Authority to Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission is amending its rules governing delegation of authority with respect to the Securities Exchange Act of 1934 ("Act") to delegate authority to the Director of the Division of Market Regulation to grant exemptions from the rule governing the designation of over-the-counter securities as National Market System Securities.

EFFECTIVE DATE: November 14, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. D. Colby, (202) 272-2413, Division of Market Regulation, Securities and Exchange Commission, Room 5205, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is amending its rules governing delegation of authority to delegate to the Director of the Division of Market Regulation and other senior staff the authority to grant or deny exemptions from Rule 11Aa2-1, governing the designation of over-the-counter securities as National Market System Securities. The Commission finds, in accordance with the Administrative Procedure Act ("APA") (5 U.S.C. 533(b)(3)(B)) that this amendment relates solely to agency organization, procedures, or practice and that notice and procedures pursuant to the APA are therefore not necessary and that such amendment shall be adopted, effective immediately.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegation (Government agencies), Freedom of information, Privacy, Securities.

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Accordingly, 17 CFR Chapter II is amended by adding a new paragraph (a)(42) to § 200.30-3 to read as follows:

§ 200.30-3 Delegation of Authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(42) To grant or deny exemptions from Rule 11Aa2-1 (§ 240.11Aa2-1 of this chapter), pursuant to Rule 11Aa2-1(f) (§ 240.11Aa2-1(f) of this chapter).

(Pub. L. 87-592, 76 Stat. 394, 15 U.S.C. 78d-1, 78d-2)

By the Commission.

George A. Fitzsimmons,

Secretary.

November 14, 1983.

[FR Doc. 83-31134 Filed 11-18-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-161; Ref: Notice No. 432]

Establishment of Sonoma County Green Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Sonoma County, California, to be known as "Green Valley" qualified by the words "Sonoma County." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of Sonoma County Green Valley as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate where their wines come from and will enable consumers to better identify the wines from this area.

EFFECTIVE DATE: December 21, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, (202-566-7531).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Ms. Audrey M. Sterling, one of the partners of the Iron Horse Ranch and Vineyard, petitioned ATF to establish a viticultural area in Sonoma County, California, to be known as "Green Valley." The area lies west of the Santa Rosa plain and is located within Analy township. The area consists of about 32,000 acres of which approximately 800 acres are devoted to grapes. In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 432, in the **Federal Register** on November 15, 1982 (47 FR 51425), proposing the establishment of the Sonoma County Green Valley viticultural area.

Comments

Ten comments were received during the comment period. Eight were from wine industry members in the area. The remaining two comments were from residents in the area. All ten commenters objected to the establishment of the Sonoma County Green Valley viticultural area as it was proposed in Notice No. 432. Nine of the commenters stated that the area east of State Highway 116 (the Trenton, Vine Hill area) should not be included in the proposed viticultural area because the climate is warmer, thereby creating significantly different grape-growing conditions. Three of the commenters stated that the area is not locally known as Green Valley and that a "Green Valley" designation would have no significance. Two of the commenters stated that the proposed viticultural area might possibly need to be expanded to the area south of State Highway 12 since this area is similar to the proposed area. And finally, eight out of the ten commenters stated that a public hearing should be held to allow persons in the area the opportunity to provide information which might prove beneficial in determining the most accurate boundaries for the Sonoma County Green Valley viticultural area.

In regard to the area east of State Highway 116, ATF has determined that this area is significantly different from the rest of the area and therefore should be excluded from the Sonoma County Green Valley viticultural area. Consequently, the boundaries have been changed to exclude this area from the Sonoma County Green Valley viticultural area.

In regard to whether the area is locally known as Green Valley, ATF feels that the petitioner provided ample evidence to support her contention that the area has historically been known as Green Valley. Also, one of the U.S.G.S. 7.5 minute series maps of the area entitled "Camp Meeker Quadrangle" (1954, photorevised 1971) shows that the name "Green Valley" is frequently used throughout the area.

In response to the request by two of the commenters to consider extending the southern boundary of the viticultural area to include some of the area south of State Highway 12, ATF has been waiting for the results of microclimate studies being conducted in this area by the Cooperative Extension of the University of California, Sonoma County. These studies have recently been completed according to Mr. Robert L. Sisson, County Director/Farm Advisor, Sonoma County. Mr. Sisson stated that his studies included three locations which were slightly south of Bodega Highway and about three to four miles west of Sebastopol. All three locations were found to have accumulated degree-day totals that would identify them as Region I locations according to the definitions and procedures used by Winkler and Amerine. In addition, Mr. Sisson stated that all three locations were found to be adequately "coastal cool" in nature and very similar to the kind of climate which is found in the area between Sebastopol, Forestville, and Occidental. As a result of this new information, ATF has decided to extend the southern boundary of the Sonoma County Green Valley viticultural area to include some of the area south of State Highway 12 (Bodega Highway).

And finally, in regard to the eight commenters who requested public hearings in order to enable more accurate boundaries to be determined, ATF feels that almost all of the objections to the boundaries have been overcome. The petitioner has been in contact with most of the commenters who objected to the boundaries of the area. After considering their complaints, the petitioner submitted an amended boundary which excluded all the land east of State Highway 116. In addition, this amended boundary added some land in both the northern and southern portions of the proposed area. These changes made by the petitioner should resolve all of the complaints submitted by members of the local wine industry concerning the boundaries of this area.

Evidence Relating to the Name

The petitioner initially requested that the name "Green Valley" be used to designate this proposed viticultural area in Sonoma County, California. The petitioner provided information showing that Green Valley is on a creek of the same name which flows north into the Russian River and lies west of the Santa Rosa plain. Various 19th and early 20th Century atlases and histories of Sonoma County document that fruit has been grown in Green Valley since the area was settled during the latter half of the 19th Century. In the 1911 *History of Sonoma County*, the author notes the existence of wineries in Green Valley at Forestville, Graton, and Sebastopol.

The use of the name "Green Valley," however, would be misleading in this

case if used without a qualifying term because there is already an approved viticultural area in Solano County named Green Valley. The Green Valley viticultural area in Solano County was approved with the condition that the words "Solano County" appear in direct conjunction with the "Green Valley" name on the wine label. Consequently, AFT feels that a viticultural area in Sonoma County named "Green Valley" should also have the qualification that the words "Sonoma County" must appear in direct conjunction with the "Green Valley" name on the wine label. Labeling the wines in this way will help distinguish between the two Green Valleys and will help avoid consumer confusion. To allow for flexibility in label design, the words "Sonoma County" can be reduced in type size to the minimum allowed in 27 CFR 4.38(b).

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), the viticultural area should possess geographical features which distinguish the viticultural features of the area from surrounding areas.

The petition and attached documents contain substantial information which show that the Sonoma County Green Valley viticultural area, as delineated in this final rule, is distinguished from surrounding areas by its cool climate, predominant soil type, and unique geographical characteristics. These distinguishing characteristics are as follows:

(a) The climate of this area, especially the northern end of it, is far different from that of the coast. The range of mountains lying along its western border helps to moderate the fury of any ocean blast which sweeps up from the sea.

(b) In general, the Green Valley area has been established as a Region I growing area as classified by the University of California at Davis system of heat summation by degree-days. Green Valley lies within the "coastal cool" area climate in contrast to the Alexander Valley area to the north which lies within the "coastal warm" area climate.

(c) The climate and soil throughout the area are conducive to growing cool weather varietals such as Pinot Noir and Chardonnay. The longer growing season resulting from the cool nights and early morning fog permits picking mature fruit at lower sugar levels and the maintenance of higher acid levels. On the slopes of the hills in Green Valley that provide enough sunlight, there can also be grown fully ripe Cabernet Sauvignon and Zinfandel. These varieties are typically harvested substantially later in Green Valley than in the warmer areas of Sonoma County.

(d) The distinctive soil of the Green Valley area is mostly Goldridge fine sandy loam. The predominately Goldridge soil and the generally hilly terrain provides good drainage.

(e) The water from Green Valley Creek and other neighboring creeks in the Green Valley area provides the source for frost protection which is usually essential for successful viticultural activities in a Region I zone.

After evaluating the petition for the Sonoma County Green Valley viticultural area and after evaluating the comments received in response to the notice of proposed rulemaking concerning this petition, ATF has determined that the Sonoma County Green Valley viticultural area, as delineated in this final rule, is distinguishable from the surrounding areas.

Boundaries

The boundaries proposed by ATF in the notice of proposed rulemaking have been amended in this final rule due to the comments received from wine industry members in the area. The size of the area has been reduced from about 36,467 acres to approximately 32,000 acres. An exact description of the boundaries is discussed in the regulations portion of this document. ATF believes that these boundaries delineate an area with distinguishable geographic and climatic features.

Miscellaneous

ATF does not wish to give the impression by approving the Sonoma County Green Valley viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct from surrounding areas, not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Sonoma County Green Valley wines.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have a 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.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because the final rule will not have significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Disclosure

A copy of the petition and comments, along with the appropriate maps with the boundaries marked, are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW, Washington, D.C.

Drafting Information

The principal author of this document is Robert L. White, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.57 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.57 Sonoma County Green Valley.

* * * * *

Par. 2. Subpart C is amended by adding § 9.57 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.57 Sonoma County Green Valley.

(a) *Name.* The name of the viticultural area described in this section is "Green Valley" qualified by the words "Sonoma County" in direct conjunction with the name "Green Valley." On a label the words "Sonoma County" may be reduced in type size to the minimum allowed in 27 CFR 4.38(b).

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Green Valley viticultural area are three U.S.G.S. maps. They are titled:

(1) "Sebastopol Quadrangle, California—Sonoma Co.", 7.5 minute series (1954, photorevised 1980);

(2) "Camp Meeker Quadrangle, California—Sonoma Co.", 7.5 minute series (1954, photorevised 1971); and

(3) "Guerneville Quadrangle, California—Sonoma Co.", 7.5 minute series (1955).

(c) *Boundaries.* The Green Valley viticultural area is located in Sonoma County, California. The beginning point is located in the northeastern portion of the "Camp Meeker Quadrangle" map where the line separating Section 31 from section 32, in Township 8 North (T.8N.), Range 9 West (R.9W.) intersects River Road.

(1) From the beginning point, the boundary runs south along the line separating Section 31 from Section 32, continuing south along Covey Road (shown on the map as an unnamed, light-duty road) to the town of Forestville where Covey Road intersects with State Highway 116 (Gravenstein Highway).

(2) Thence east along State Highway 116 until it turns in a southeasterly direction and then proceeding along State Highway 116 in a southeasterly direction until the point at which State Highway 116 intersects State Highway 12 in the town of Sebastopol (located on the "Sebastopol Quadrangle" map);

(3) Thence in a southwesterly direction on State Highway 12 through the town of Sebastopol;

(4) Thence in a westerly direction on State Highway 12, which becomes Bodega Road, until Bodega Road intersects with Pleasant Hill Road;

(5) Thence in a southerly direction on Pleasant Hill Road until it intersects with Water Trough Road;

(6) Thence westerly and then northwesterly on Water Trough Road until it intersects with Gold Ridge Road;

(7) Thence in a southwesterly, northwesterly, and then a northeasterly direction along Gold Ridge Road until it intersects with Bodega Road;

(8) Thence in a southwesterly direction along Bodega Road until Bodega Road intersects with Jonive Road in Township 6 North (T.6N.), Range 9 West (R.9W.) located in the southeast portion of U.S.G.S. map "Camp Meeker Quadrangle";

(9) Thence proceeding in a northwesterly direction on Jonive Road until it intersects Occidental Road;

(10) Thence proceeding on Occidental Road in a northwesterly direction until Occidental Road intersects the west border of Section 35;

(11) Thence proceeding due north along the west borders of Sections 35, 26, 23, and 14 to the northwest corner of Section 14;

(12) Thence in an easterly direction along the north border of Section 14 to the northeast corner of Section 14;

(13) Thence north along the west borders of Sections 12, 1, and 36 to the northwest corner of Section 36 located in the extreme southern portion of the "Guerneville Quadrangle" map;

(14) Thence in an easterly direction along the north border of Section 36 until it intersects with River Road;

(15) Thence in a southeasterly direction along River Road to the point of beginning located on the "Camp Meeker Quadrangle" map.

Signed: October 17, 1983.

Stephen F. Higgins,

Director.

Approved: November 9, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-31281 Filed 11-18-83; 8:45 am]

BILLING CODE 4810-31-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Handling of Employment Discrimination Charges

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations designating certain State and local fair employment practices agencies (706 Agencies) so that they may handle employment discrimination charges, within their jurisdictions, filed with the Commission. Publication of this amendment effectuates the designation of the New Haven, Connecticut Commission on Equal Opportunities as a 706 Agency.

EFFECTIVE DATE: November 21, 1983.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Special Services Staff, 2401 E Street, NW., Washington, D.C. 20507, telephone 202/634-6806.

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

PART 1601—PROCEDURAL REGULATIONS

Accordingly, Title 29, Chapter XIV of the Code of Federal Regulations, 29 CFR 1601.74(a) is amended by adding in alphabetical order the following agency:

§ 1601.74 Designated and notice agencies.

(a) * * * New Haven, Connecticut Commission on Equal Opportunities.

* * * * *

(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e 12(a)))

Signed at Washington, D.C. this 9th day of November, 1983.

For the Commission.

Odessa M. Shannon,

Director, Office of Program Operations.

[FR Doc. 83-31280 Filed 11-18-83; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF EDUCATION

34 CFR Part 222

Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: This document makes a technical amendment to the regulations governing the administration of the Impact Aid program authorized by Pub. L. 81-874. It deletes the closing date in the regulations for the filing of an application under Section 3(d)(2)(B) and several other sections of Pub. L. 81-874.

This change will accelerate the payment of assistance.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these regulations will take effect January 5, 1984. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Farning, Chief, Maintenance and Operations Branch, Division of Impact Aid, Department of Education, 400 Maryland Avenue, SW. (FOB–6, Room 2059), Washington, D.C. 20202. Telephone: (202) 245–8171.

SUPPLEMENTARY INFORMATION: This amendment does not make a substantive change in the regulations for the Impact Aid Program. As a result of this amendment, the Secretary will be able to establish one closing date for the filing of all applications for Section 3 assistance. This will simplify the application process for school districts participating in this program. In the past, fewer than 10 school districts, out of a total of approximately 2100 districts receiving Section 3 assistance, have availed themselves of the later closing date for Section 3(d)(2)(B) funds. Applicants will be notified individually of this change when application materials are distributed.

It is the practice of the Department of Education to provide an opportunity for public comments on proposed regulations. However, because this amendment is purely technical, the Secretary has determined that publication of this document as a proposed rule for public comment is unnecessary under 5 U.S.C. 553(b)(3)(B).

List of Subjects in 34 CFR Part 222

Education, Education of the handicapped, Elementary and secondary education, Federally affected areas, Grant programs—education, Public housing.

(Catalog of Federally Domestic Assistance No. 84.041, School Assistance in Federally Affected Areas—Maintenance and Operation)

Dated: November 14, 1983.

T. H. Bell,

Secretary of Education.

PART 222—ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR EDUCATION OF CHILDREN WHERE LOCAL EDUCATIONAL AGENCIES CANNOT PROVIDE SUITABLE FREE PUBLIC EDUCATION

The Secretary amends Part 222 of Title 34 of the Code of Federal Regulations as follows:

§ 222.11 [Amended]

Paragraph (g) of § 222.11 is removed.

(20 U.S.C. 238(d)(2)(B))

[FR Doc. 83-31092 Filed 11-18-83; 8:45 am]

BILLING CODE 4000-01-M

Proposed Rules

Federal Register
Vol. 48, No. 225
Monday, November 21, 1983

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

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-83-01]

January 1981 and Entitlements Adjustments Notices

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of publication of the net dollar effects of the draft January 1981 and Entitlements Adjustments Notices.

FOR FURTHER INFORMATION CONTACT: Christopher M. Was or W. Mayo Lee, Office of General Counsel, Office of Regulatory Oversight and Fuels Conversion, U.S. Department of Energy, Room 6A-141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6744 (Was); (202) 252-6754 (Lee).

SUPPLEMENTARY INFORMATION: On October 31, 1983, the Department of Energy (DOE) issued a Notice of Public Proceeding and Public Hearing setting forth DOE's proposed determination not to publish the January 1981 or Entitlements Adjustments Notices. 48 FR 50824 (November 3, 1983). Attached as an Appendix to the Notice were updated drafts of the January 1981 and Entitlements Adjustments Notices.

In response to requests from interested parties, DOE is publishing the attached table which reflects firms' net entitlements position on the combined draft Notices. The data is arranged alphabetically by firm, by segment of the industry (i.e., major refiners, large independent refiners, small refiners, and all other Entitlements Program participants). For each firm, the dollar amount of the entitlements obligation on the draft January 1981 Notice is set forth in the first column, the firm's aggregate net claim or obligation on the draft Entitlements Adjustments Notice is set forth in the second column, and the net dollar position on the combined Notices is set forth in the third column. The table also reflects total dollars that would be exchanged on the draft January 1981 Notice and the draft Entitlements Adjustments Notice, and the net dollars that would be exchanged on the combined Notices after eliminating offsetting transactions on the two Notices, if they were to be given effect.

All of the data on the attached table can be derived from the draft Notices published as an Appendix to the Notice of Public Proceeding, with the exception of the net dollars exchanged on the two draft Notices. However, interested parties may find the data set forth in the table to be in a more convenient format for use in the public proceeding.

Issued in Washington, D.C., on November 8, 1983.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

BILLING CODE 6450-01-M

U. S. DEPARTMENT OF ENERGY
ECONOMIC REGULATORY ADMINISTRATION

NET DOLLAR EFFECT OF THE
JANUARY 1981 ENTITLEMENT NOTICE AND FOUR MONTH CLEANUP

MAJOR REFINERS

SHORT NAME	JAN 81 POSITION	CLEAN - UP	NET DOLLAR AMOUNT
AMOCO	$19,134,470.20-	$3,077,932.00-	$22,212,402.20-
ARCO	$13,831,747.30	$908,350.00-	$12,923,367.30
CHEVRON	$141,752,698.00	$9,775,630.00-	$131,977,068.00
CITGO	$1,295,241.40-	$3,535,536.00-	$4,830,777.40-
CONOCO	$25,675,166.70	$4,362,947.00	$30,038,113.70
EXXON	$69,189,309.30-	$49,356,934.00	$19,832,375.30-
GETTY	$3,168,949.40-	$4,814,528.00	$1,645,578.60
GULF	$9,561,783.70-	$2,269,057.00	$7,292,726.70-
MARATHON	$9,326,867.70-	$15,528,976.00-	$24,855,843.70-
MOBIL	$1,373,162.70-	$17,968,868.00-	$19,342,030.70-
PHILLIPS	$2,306,363.70	$6,639,937.00	$8,946,300.70
SHELL	$79,445,387.80-	$38,073,415.00	$41,371,972.80-
SUNOCO	$1,303,530.90-	$11,394,560.00-	$12,698,090.90-
TEXACO	$60,558,085.20	$17,726,250.00	$78,284,335.20
UNION-OIL	$32,553,821.90-	$787,603.00-	$33,341,424.90-
..... TOTALS	$17,771,535.90	$60,265,583.00	$78,037,118.90

U. S. DEPARTMENT OF ENERGY
ECONOMIC REGULATORY ADMINISTRATION

NET DOLLAR EFFECT OF THE
JANUARY 1981 ENTITLEMENT NOTICE AND FOUR MONTH CLEANUP

LARGE INDEPENDENTS

SHORT NAME	JAN 81 POSITION	CLEAN - UP	NET DOLLAR AMOUNT
AMERADA-HESS	$43,789,325.90-	$7,571,777.00-	$51,361,102.90-
ASHLAND	$7,154,260.00-	$1,369,902.00-	$8,524,162.00-
CHAMPLIN	$9,057,810.20	$22,153,827.00-	$13,096,016.80-
COASTAL	$940,591.30	$1,469,319.00-	$528,727.70-
KERR-MCGEE	$9,775,596.60-	$2,693,902.00	$7,081,694.60-
SOHIO	$24,782,176.80-	$5,395,591.00-	$30,177,767.80-
TOSCO	$10,071,180.50	$2,666,593.00	$12,737,773.50
..... TOTALS	$65,431,777.30-	$32,599,921.00-	$98,031,698.30-

U. S. DEPARTMENT OF ENERGY
ECONOMIC REGULATORY ADMINISTRATION

NET DOLLAR EFFECT OF THE
JANUARY 1981 ENTITLEMENT NOTICE AND FOUR MONTH CLEANUP

SMALL REFINERS

SHORT NAME	JAN 81 POSITION	CLEAN - UP	NET DOLLAR AMOUNT
-CONSOL'D-SALES	$509,705.90	$0.00	$509,705.90
A-JOHNSON	$788,514.10	$99,224.00-	$689,290.10
ALLIED	$230,448.10	$151,250.00-	$79,198.10
AMER-PETROFINA	$19,774,532.00	$17,009,877.00	$36,784,409.00
ANCHOR	$165,705.70	$97,245.00-	$68,460.70
ARIZONA	$509,705.90-	$67,804.00-	$577,509.90-
ASAMERA	$4,279,208.50-	$377,152.00-	$4,656,360.50-
BAYOU	$38,834.20	$29,114.00-	$9,720.20
BEACON	$2,761,162.20	$73,929.00	$2,835,091.20
BI-PETRO	$40,126.80	$22,540.00-	$17,586.80
BRONCO	$30,488.50	$21,713.00-	$8,775.50
BRUIN	$439,146.80-	$100,364.00	$338,782.80-
C&H	$3,681.10	$506.00-	$3,175.10
CALCASIEU	$1,108,797.90	$356,630.00-	$752,167.90
CALUMET	$83,400.80	$52,540.00-	$30,860.80
CANAL	$62,466.30	$902,032.00	$964,498.30
CARBONIT	$425,462.10	$196,749.00-	$228,713.10
CARIBOU	$2,288,435.90	$555,940.00	$2,844,375.90
CHARTER	$4,093,158.40-	$1,431,835.00-	$5,524,993.40-
CIBRO	$667,009.70	$713,051.00-	$46,041.30-
CITRONELLE	$611,343.60-	$0.00	$611,343.60-
CLAIBORNE	$78,342.80-	$94,391.00-	$172,733.80-
CLARK	$7,029,636.50	$2,402,810.00-	$4,626,826.50
CLINTON-MANGES	$88,402.60-	$69,439.00	$18,963.60-
COASTAL-PETRO	$283,529.00	$187,775.00-	$95,754.00
COPANO	$304,969.30	$174,694.00-	$130,275.30
CORAL	$521,732.70	$589,987.00-	$68,254.30-
CORCO	$1,693,474.60	$2,457,039.00-	$763,564.40-
CRA-FARMLAND	$679,626.60-	$1,819,277.00-	$2,498,903.60-
CROSS	$69,793.20	$143,986.00-	$94,192.80-
CROWN	$312,247.20	$892,071.00-	$579,823.80-
CRYSTAL-OIL	$131,255.10-	$316,073.00-	$447,328.10-
CRYSTAL-REF	$71,739.30	$51,720.00-	$20,019.30
DELTA	$2,833,575.90-	$2,167,887.00	$665,688.90-
DEMENNO	$436,617.80	$286,950.00-	$149,667.80
DIAMOND	$653,858.90	$410,653.00	$1,064,511.90
DILLMAN	$955.40	$127.00-	$828.40
DORCHESTER	$417,762.70	$385,990.00-	$31,772.70

U. S. DEPARTMENT OF ENERGY
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NET DOLLAR EFFECT OF THE
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SHORT NAME	JAN 81 POSITION	CLEAN - UP	NET DOLLAR AMOUNT
DOW	$10,368,197.50-	$1,023,578.00-	$11,391,775.50-
EAGLE-REFINING	$14,302.90	$13,459.00-	$843.90
ECO	$0.00	$53,740.00-	$53,740.00-
EDDY	$32,286.90	$154,405.00	$186,691.90
ENERGY-COOP	$1,125,489.30	$1,780,399.00-	$654,909.70-
ERGON	$1,095,871.90	$385,536.00-	$790,335.90
ERICKSON	$0.00	$111,714.00-	$111,714.00-
EVANGELINE	$60,134.00	$38,128.00-	$22,006.00
EZ-SERVE	$786.80-	$399,666.00-	$400,452.80-
FARMERS-UN	$930,138.10-	$718,403.00-	$1,648,541.10-
FLETCHER	$860,337.70	$608,411.00-	$251,926.70
FLINT	$61,791.90-	$18,681.00-	$80,472.90-
FRESCO-CA	$0.00	$0.00	$0.00
FRIENDSWOOD	$258,351.40	$212,976.00-	$45,375.40
FUNDING	$449,459.50-	$294,335.00	$155,124.50-
GARY	$393,287.60	$109,203.00-	$284,084.60
GIANT	$234,213.50	$155,274.00-	$78,939.50
GIBSON	$113,833.10	$78,757.00-	$35,076.10
GLACIER-PARK	$2,132,986.70-	$2,067,118.00	$65,868.70-
GLADIEUX	$432,711.90	$315,749.00-	$116,962.90
GLENROCK	$94,500.30	$53,097.00-	$41,403.30
GOLDEN-EAGLE	$385,756.80	$221,647.00-	$164,109.80
GOLDKING	$7,248,226.40	$252,314.00-	$6,995,912.40
GOOD-HOPE	$746,588.90	$1,409,523.00-	$662,934.10-
GUAM	$823,020.90	$744,660.00-	$78,360.90
GULF-CITRO	$0.00	$0.00	$0.00
GULF-ENERGY	$129,793.90	$64,126.00-	$65,667.90
GULF-STS	$2,170,668.80	$545,188.00-	$1,625,480.80
HIRI	$908,894.50	$1,263,663.00-	$354,768.50-
HOWELL	$7,440,233.70-	$540,251.00-	$7,980,484.70-
HUDSON-OIL	$461,759.20	$357,768.00-	$103,971.20
HUNT	$1,655,904.90-	$1,794,761.00	$138,856.10
HUNTWAY	$186,921.20	$124,115.00-	$62,806.20
HUSKY	$0.00	$1,440,983.00	$1,440,983.00
INDEPENDENT-REF	$852,666.40	$1,132,239.00-	$279,572.60-
INDIANA-FARM	$793,486.50	$375,804.00-	$417,681.50-
INDIANA-KLI	$0.00	$7,727.00-	$7,727.00-

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NET DOLLAR EFFECT OF THE
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SMALL REFINERS

SHORT NAME	JAN 81 POSITION	CLEAN - UP	NET DOLLAR AMOUNT
INDUST-FUEL	$37,035.80	$27,758.00-	$9,277.80
INTER-PROCESS	$483,882.00	$291,152.00-	$192,730.00
KENCO	$362,827.20-	$83,763.00-	$446,590.20-
KENTUCKY	$284,702.00-	$103,018.00-	$387,720.00-
KERN	$6,095,957.80	$307,942.00-	$5,788,015.80
KOCH	$1,642,679.70	$5,061,110.00-	$3,419,030.30-
LAGLORIA	$721,579.90-	$978,756.00-	$1,700,335.90-
LAKE-CHARLES	$170,342.20	$127,459.00-	$42,883.20
LAKESIDE	$95,905.30	$67,131.00-	$28,774.30
LAKETON	$2,482,803.60-	$117,713.00-	$2,600,516.60-
LIQUID-ENERGY	$254,557.90	$248,909.00-	$5,648.90
LITTLE-AMER	$47,941,859.60-	$566,138.00-	$48,507,997.60-
LOTEX	$9,441.60	$5,103.00-	$4,338.60
LOUISIANA-LAND	$1,078,449.90	$537,332.00	$1,615,781.90
MACMILLAN	$455,388.60	$413,593.00-	$41,795.60
MALLARD	$196,447.10	$118,537.00-	$85,910.10
MANATEE	$0.00	$21,053.00-	$21,053.00-
MARION	$550,479.00	$564,700.00-	$14,221.00-
MARLEX	$721,411.30-	$1,247,594.00	$526,182.70
MID-AMER	$2,418,286.00-	$57,351.00-	$2,475,637.00-
MOBILE-BAY	$135,020.50	$149,132.00-	$14,111.50-
MOHAWK	$5,009,302.70-	$0.00	$5,009,302.70-
MONSANTO	$5,858,512.80	$1,020,784.00	$6,879,296.80
MORRISON	$83,906.60	$50,858.00-	$33,048.60
MOUNTAINEER	$27,425.60-	$25,853.00	$1,572.60-
MT-AIRY	$174,978.70	$171,490.00-	$3,488.70
MURPHY	$3,334,542.70	$873,776.00-	$2,460,766.70
N-AMER-PETRO	$428,215.90	$393,889.00-	$34,326.90
NATCHEZ	$84,300.00	$55,809.00-	$28,491.00
NATL-COOP	$655,207.70-	$74,367.00	$580,840.70-
NAVAJO	$6,118,606.40	$1,645,263.00-	$4,473,343.40
NEVADA	$75,926.20	$43,023.00-	$32,903.20
NEW-EDGINGTON	$2,214,589.10	$709,299.00-	$1,505,290.10
NEWHALL	$1,720,197.70-	$404,557.00-	$2,124,754.70-
NORTHLAND	$0.00	$10,608.00-	$10,608.00-
OKC	$496,189.80	$351,595.00-	$144,594.80
OKLA-REF	$189,393.30	$76,995.00-	$30,398.30
OXNARD	$104,560.10	$66,848.00-	$37,712.10

U. S. DEPARTMENT OF ENERGY
ECONOMIC REGULATORY ADMINISTRATION

NET DOLLAR EFFECT OF THE
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SMALL REFINERS

SHORT NAME	JAN 81 POSITION	CLEAN - UP	NET DOLLAR AMOUNT
PEERLESS	$82,192.50	$33,335.00-	$48,857.50
PENNZOIL	$6,682,770.10	$1,219,877.00-	$5,462,893.10
PESTER	$938,138.10-	$320,462.00-	$1,258,600.10-
PETRACO-VALLEY	$75,223.70	$48,789.00-	$26,434.70
PIONEER	$148,592.80	$265,747.00-	$117,154.20-
PLACID	$7,831,160.90-	$3,556,662.00	$4,274,498.90-
PLATEAU	$6,176,604.80	$1,655,540.00	$7,832,144.80
PORT	$126,646.70	$126,297.00-	$349.70
POWERINE	$2,214,055.20	$823,918.00-	$1,390,137.20
PRIDE	$706,715.00	$596,195.00-	$110,520.00
QUAD	$76,122.90	$0.00	$76,122.90
QUAKER-ST	$487,563.10	$561,122.00-	$73,558.90-
QUITMAN	$177,760.60	$105,457.00-	$72,303.60
RICHARDS	$2,276.10	$1,409.00-	$867.10
ROAD-OIL	$6,631.60	$4,294.00-	$2,337.60
ROCK-ISLAND	$279,932.20	$675,160.00-	$395,227.80-
SABER-TEX	$159,158.40-	$86,892.00-	$246,050.40-
SABRE-CAL	$225,980.20-	$239,368.00-	$465,348.20-
SAGE-CREEK	$132,013.80	$3,195.00-	$128,818.80
SAN-JOAQUIN	$450,162.00	$280,539.00-	$169,623.00
SCHULZE	$18,293.10	$12,093.00-	$6,200.10
SEAVIEW	$429,283.70	$380,593.00-	$48,690.70
SECTOR	$0.00	$0.00	$0.00
SEMINOLE	$14,640.10	$162,865.00-	$148,224.90-
SENTRY	$559,218.10	$402,559.00-	$156,659.10
SHEPHERD	$379,912.00	$38,530.00-	$341,382.00
SIGMOR	$460,390.40	$236,845.00-	$223,545.40
SILVER-EAGLE	$75,982.40-	$21,918.00-	$97,900.40-
SLAPCO	$637,392.30	$196,689.00-	$440,703.30
SO-HAMPTON	$154,044.20	$30,116.00-	$123,928.20
SOMERSET	$127,489.70-	$93,707.00-	$221,196.70-
SOONER	$70,362.40-	$42,742.00-	$113,104.40-
SOUND	$331,439.50	$191,668.00-	$139,771.50
SOUTHERN-UNION	$1,552,918.40-	$453,239.00	$1,099,679.40-
SOUTHLAND	$1,945,840.70-	$3,459,244.00	$1,513,403.30
SOUTHLAND-CI	$15,836,534.80	$0.00	$15,836,534.80
SOUTHWEST-PETRO	$124,904.50	$51,804.00-	$73,850.50

U. S. DEPARTMENT OF ENERGY
ECONOMIC REGULATORY ADMINISTRATION

NET DOLLAR EFFECT OF THE
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SMALL REFINERS

SHORT NAME	JAN 81 POSITION	CLEAN - UP	NET DOLLAR AMOUNT
SOUTHWESTERN	$62,494.40-	$13,003.00-	$75,497.40-
SUNLAND	$366,395.90	$238,074.00-	$128,321.90
T&S	$5,282.80	$26,495.00-	$21,212.20-
TARCO	$87,924.90-	$37,958.00-	$125,882.90-
TENNECO	$12,700,076.00	$1,194,885.00-	$11,505,191.00
TESORO	$6,144,988.00	$2,664,764.00-	$3,480,144.00
TEXAS-AMERICAN	$285,243.10	$187,244.00-	$97,999.10
TEXAS-CITY	$4,827,467.60-	$590,913.00-	$5,418,380.60-
TEXAS-REFINING	$628,316.00	$105,904.00-	$522,412.00
TEXAS-STANDARD	$41,222.70	$20,384.00-	$20,838.70
THAGARD	$274,761.80	$231,536.00-	$43,225.80
THRIFTWAY	$365,665.30-	$70,970.00	$294,695.30-
THUNDERBIRD	$187,455.10-	$159,980.00-	$347,435.10-
TIPPERARY	$99,811.20	$89,699.00-	$10,112.20
TONKAWA	$331,299.00	$366,956.00-	$35,657.00-
TOTAL-PETROLEUM	$2,525,290.80	$3,431,425.00-	$906,134.20-
UNI-REF	$145,333.20	$196,801.00-	$51,467.80-
UNTD-IND	$0.00	$0.00	$0.00
UNTD-REF	$149,351.50	$896,707.00-	$747,355.50-
US-OIL	$342,848.10	$241,970.00-	$100,873.10
USA-PETROCHEM	$4,763,231.00	$441,100.00-	$4,322,131.00
VAL-VERDE	$1,348.80	$6,373.00-	$5,024.20-
WICKSBURG	$159,776.60	$108,977.00-	$50,799.60
WARRIOR	$768,366.40-	$34,467.00-	$802,833.40-
WEST-COAST	$21,524.60	$196,307.00-	$174,782.40-
WESTERN	$315,225.80	$208,498.00-	$106,727.80
WINSTON	$0.00	$21,387.00-	$21,387.00-
WIREBACK	$1,011.60	$713.00-	$298.60
WITCO	$593,359.60	$366,418.00-	$226,941.60
WYOMING	$314,635.70	$293,176.00	$607,811.70
YETTER	$0.00	$0.00	$0.00
YOUNG	$102,115.40	$66,510.00-	$35,605.40
..... TOTALS	$37,873,292.40	$20,522,736.00-	$17,350,556.40

U. S. DEPARTMENT OF ENERGY
ECONOMIC REGULATORY ADMINISTRATION

NET DOLLAR EFFECT OF THE
JANUARY 1981 ENTITLEMENT NOTICE AND FOUR MONTH CLEANUP

OTHERS TO INCLUDE PET-SUBS AND IMPORTERS

SHORT NAME	JAN 81 POSITION	CLEAN - UP	NET DOLLAR AMOUNT
ADM	$18,827.00	$39,617.00-	$20,790.00-
AKRON-OHIO	$42,121.90	$10,176.00-	$31,945.90
ALEXANDRIA-VA	$1,095.90	$361.00-	$734.90
AMER-AGRI-FUELS	$6,968.80	$560.00-	$6,408.80
AMERICAN-CAN-CO	$0.00	$0.00	$0.00
AMES-IOWA	$8,963.90	$2,597.00-	$6,366.90
ANSCHUTZ	$0.00	$14,247.00-	$14,247.00-
APEX	$50,158.50	$124,080.00-	$73,921.50-
ARIZONA-CHEM	$4,046.40	$9,019.00-	$4,972.60-
ARLINGTON-VA	$6,434.90-	$0.00	$6,434.90-
ATLANTA	$505.80	$858.00-	$352.20-
AUSTIN-MINN	$56.20	$85.00-	$28.80-
AZUSA-LAND	$3,793.50	$2,913.00-	$880.50
BALT-METHANE	$421.50	$738.00-	$316.50-
BALTIMORE-MD	$0.00	$10,988.00-	$10,988.00-
BELCHER	$234,522.60	$399,799.00-	$165,276.40-
BELOIT-WI	$2,669.50	$27.00-	$2,642.50
BERGEN-COUNTY	$27,622.30	$971.00-	$26,651.30
BOISE-IDAHO	$843.00	$481.00-	$362.00
BOSTON-QUINCY	$31,303.40	$1,442.00-	$29,861.40
BRAINTREE	$36,923.40	$7,071.00-	$29,852.40
BROOKINGS-SD	$0.00	$7.00-	$7.00-
BROWN-WOOD	$8,935.80-	$0.00	$8,935.80-
CADENCE-CHEM	$5,170.40	$10,572.00-	$5,401.60-
CASTLE	$201,083.60	$305,491.00-	$104,407.40-
CEA	$28,597.30	$386.00-	$28,211.30
CENTRAL	$75,504.70	$119,554.00-	$44,049.30-
CITY-OF-SEWARD	$168.60	$0.00	$168.60
CITY-OF-WICHITA	$8,992.00	$993.00-	$7,999.00
CK-SMITH-CO	$0.00	$8,142.00-	$8,142.00-
CLINTON-IOWA	$12,195.40	$108.00-	$12,087.40
COLDWATER	$12,420.20	$704.00-	$11,716.20
COLONIAL	$46,140.20	$82,778.00-	$36,637.80-
COLONIAL-OIL	$0.00	$0.00	$0.00
COLUMBUS-OHIO	$4,973.70	$570.00-	$4,403.70
CONSOL COAL	$0.00	$0.00	$0.00
CONSUMERS-POWER	$5,452,299.20	$139,717.00-	$5,312,582.20
CUMBERLAND	$393.40	$49.00-	$344.40

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NET DOLLAR EFFECT OF THE
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OTHERS TO INCLUDE PET-SUBS AND IMPORTERS

SHORT NAME	JAN 81 POSITION	CLEAN - UP	NET DOLLAR AMOUNT
DEEPWATER	$37,541.60	$61,742.00-	$24,200.40-
DEKALB-IL	$28.10	$39.00-	$10.90-
DETROIT-ED	$67,608.60	$140,729.00-	$73,120.40-
DFSC	$43,892.20	$57,466.00-	$13,573.80-
DOWNERS-GROVE	$505.80	$24.00-	$481.80
E-SEABOARD	$67,973.90	$176,539.00-	$108,565.10-
EAST-BAY-MUD	$3,062.90	$1,012.00-	$2,050.90
EAST-MOLINE-IL	$28.10	$49.00-	$20.90-
EASTERN	$0.00	$0.00	$0.00
EASTERN-MWD	$927.30	$135.00-	$792.30
EL-PASO-TX	$337.20	$1,629.00-	$1,291.80-
ELGIN-IL	$758.70	$70.00-	$688.70
ENTERPRISE	$122,993.70	$19,250.00-	$103,743.70
ESSEX-UNION	$4,299.30	$826.00-	$3,473.30
EWING-LAWRENCE	$337.20	$119.00-	$218.20
FORT-WORTH-TX	$1,489.00	$1,148.00-	$265.00
FRESNO-CA	$140.50	$294.00-	$153.50-
GETTY-SYN	$27,987.60	$4,700.00-	$23,287.60
GLENCOE-MN	$0.00	$18.00-	$18.00-
GREEN-BAY-WI	$590.10	$616.00-	$25.90-
HAMPTON-VA	$0.00	$3,029.00-	$3,029.00-
HARRISBURG-PA	$8,598.60	$17,419.00-	$8,820.40-
HAYWARD-CA	$168.60	$325.00-	$156.40-
HEALTH-CARE	$1,376.90	$384.00+	$992.90
HEMPSTEAD-TOWN	$15,539.30	$6,458.00+	$9,081.30
HIP	$0.00	$0.00	$0.00
IDAHO-FALLS	$15,595.50	$189.00-	$15,406.50
IDEAL-BG-ASSOC	$0.00	$17,868.00	$17,868.00
INTER-PETRO	$62,101.00	$128,455.00-	$66,354.00-
IONIA	$28.10	$30.00-	$1.90-
IRVING	$0.00	$45,371.00-	$45,371.00-
JACKSON-MI	$56.20	$3,308.00-	$3,251.80-
KENOSHA-WI	$168.60	$283.00-	$114.40-
LA-COUNTY	$13,544.20	$16,224.00-	$2,679.80-
LA-CROSSE	$758.70	$105.00-	$653.70
LAKEWOOD-OH	$391.40	$527.00-	$135.60
LAMPERT-MN	$5,423.30	$1,359.00-	$4,064.30

U. S. DEPARTMENT OF ENERGY
ECONOMIC REGULATORY ADMINISTRATION

NET DOLLAR EFFECT OF THE
JANUARY 1981 ENTITLEMENT NOTICE AND FOUR MONTH CLEANUP

OTHERS TO INCLUDE PET-SUBS AND IMPORTERS

SHORT NAME	JAN 81 POSITION	CLEAN - UP	NET DOLLAR AMOUNT
LOS-ANGELES-CA	$63,899.40	$8,602.00-	$55,297.40
MADISON-CHATHAM	$505.80	$55.00-	$450.80
MADISON-CITY-WI	$1,189.20	$2,442.00-	$1,261.80-
MADISON-WI	$7,924.20	$689.00-	$7,235.20
MARSHALLTOWN	$148.50	$236.00-	$95.50-
MEDFORD	$28.10	$50.00-	$21.90-
MERCED-CA	$84.30	$109.00-	$24.70-
METRO-DENVER	$0.00	$77.00-	$77.00-
METRO-SEATTLE	$6,841.50	$1,942.00-	$4,899.50
METROPOLITAN	$276,166.80	$622,857.00-	$346,690.20-
MIAMI-DADE	$6,547.30	$2,462.00-	$4,085.30
MIDDLETOWN-OH	$112.40	$170.00-	$57.60-
MIDWEST-SOLV	$100,064.10	$3,280.00-	$96,784.10
MILLER-OIL	$590,409.10-	$0.00	$590,409.10+
MILWAUKEE-WI	$1,236.40	$2,584.00-	$1,347.60+
MOBRIDGE-SD	$0.00	$16.00-	$16.00-
MONOCO	$18,236.90	$32,659.00-	$14,422.10+
MONROE-WI	$646.30	$0.00	$646.30
MOORHEAD-MN	$28.10	$113.00-	$84.90+
MSDGC	$3,962.10	$7,999.00-	$4,036.90-
N-LITTLE-ROCK	$7,868.00	$2,128.00-	$5,740.00
N-SAN-MATEO	$112.40	$26.00-	$86.40
NASHVILLE-TENN	$4,496.00	$11,162.00-	$6,666.00-
NASSAU-COUNTY	$618.20	$1,273.00-	$654.80+
NEPTUNE	$899.20	$74.00-	$825.20
NEW-ENGL-PETRO	$265,264.00	$570,927.00-	$305,663.00+
NEW-ENGL-POWER	$0.00	$104,554.00-	$104,554.00+
NEW-YORK-EF	$7,502.70	$15,152.00-	$7,649.30-
NORTHEAST-PETRO	$33,607.60	$135,518.00-	$101,910.40+
NY-SANITATION	$8,092.80	$15,620.00-	$7,527.20+
OCCOQUAN	$0.00	$70.00-	$70.00-
OCEAN-TOWNSHIP	$224.80	$37.00-	$187.80
OCEAN-UTILITIES	$1,995.10	$308.00-	$1,687.10
OCONOMOWOC-WI	$224.80	$37.00-	$187.80
O'SHEA	$1,320.70	$6,247.00-	$4,926.30-
ORANGE-COUNTY	$3,259.60	$6,512.00-	$3,252.40+
OSCEOLA-AR	$3,765.40	$934.00-	$2,831.40
PEORIA-IL	$18,265.00	$0.00	$18,265.00

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OTHERS TO INCLUDE PET-SUBS AND IMPORTERS

SHORT NAME	JAN 81 POSITION	CLEAN - UP	NET DOLLAR AMOUNT
PHILADELPHIA-PA	$14,977.30	$2,871.00-	$12,906.30
PHILLIPS-PR	$898,638.00	$891,721.00-	$6,917.00
PIMA-AZ	$533.90	$968.00-	$434.10-
PORTLAND-MI	$0.00	$2.00-	$2.00-
RACINE-WASTE-UT	$2,500.90	$277.00-	$2,223.90
RAHWAY	$2,023.20	$454.00-	$1,569.20
RAPID-SD	$84.30	$195.00-	$110.70-
RAVENNA-OH	$28.10	$46.00-	$17.90-
RESCO	$14,218.60	$32,730.00-	$18,511.40-
ROANOKE-VA	$281.00	$457.00-	$176.00-
SALEM-VA	$674.40	$1,418.00-	$743.60-
SAN-JOSE-CA	$240,817.00	$3,798.00-	$237,019.00
SANTA-CRUZ-CA	$12,757.40	$303.00-	$12,454.40
SCALLOP	$239,496.30	$752,593.00-	$513,096.70-
SCANOIL	$199,884.20	$286,248.00-	$87,243.80-
SIOUX-FALLS	$3,891.00	$502.00-	$2,589.00
SIRSA	$1,152.10	$149.00-	$1,003.10
SPR	$0.00	$0.00	$0.00
SPRAGUE	$205,804.40	$442,079.00-	$236,274.60-
SPRINGFIELD-IL	$56.20	$116.00-	$59.80-
ST&SAN-CHICAGO	$186,359.20	$31,894.00-	$154,465.20
ST-CLAIR-IL	$14,752.50	$53.00-	$14,699.50
ST-CLOUD-MINN	$4,720.80	$87.00-	$4,633.80
ST-JOSEPH-MO	$0.00	$133.00-	$133.00-
STEUART	$0.00	$77,479.00-	$77,479.00-
STEVENS-PT-WI	$2,248.00	$76.00-	$2,172.00
STINNES-INTER	$27,200.80	$34,666.00-	$7,465.20-
STOCKTON-CA	$472.70	$1,077.00-	$599.30-
STOUGHTON-WI	$0.00	$0.00	$0.00
SUNAM	$110,186.10	$290,786.00-	$180,605.90-
TACCTA-WA	$9,104.40	$353.00-	$8,751.40
TARACONE	$44,763.30	$63,537.00-	$18,773.70-
THORN-CREEK	$2,135.60	$190.00-	$1,945.60
TOM-BROWN-INC	$0.00	$64,014.00	$64,014.00
TOMAHAWK	$702.50	$1.00-	$701.50
TRI-VALLEY	$2,219.90	$0.00	$2,219.90
TUKLUCK-CA	$758.70	$1,159.00-	$400.30-

U. S. DEPARTMENT OF ENERGY
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OTHERS TO INCLUDE PET-SUBS AND IMPORTERS

SHORT NAME	JAN 81 POSITION	CLEAN - UP	NET DOLLAR AMOUNT
UCC-CARIBE	$335,626.40	$506,596.00-	$170,969.60-
UNION-CARBIDE	$45,943.50	$74,037.00-	$28,093.50-
URBANA-IL	$1,376.90	$628.00-	$756.90
WALLER	$6,294.40	$7,981.00-	$1,686.60-
WATSON	$871.10	$1,742.00-	$870.90-
WEST-MONMOUTH	$618.20	$68.00-	$550.20
WESTCHESTER-NY	$4,130.70	$935.00-	$3,195.70
WINSTON-SALEM	$449.60	$2,093.00-	$1,643.40-
WOOSTER	$84.30	$145.00-	$60.70-
WYATT	$96,298.70	$171,337.00-	$75,038.30-
..... TOTALS	$9,786,949.80	$7,142,926.00-	$2,644,823.80

	JANUARY 1981	4 MONTH CLEAN-UP	NET FOR JANUARY AND CLEAN-UP
TOTAL DOLLARS EXCHANGED:	$430,786,937.60	$249,500,342.00	$426,144,182.80

[FR Doc. 83-31298 Filed 11-18-83; 8:45 am]

BILLING CODE 6450-01-C

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 744

Payout Priorities for Involuntary Liquidations of Federally Insured Credit Unions

AGENCY: National Credit Union Administration.

ACTION: Proposed rulemaking.

SUMMARY: The National Credit Union Administration Board ("Board") proposes to implement a change in the manner in which it currently makes payouts as the liquidating agent of federally insured credit unions. This change is being proposed to correct inequities that have resulted from the current payout priority schedule and to reduce losses to the National Credit Share Insurance Fund.

DATE: Comments must be received by December 19, 1983.

ADDRESS: Send comments to Secretary of the NCUA Board, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: James Engel, Assistant General Counsel, or Steven Bisker, Senior Attorney, Department of Legal Services, 1776 G Street, N.W., Washington, D.C. 20456. Telephone-(202) 357–1030.

SUPPLEMENTARY INFORMATION:

Background

On April 28, 1982, (47 FR 18122) the Board issued an Interpretive Ruling and Policy Statement ("IRPS 82–2") effective June 25, 1982, setting out new payout priorities for involuntarily liquidating Federal credit unions and federally insured State chartered credit unions. The publication of IRPS 82–2, without prior notice and comment, was challenged in a law-suit filed in Federal District Court for the District of Columbia as being in violation of the Administrative Procedure Act ("APA") (5 U.S.C. 553). Additionally, the lawsuit charged that the Board had exceeded its authority when it changed the payout priority. On October 22, 1983, the Court held that NCUA failed to comply with the APA notice and comment requirements and ordered that, effective October 25, 1983, IRPS 82–2 be vacated. The court did not rule on whether the Board's substantive action was unauthorized or violative of the Federal Credit Union Act, 12 U.S.C. 1751, *et seq.*

Prior to IRPS 82–2, the Board's schedule for involuntary liquidation payout priorities was as follows:

a. Secured creditors (in actuality, secured creditors are satisfied up to the value of their collateral before priority comes into play);

b. Costs and expenses of liquidation;

c. Wages due employees of the FCU;

d. Costs and expenses incurred by creditors in successfully opposing release of the FCU from certain debts;

e. Taxes legally due and owing to the United States or any state or subdivision thereof;

f. Debts owing and due to the United States, including NCUA;

g. General creditors and secured creditors to the extent that their claims exceed their security interest;

h. Members to the extent of uninsured shares and the National Credit Union Share Insurance Fund ("NCUSIF").

In establishing the payout priority schedule the NCUA did not rely solely on the language contained in the FCU Act (although it could have), but instead looked to the Federal Bankruptcy Act ("Bankruptcy Act"), 11 U.S.C. 1, *et seq.*, and related case law for guidance. (Prior to the enactment of the Bankruptcy Reform Act of 1978 ("Bankruptcy Code"), 11 U.S.C. 101, *et seq.*, credit unions were not exempt under the Bankruptcy Act as were banks and savings and loan associations, 11 U.S.C. 22. They now are exempt, 11 U.S.C. 109(b)(2).) The effect of such a payout scheme was to reduce the risk of loss to unsecured creditors. The NCUA made a conscious decision to subordinate its claim for insurance payouts to unsecured creditors, a decision it was not required to make. In so doing, the NCUA insulated, to a certain extent, unsecured creditors from the risks inherent in extending unsecured credit. The insurance protection provided for members indirectly benefitted unsecured creditors, requiring them to compete only with other unsecured creditors. Considering the fact that a finding of insolvency does not require liabilities to exceed assets, but rather, that shares exceed the cash value of assets *after* providing for liabilities, shares being excluded from liabilities for purposes of determining insolvency, 12 CFR 700.1(k)(i) and (2)(ii), as well as the fact that Federal credit unions are limited as to the amount of their borrowing, 12 U.S.C. 1757(9), unsecured creditors faced relatively little risk. Unlike a creditor of a commercial bank, who would have to compete in its claims against an insolvent bank's assets along with uninsured depositors and the Federal Deposit Insurance Corporation, a party extending credit to a Federal credit union was relatively free of any normal risks creditors assume.

This procedure worked relatively well for the first few years of the NCUSIF's existence. As economic conditions began to deteriorate in the late 1970's the number of credit unions suffering financial problems began to rise. The number of liquidations increased from 169 in 1979 to 239 in 1980, with a peak of 251 in 1981. During that same period of time, liquidation expenses—the loss absorbed by the NCUSIF—increased from $4.7 million in 1979 to $20.1 million in 1980 and $27.6 million in 1981.

Mergers of credit unions during this period of time also increased from 193 in 1979 to 333 in 1981. Although not all of these mergers involved funding by the NCUSIF, the NCUA began to increase the use of special assistance funding in mergers to avoid liquidations and thus prevent the disruption of service to credit union members, avoid losses to creditors and reduce liquidation losses to the NCUSIF. These merger expenses, first separately identified as a cost to the NCUSIF in 1980, totalled $9.6 million in 1980 and $12 million in 1981. For 1982, the total number of insured credit union involuntary liquidations fell to 160, with liquidation expenses dropping $4.7 million to $22.9 million. However, this reduction in liquidations and related expenses cannot be viewed alone. As noted previously, the Board increased it use of financial assistance to fund alternatives, i.e., merger or direct assistance to keep a credit union operating. In 1982 there were 439 mergers with costs of $17 million and 124 cases of assistance with $26.1 million in cash and $48.8 million in non-cash guaranty accounts. Even though financial assistance is given as a less costly alternative to liquidation, the total loss from insured credit unions for fiscal year 1982 was $79.3 million as compared to $43.8 million in fiscal year 1981. At the end of fiscal year 1982, there were 1,192 problem case insured credit unions with shares of $4.59 billion. Thus, as expenses increased, it became evident that additional measures would have to be taken to reduce losses to the Fund even though steps were already being taken to reduce losses through alternatives to liquidations.

In its report to the NCUA Chairman, GAO Report GGD–82–26 (February 19, 1983), the U.S. General Accounting Office criticized the priority of payment policy followed by the NCUA, recommending that the NCUSIF share on an equal basis with general creditors, thus conforming to the practice followed by the FDIC. GAO noted that NCUA's payout schedule caused the Fund to incur losses it would otherwise not incur

if it were given the same payout priority as unsecured general creditors of liquidating credit unions. Although NCUA staff were already evaluating the procedures being used, the GAO report and increased costs provided additional impetus to review and analyze the NCUA Board's authority. As already noted, the Bankruptcy Act having been amended to exempt credit unions from its coverage, the Agency narrowed the scope of its review to the provisions of the Federal Credit Union Act and matters relating to the interpretation of its specific provisions, primarily section 207, 12 U.S.C. 1787. The result of this review was set forth in IRPS 82–2. Unlike the past practice that in effect provided insurance for all credit union liabilities, the new priority provided more protection to members and the Fund and more properly adhered to the purpose for which the Fund was created. Arguably, the Board could have interpreted the Act to give the Fund a preference over creditors. Such an interpretation, however, would probably have had undesirable consequences although it would be reasonable based on the language in the Act.

The payout priority, and the resultant *de facto* insurance of creditors, is particularly egregious in the case of federally insured State chartered credit unions in those states that authorize "special thrift accounts" for nonmembers. *See, e.g.*, Mo. Ann. Stat., section 370.070(9). These accounts are uninsured investment accounts offered to nonmembers, i.e., to the public at large, and receive preferential treatment in a liquidation. If, as some have argued, state law is applicable to the NCUSIF, then under state law, the nonmember "special thrift accounts" would be paid ahead of the NCUSIF. This enables an insured credit union to operate an investment medium offered to the general public with the *de facto* guarantee of the NCUSIF. Such a result tears at the basic nature of credit unions as limited membership organizations and is clearly inconsistent with the intended purpose of share insurance—that is to provide insurance on member accounts.

It also places Federal credit unions in the position of subsidizing State chartered credit unions. The Fund is made up of premiums paid by both Federal and insured State credit unions. Yet if the Fund is not entitled to recover its insurance payout in the same respective position in a State credit union liquidation as in a Federal, but is instead relegated to a lower priority position by operation of state law, then the Fund must absorb greater losses in a state liquidation even though the premiums used to cover those losses are assessed against both Federal and State credit unions at the same rate. In other words, the greater risk to the NCUSIF in a state liquidation is funded by Federal credit unions' premiums.

Losses suffered by the NCUSIF obviously reduce the amount of funds available for financial assistance to all federally insured credit unions. Thus, all federally insured credit unions, and Federal credit unions in particular, are adversely affected for the sake of providing preferential recovery to creditors and nonmembers. The Board does not believe that was the intent for establishing a Share Insurance Fund nor that the Act requires such a result.

Finally, the Board must recognize its duty to minimize the burden on the Insurance Fund. This it is attempting to do through liquidation alternatives and by revising its priority schedule.

In order to correct the inequities that have resulted from the pre-IRPS 82–2 payout priority and to align the priority with the payout provisions specified in the Federal Credit Union Act, sections 207(a)(2), 207(d), and 120(b)(4) (12 U.S.C. 1787 (a)(2), (d) and 1766(b)(4)), the Board is issuing the proposed rule.

Analysis of the Proposed Rule

Section 744.1 Scope.

This section notes the specific statutory provision the Board relies on to support the payout priorities contained in the proposed rule. This authority is in addition to the Board's general rulemaking authority contained in sections 120(a) and 209(11) of the Act (12 U.S.C. 1766(a) and 1789(11)). This section also clarifies what is excluded from the coverage of the rule.

Section 744.2 Order of Payout for Federal Credit Unions.

The most significant change in the payout priority is the placement of the NCUSIF and members to the extent of uninsured shares on equal footing with unsecured creditors. The previous payout priority, as noted above, had the NCUSIF and uninsured members taking after unsecured creditors.

Another important change is the treatment of unsecured creditors as one class rather than categorizing such creditors into separate classes (e.g. wages due employees, taxes due the U.S. or states, other debts owing to the U.S., including NCUA, etc.) with differing payout priority. This original classification of unsecured creditors for payout purposes was modeled after the Bankruptcy Act when it was uncertain whether or not the involuntary liquidation of a credit union was subject to that Act. However, since the enactment of the Bankruptcy Reform Act of 1978, (*see* section 109(b)(2)) it is now clear that credit unions (Federal and State) are not subject to that law. Therefore, such classifications are not required.

In support of its proposed change in priority, the Board relies on section 207(a)(2) which states in pertinent part that:

> * * * The Board as such liquidating agent shall pay to itself for its own account such portion of the amounts realized from such liquidatioin as it shall be entitled to receive on account of its subrogation to the claims of members, and it shall pay to members and other creditors the net amounts available for distribution to them * * *

Section 744.3 Order of Payout for Federally Insured State Chartered Credit Unions

The Board relies on section 207(d) of the Act (12 U.S.C. 1787(d)), and its previously stated policy reasons, in support of this proposed section. As provided in section 207(d):

> In the case of any other closed insured credit union, the Board shall not make any payment to any member until the right of the Board to be subrogated to the rights of such members *on the same basis as provided in the case of a closed Federal credit union* shall have been recognized * * *. The rights of members and other creditors of any State-chartered credit union shall be determined in accordance with applicable provisions of State law. (Italics added.)

The Board interprets this section to require that the Board receive the same payout priority for federally insured State credit unions as it does for Federal credit unions. The Board recognizes, however, that the rights of members (whose claims have not become claims of the NCUSIF) and other creditors are to be determined under state law and, therefore, the rights of these State credit union members and creditors may be different than those of Federal credit unions. For example, state law may provide for certain classes of creditors to take priority over other classes. If state law, or any other "effective method," referred to in section 207(d) fails to recognize the NCUSIF's priority as described in the rule, then the Board proposes in § 744.3(c) to preempt state law to the extent that it conflicts with such priority and the mandate of Section 207(d) of the Act.

Other Item for Comment

The previous payout priority schedule, as well as IRPS 82–2, did not distinguish between perfected and unperfected security interests of secured creditors.

The proposed rule also makes no distinction. The Board believes this matter should now be addressed and specifically requests comment on it.

In this regard, the Board may consider specifically requiring that the first priority category be limited to only secured creditors with *perfected* security interests. Under the Uniform Commercial Code, a perfected security interest is one that cannot be defeated in insolvency proceedings or by creditors in general. If this were adopted, a secured creditor with an unperfected security interest would share in a pro rata distribution with unsecured creditors, uninsured member account-holders and the Fund. Requiring perfected security interests would discourage secret security, a policy also reflected in Article Nine of the U.C.C. and the Bankruptcy Code, and would permit the Board, as liquidating agent, to enhance the size of the pro rata distribution to unsecured creditors. Creditors can still protect their interests but will necessarily have to take additional steps. However, the Board does not find such steps to be unreasonable.

Comments need not be limited to the above but may address other aspects of security interests.

Regulatory Flexibility Act

Although the Board believes that this proposed rule will not have a significant economic impact on a substantial number of small entities, because of allegations in the lawsuit previously referred to, the Board has prepared a regulatory flexibility analysis. The reasons why the Board believes an analysis is not necessary are as follows. The proposed rule is not directed at the regulation of Federal or federally insured credit unions, but rather is directed at the Board in its capacity as liquidating agent of involuntarily liquidated credit unions. Further, the rule has its most direct and significant impact after a credit union is placed into liquidation, and therefore, its effect on operating credit unions is indirect. The economic impact, if any, that credit unions might sustain, has not been shown to be significant. Lastly, there is little evidence to suggest that a substantial number of small entities (credit unions with assets under $1 million) will suffer a significant economic impact if the payout priorities are revised pursuant to this rule.

Initial Regulatory Flexibility Analysis (As Required By 5 U.S.C. 603)

1. The reasons for the Board's issuance of the proposed rule, the objectives of the rule, and the legal basis for the rule are discussed above in the supplementary information section.

2. There are approximately 8500 small entities (federally insured credit unions with assets under $1 million) to which the proposed rule will indirectly apply.

3. There would be no reporting, recordkeeping or compliance requirements imposed by the proposed rule.

4. The proposed rule will not duplicate, overlap or conflict with other relevant Federal rules.

5. There are no significant alternatives to the proposed rule.

NCUA Report on Improving Government Regulations

The Board has determined that the 60 day comment period normally afforded significant proposed regulations, as stated in the March 16, 1979, Report, is not appropriate in this instance, and therefore the Board is providing a 30 day period. The substance of the proposed rule was made public on April 28, 1982, and therefore does not represent a new position or subject matter otherwise unknown to interested parties. The Board also believes that expediting the matter will prove to be in the interest of all parties concerned.

List of Subjects in 21 CFR Part 744

Payout priorities, Secured creditors, Unsecured creditors, Federally insured State credit unions.

Accordingly, it is proposed that a new Part 744 be added to 12 CFR as set forth below.

Dated: November 10, 1983.

Rosemary Brady,

Secretary of the Board.

1. A new Part 744 is proposed to be added as follows:

PART 744—PAYOUT PRIORITIES FOR INVOLUNTARY LIQUIDATIONS OF FEDERALLY INSURED CREDIT UNIONS

Sec.

Authority: 12 U.S.C. 1766 (a) and (b), 1787(a)(2), and 1787(d) and 1789(11).

§ 744.1 Scope and definitions.

(a) This part is intended to implement the order of payout upon the involuntary liquidation of a Federal credit union and, to the extent provided in this part, the order of payout of a federally insured State chartered credit union. The specific statutory basis for the order of payout is contained in sections 207(a)(2) and 207(d) of the Federal Credit Union Act (12 U.S.C. 1787 (a)(2) and (d)).

(b) This part does not apply to voluntary liquidations of Federal credit unions which are governed by Part 710 (12 CFR Part 710).

(c) This part does not apply to monies owed by federally insured credit unions to third party vendors where a trust or special deposit relationship has been established (where the monies do not represent funds of the credit union) and is recognized under applicable law. These types of relationships generally involve monies received by the credit union upon the sale of food stamps, money orders, and travelers' checks. These monies would be paid out before any payments are made under the liquidation payment schedule.

(d) For the purposes of this part, the term "Fund" means the National Credit Union Share Insurance Fund. The term "claimant" means any creditor, member of other party having a claim against the assets of a liquidating credit union.

§ 744.2 Order of payout for Federal credit unions.

The following order of payment on claims shall apply when a Federal credit union is placed into involuntary liquidation:

(a) *First.* Secured creditors up to the value of their collateral.

(b) *Second.* Costs and expenses of liquidation.

(c) *Third.* Unsecured creditors, secured creditors to the extent that their claims exceed their security interest, members to the extent of uninsured shares, and the Fund to the extent of its payment of insurance on insured accounts.

§ 744.3 Order of payout for Federally insured State chartered credit unions.

(a) The following order of payment on claims shall apply when a federally insured State chartered credit union is placed into involuntary liquidation:

(1) Secured creditors up to the value of their collateral;

(2) Costs and expenses of liquidation;

(3) The Fund to the extent of its payment of insurance on insured accounts.

(b) State law will determine:

(1) The class or category of claimants that will share in a pro rata distribution of assets with the Fund;

(2) The priority to be afforded to different classes or categories of claimants as amongst themselves; and

(3) Any class or category of claimants whose rights are subordinate to the

claims of any other class or category of claimants.

(c) Notwithstanding paragraph (b), in no event shall the right of the Fund to recover its payment of insurance on insured accounts be subordinate to any class or category of claimants other than as provided in paragraph (a). To the extent that state law would provide such subordination, it is hereby preempted.

[FR Doc. 83-31096 Filed 11-18-83; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

[Docket No. 31024-204]

Surveys of Foreign Direct Investment in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Proposed rule.

SUMMARY: The Bureau of Economic Analysis is proposing changes to certain of its direct investment surveys. Written public comments are solicited in the following change:

(1) Raise the exemption level for Forms BE-605 and BE-606B from $5,000,000 to $10,000,000.

(2) Raise the exemption level for Form BE-15 from $5,000,000 to $10,000,000 and eliminate the 1,000 acre exemption level from the criteria.

The purpose of these changes is to effect a reduction in the number of reports filed by U.S. affiliates of foreign persons and thereby reduce the reporting burden.

EFFECTIVE DATE: Written comments must be received by BEA no later then December 21, 1983.

ADDRESS: Written comments should be addressed to the U.S. Department of Commerce, Bureau of Economic Analysis, International Investment Division (BE-50 (OC)), Washington, D.C. 20230. All comments in response to this notice will be available for public inspection from 8:00 a.m. to 4:00 p.m. in room 608, 1401 K Street, NW., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230; (202) 523-0657.

SUPPLEMENTARY INFORMATION: The purpose of these changes is to effect a reduction in the number of reports filed by U.S. affiliates of foreign persons and thereby reduce the reporting burden. The changes relating to Forms BE-605 and BE-606B will be effective commencing on January 1, 1984 for reports covering reporting periods occurring in 1984. The changes relating to the BE-15 report will be effective with the reports due to be filed in 1984 covering U.S. affiliates' 1983 fiscal year.

No other changes are being made to any of the three report forms. However, a printed exemption claim (form BE-15, Supplement C) for use with the BE-15 annual survey has been prepared. It is BEA's intention to send BE-15 forms each year to those U.S. affiliates that are just below the exemption level, on the assumption that some of them may have gone above the exemption during the year and thus would be required to report. Those business enterprises that are still exempt or not covered may simply check the appropriate box (no longer foreign owned, still below exemption level, etc.), give the information requested, as appropriate, and return the exemption claim. (Those that are still U.S. affiliates but that fall below the exemption level will be required to enter the value of the three items on which the exemption criteria are based—assets, sales and net income—and the number of acres of land owned.)

The requirement that a U.S. affiliate that owns 1,000 acres or more of U.S. land must report regardless of the value of its assets, sales, or net income, is being dropped, as noted above. A number of these affiliates will nevertheless be mailed BE-15 forms each year in case they have gone above the new dollar exemption level and thus would be required to report. If they do not have to report, they must file the BE-15 exemption claim form, as described in the preceding paragraph. By requesting the amount of land owned along with assets, sales, and net income on the exemption claim form, BEA will be able to monitor the effect on the data series of the removal of the special acreage reporting criterion.

It is not incumbent on U.S. affiliates that are exempt, but that are not contacted by BEA, to secure and file a BE-15 exemption claim form each year. Only those U.S. business enterprises contacted by BEA and that are not required to file a BE-15 report must file the exemption claim.

As to the BE-605 and BE-606B, there is no printed exemption claim form and U.S. affiliates that are exempt, but not contacted by BEA, do not have to file an exemption claim. Those contacted by BEA must respond, either by filing the appropriate form or by certifying that they are exempt—see § 806.15(g).

The Bureau of Economic Analysis has determined that these proposed rule changes are not "major" under Executive Order 12291. The public use burden will be undertaken within the Department of Commerce allocated FY 1984 Information Collection Budget ceiling.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility act relating to the preparation of an initial regulatory flexibility analysis are not applicable to these proposed rule changes because the exemption level is being increased, thereby eliminating the reporting requirement for a number of small entities.

Accordingly, the General Counsel, Department of Commerce, has certified under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that these proposed rule changes will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 806

Economic statistics, Foreign investment in the United States, Penalties, Reproting requirements.

Authority: 5 U.S.C. 301, 22 U.S.C. 3101-3108, and Executive Order 11961.

Part 806 is therefore modified as set forth below.

Allan H. Young,
Acting Director, BEA.

PART 806—[AMENDED]

15 CFR Part 806 is amended as follows:

1. In 806.15, present paragraphs (h) and (i) are revised to read as follows:

§ 806.15 Foreign direct investment in the United States.

* * * * *

(h) Quarterly report forms.

(1) BE-605—Transactions of U.S. Affiliate, Except an Unincorporated Bank, with Foreign Parent: One report is required for each U.S. affiliate exceeding an exemption level of $10,000,000.

(2) BE-606B—Transactions of U.S. Banking Branch or Agency with Foreign Parent: One report is required for each U.S. banking affiliate exceeding an exemption level of $10,000,000.

(i) Annual report form. BE-15—Annual Survey of Foreign Direct Investment in the United States: One report is required for each consolidated U.S. affiliate, except a bank, exceeding an exemption level of $10,000,000. U.S.

affiliates that are banks are exempt from the reporting requirements of this survey.

(Approved by the Office of Management and Budget under the following control numbers: BE-605—0608-0009, BE-606—0608-0023, and BE-15—0608-0034)

[FR Doc. 83-31089 Filed 11-16-83; 8:45 am]

BILLING CODE 3510-06-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-130 (Colorado—28)]

High-Cost Gas Produced From Tight Formations, Colorado; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (Supp V, 1981), to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or cost. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1983)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado that its previous recommendation that the Dakota and Morrison Formations each be designated a tight formation be amended by deleting certain lands.

DATES: Comments on the proposed rule are due on December 29, 1983. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on November 29, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

Issued: November 14, 1983.

I. Background

On July 23, 1982, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (18 CFR 271.703 (1983)), that the Dakota and Morrison Formations located in Garfield, Mesa, and Rio Blanco Counties, Colorado, each be designated a tight formation. On August 16, 1982, the United States Department of the Interior, Minerals Management Service (MMS) (formerly the U.S. Geological Survey) notified the Commission of its partial concurrence with Colorado's recommendation. A Notice of Proposed Rulemaking was issued August 31, 1982, providing a comment period ending October 15, 1982. The comment period was extended until November 22, 1982, by a Notice of Extension of Time issued October 15, 1982.

On February 18, 1983, the Commission staff notified Colorado by letter that several parties comments had raised questions about Colorado's proposal, particularly about well test data and the degree of development in parts of the recommended area. The letter requested additional information about well drilling and testing and about the exclusion of certain data from consideration in the recomendation. Colorado submitted a second recommendation to the Commission on October 3, 1983, based on hearings held in Denver, Colorado, on April 18, 1983, and May 16, 1983. (Colorado submitted a correction to the second recommendation on October 24, 1983.) The second recommendation excludes areas which were included in the first recommendation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation, as amended, that the Dakota and Morrison Formations each be designated a tight formation should be adopted. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended portions of the Dakota and Morrison Formations underlie parts of Garfield, Mesa, and Rio Blanco Counties in western Colorado. Approximately 549,000 acres are included in all or parts of Townships 1 North, 1 South, 2 South, and 3 South, Ranges 100 through 104 West, 6th P.M., Townships 4 and 5 South, Ranges 102 through 104 West, 6th P.M. Townships 6 through 8 South, Ranges 103 through 105 West, 6th P.M. Townships 9 and 10 South, Ranges 103 and 104 West, 6th P.M., and Townships 1 and 2 North, Ranges 2 and 3 West, Ute P.M. About 94 percent of the recommended area consists of Federal and Indian acreage.

The Dakota Formation consists of Cretaceous age sandstones, and is overlain by the Dakota Silt and underlain by the Morrison Formation. The lower portion of the Dakota Formation has also been described as the Cedar Mountain Formation or the Burro Canyon Formation. The depth to the top of the Dakota Formation in the recommended area ranges from zero to more than 11,600 feet, and averages about 5,450 feet. The thickness ranges from about 100 to over 300 feet, and averages about 150 feet.

The Morrison Formation consists of Jurrasic age sandstones and is overlain by the Dakota Formation and underlain by the Entrada Formation. The depth to the top of the Morrison Formation ranges from 1,700 to 11,800 feet and averages about 5,590 feet. The thickness ranges from about 300 to more than 600 feet.

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Order Nos. NG-32-2 and NG-33-2, Cause No. NG-32 and NG-33 convened by Colorado on this matter demonstrates that:

(1) The averages *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, [Reg. Preambles 1977-1981] FERC Stats. and

Regs. ¶ 30,180 (1980), issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the Dakota and Morrison Formations, as described and delineated in Colorado's recommendation as filed with the Commission, each be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 29, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-130 (Colorado—28), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of the desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 29, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

PART 271—[AMENDED]

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulations.

Section 271.703 is amended as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraphs (d)(134) and (135) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(99) through (133) [Reserved]

(134) *Dakota Formation in Colorado.* RM79-76-130 (Colorado—28).

(i) *Delineation of formation.* The Dakota Formation is located in Garfield, Mesa, and Rio Blanco Counties, Colorado, in all or parts of Townships 1 North, 1 South, 2 South, and 3 South, Ranges 100 through 104 West, 6th P.M., Townships 4 and 5 South, Ranges 102 through 104 West, 6th P.M., Townships 6 through 8 South, Ranges 103 through 105 West, 6th P.M., Townships 9 and 10 South, Ranges 103 and 104 West, 6th P.M., and Townships 1 and 2 North, Ranges 2 and 3 West, Ute P.M.

(ii) *Depth.* The Dakota Formation is overlain by the Dakota Silt and is underlain by the Morrison Formation. The average thickness is about 150 feet. The average depth to the top of the Dakota Formation is 5,450 feet.

(135) *Morrison Formation in Colorado.* RM79-76-130 (Colorado—28).

(i) *Delineation of formation.* The Morrison Formation is located in Garfield, Mesa, and Rio Blanco Counties, Colorado, in all or parts of Townships 1 North, 1 South, 2 South, and 3 South, Ranges 100 through 104 West, 6th P.M., Townships 4 and 5 South, Ranges 102 through 104 West, 6th P.M., Townships 9 and 10 South, Ranges 103 and 104 West, 6th P.M., and Townships 1 and 2 North, Ranges 2 and 3 West, Ute P.M.

(ii) *Depth.* The Morrison Formation is overlain by the Dakota Formation and is underlain by the Entrada Formation. The thickness ranges from about 300 to more than 600 feet. The average depth to the top of the Morrison Formation is 5,590 feet.

[FR Doc. 83-31136 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76-218 (New Mexico—26)]

High-Cost Gas Produced from Tight Formations, New Mexico; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (Supp V, 1981), to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1983)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico that the Dakota Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on December 29, 1983. Public Hearing: No public hearing is schedule in this docket as yet. Written requests for a public hearing are due on November 29, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

Issued: November 14, 1983.

I. Background

On October 24, 1983, the State of New Mexico Energy and Minerals Department Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (18 CFR 271.703 (1983)), that the Dakota Formation located in San Juan County, New Mexico, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation, that the Dakota Formation be designated a tight formation should be adopted. The United States Department of the Interior, Bureau of Land Management (BLM) concurs with New Mexico's recommendation, but also recommends that certain additional lands be

included. New Mexico's and BLM's recommendations and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended area is known as the Huerfano Mountain Tight Gas Area and is located in the south central portion of the San Juan Basin in San Juan County, New Mexico. The recommended formation underlies approximately 6,720 acres and has an average gross thickness of 275 feet. The average depth to the top of the Dakota Formation is 6,400 feet. The recommended area is subject to New Mexico Order No. R-1670-V, issued May 22, 1979, which authorizes infill drilling in the Basin Dakota Pool. The Basin Dakota Pool contains the recommended formation. Accordingly, certain portions within the proposed area may be subject to exclusion pursuant to § 271.703(c)(2)(i)(D) of the regulations.

III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 7942 convened by New Mexico on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

New Mexico recommends that the Dakota Formation underlying Township 25 North, Range 9 West, Sections 20 E/2, 21, and 28 through 30 NMPM; and Township 25 North, Range 10 West, Section 25 NMPM, in San Juan County, New Mexico, be designated as a tight formation. BLM concurs with New Mexico but also claims that the recommended formation underlying Township 25 North, Range 9 West, Sections 16, 17, and 18 NMPM; and Township 25 North, Range 10 West, Sections 13 and 24 NMPM, is within the geologic boundaries of the formation and should be included in the recommended area.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, [Reg. Preambles 1977–1981] FERC Stats. and Regs. ¶ 30,180 (1980), issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposals submitted by New Mexico and BLM that the Dakota Formation, as described and delineated in the recommendations as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 29, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-218 (New Mexico—26), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of the desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 29, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event New Mexico's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraph (d)(185) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(155) through (184) [Reserved]

(185) *Dakota Formation in New Mexico.* RM79-76-218 (New Mexico—26).

(i) *Delineation of formation.* The Dakota Formation is located in San Juan County, New Mexico, in Township 25 North, Range 9 West, Sections 16 through 18, E/2 of 20, 21, and 28 through 30, NMPM; Township, 25 North, Range 10 West, Sections 13, 24 and 25, NMPM.

(ii) *Depth.* The Dakota Formation is defined as that interval at a depth of approximately 6,234 feet to 6,599 feet on the Induction Spherically Focused Log from the M.J. Brannon Federal 28 No. 2 well. The average depth to the top of the Dakota Formation is 6,400 feet.

[FR Doc. 83-31139 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76-219 (Colorado—1 Amdt. II)]

High-Cost Gas Produced From Tight Formations, Colorado; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (Supp. V, 1981), to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions

which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1983)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado that an area of the Wattenberg J Sand Formation originally excluded by the Commission in Order No. 124 be included in the designated tight formation under § 271.703(d).

DATES: Comments on the proposed rule are due on December 14, 1983. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on November 29, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Victor Zabel (202) 357-8616.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rulemaking by Director, OPPR

Issued: November 14, 1983.

I. Background

On August 11, 1983, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a letter concerning a revision to include certain lands in the Wattenberg J Sand, as designated as a tight formation pursuant to § 271.703(d). The Wattenberg J Sand Formation underlies portions of Adams, Boulder and Weld Counties, Colorado. The Commission adopted, in part, Colorado's recommendation of July 9, 1980, that the Wattenberg J Sand be designated as a tight formation in Order No. 124, issued January 23, 1981, in Docket No. RM79-76 (Colorado—1). The description of the area as designated appears in § 271.703(d)(11) of the Commission's regulations. In Order No. 124, the Commission excluded certain lands contained in Colorado's recommendation from the designation pursuant to § 271.703(c)(1)(D), because these areas had been subject to infill drilling orders, and information in Colorado's recommendation indicated that these areas could be developed absent the incentive price for tight formation gas. A description of the excluded acreage appears in the appendix to Order No. 124, in Docket No. RM79-76 (Colorado—1).

Colorado's August 11, 1983 letter provides amended information concerning well development within the Wattenberg J Sand and recommends that one drilling unit which was excluded by the Commission in Order No. 124 now be included in the tight formation designation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's proposed amendment should be adopted, amending § 271.703(d)(11) to add certain lands to the Wattenberg J Sand tight formation area. Colorado's amendment and supporting data are on file with the Commission and are available for public inspection.

II. Description of Proposed Amendment

Colorado recommends that the W/2 of Section 13, Township 2 North, Range 68 West, which was excluded in Order No. 124 because of infill drilling, be included in the Wattenberg J Sand tight formation area.

III. Discussion of Proposed Amendment

On August 21, 1979, Colorado issued Infill Drilling Order No. 232-20 covering portions of the Wattenberg J Sand Formation. The Commission excluded those portions of the area recommended for tight formation designation by Colorado which were subject to Infill Drilling Order No. 232-20 and in which wells were completed for production prior to August 21, 1979, the date the infill order was issued. Colorado provided an amended well completion report in its August 11, 1983 letter for one well located in the area subject to the infill drilling order, showing that this well was completed for production after the date the infill order was issued. Therefore, Colorado proposes that the 320-acre drilling unit on which this well is located should be included in the designated Wattenberg J. Sand tight formation area.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, (Reg. Preambles 1977-1981) FERC Stats. and Regs. ¶ 30,180 (1980), issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposed amendment by Colorado that certain areas of the Wattenberg J Sand Formation, as described in Colorado's letter of correction as filed with the Commission, be added to the designated area of the Wattenberg J Sand Formation.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before December 14, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-214 (Colorado—1 Amendment II), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of the desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 29, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

§ 271.703 [Amended]

2. Section 271.703(d)(11) is amended in the appendix to Order No. 124, Docket No. RM70-76 (Colorado—1) by removing

the following from the areas excluded from the tight formation designation:

Weld County

Township 2 North, Range 66 West, 6th P.M.
Sec. 13: W/2

[FR Doc. 83-31137 Filed 11-18-83; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 141

Proposed Customs Regulations Amendment Relating to Identification of Merchandise Subject to an Antidumping or Countervailing Duty Order

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: In order to facilitate and upgrade the compilation and retrieval of antidumping and countervailing duty collection data, this document proposes to amend the Customs Regulations relating to presentation of entry papers to require importers of merchandise subject to an antidumping or countervailing duty order to include with the entry summary a unique identifying number assigned by the International Trade Administration of the Department of Commerce.

DATE: Comments must be received on or before January 20, 1984.

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

FOR FURTHER INFORMATION CONTACT: Robert Bujnicki, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Ave., N.W., Washington, D.C. 20229 (202-566-8121).

SUPPLEMENTARY INFORMATION:

Background

The International Trade Administration, Department of Commerce, and the Customs Service have received increasing numbers of requests for accurate data concerning the imposition of antidumping and countervailing duties. Presently, this data is collected by Customs from information provided by the importer during the entry process. Due to the fact that antidumping and countervailing duty case numbers are not always present on entry documents, attempts to collect accurate data have been unsuccessful. In order to facilitate and upgrade the compilation and retrieval of antidumping and countervailing duty collection data, each antidumping and countervailing duty case or, where appropriate, each manufacturer or exporter subject to a particular antidumping or countervailing duty order, is assigned a unique identifying number by the International Trade Administration. To collect accurate data, it is essential that the importer or the importer's representative be required to provide the identifying number on the entry summary documents at the time of filing them with Customs for any merchandise subject to an antidumping or countervailing duty order. Failure to provide the identifying number at the time the entry summary is filed would result in rejection of the entry summary documents by Customs. Concerned parties would be administratively advised of the identifying number required for merchandise they are importing.

It is proposed to amend § 141.61, Customs Regulations (19 CFR 141.61), by adding a new paragraph (c) to require the identifying number.

Exective Order 12291

This document will not result in a regulation which is a "major rule" as defined by section 1(b), Executive Order 12291.

Regulatory Flexibility Act

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

Of the approximately 42,000 entries filed under final dumping and countervailing duty orders, most importers or their representatives voluntarily provide an identifying number. Customs estimates that 8,000 to 11,000 entries would be subject to the proposal's requirements.In order to provide the identifying number on the entry documents for these 8,000 to 11,000 entries, a slightly greater clerical input would be required. Customs estimates that the total dollar impact for all affected entries would require increased clerical input costing $3,000 or less. Further, Customs expects the dollar burden to decrease as more small entities acquire small business computers to automate their operations.

Customs does, however, request commenters to provide cost data with their response which detail any projected increase in costs as a result of the proposal. If this data reflects a significant economic impact and it is decided to adopt the proposal, a regulatory analysis will be prepared and published with the final rule.

In light of present data available, it is certified under the provisions of section 3, Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Comments

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

Authority

This document is issued under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624).

Drafting Information

The principal author of the document was John E. Elkins, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices and the International Trade Administration participated in its development.

List of Subjects in 19 CFR Part 141

Customs duties and inspection, Imports.

Proposed Amendment to the Regulations

It is proposed to amend Part 141, Customs Regulations (19 CFR Part 141), as set forth below.

PART 141—ENTRY OF MERCHANDISE

It is proposed to amend § 141.61 by adding a new paragraph (c) to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

* * * * *

(c) *Identification number for merchandise subject to an antidumping or countervailing duty order.* The entry summary filed for merchandise subject to an antidumping or countervailing

duty order shall include the unique identifying number assigned by the Department of Commerce, International Trade Administration. Any entry summary filed for merchandise subject to an antidumping or countervailing duty order not containing the identifying number shall be rejected.

* * * * *

William von Raab,

Commissioner of Customs.

Approved: October 25, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-31250 Filed 11-18-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Definitions and General Considerations; Revised Procedures re Medicated Feed Applications; Correction

Correction

In FR Doc. 83-29689 beginning on page 50358 in the issue of Tuesday, November 1, 1983, make the following corrections:

§ 558.3 [Corrected]

1. In § 558.3, on page 50359, first column, in the Category I table, under the entry "Type B maximum", eighth line, "10 g/lb" should read "20 g/lb".

2. On the same page, second column, nineteenth line, "melegestrol acetate" should read "melengestrol acetate"

3. Same page, same column, twentieth line, "Monesin" should read "Monensin."

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 494]

Establishment of Monterey Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Monterey County, California, to be known as "Monterey." This proposal is the result of a petition submitted by the Monterey Winegrowers Council. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to designate the areas from which grapes used in the production of wines are grown and will enable consumers to identify and to diffferentiate between wines offered at retail.

DATES: Written comments must be received by January 5, 1984.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn: Notice No. 494).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to Title 27, Code of Federal Regulations, for the listing of approved American viticultural areas.

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geogical Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition from the Monterey Winegrowers Council proposing an area in Monterey County, California, as a viticultural area to be known as "Monterey." The petitioned area consists of approximately 1,168,000 acres of which about 31,632 acres are devoted to grapes. The proposed viticultural area is located south and southeast of the city of Salinas and comprises approximately two-thirds of the land area of Monterey County.

Name

The petitioners state that "Monterey" has been recognized as a grape-growing area by countless references and articles in newspapers, magazines, and books having local, national and international circulation. In support of the petition, historians Ruth Teiser and Catherine Harroun state that their reseach for the Regional Oral History Office of the University of California relating the the wine industry interview series and their research for a book on the history of winemaking in California has led them to the conclusion that there is indeed a distinct viticultural region which has historically been know as "Monterey."

Geographical/Viticultural Features

The petitioners claim the proposed viticultural area is distinguished from surrounding areas by climatic variances and by the soil. The petitioners base these claims on the following:

(a) The weather within the proposed Monterey viticultural area differs from surrounding areas primarily by the sparse natural rainfall and the marine influences of the Pacific Ocean and Monterey Bay.

(b) Compared to surrounding areas, the area is relatively dry throughout the growing season. Average annual rainfall in the valleys where grapes are

currently growing or in the valleys in which the potential to grow grapes exists in ten inches—generally classified as desert. However, the watershed of the Santa Lucia and Diablo Mountain Ranges (which the petitioners included within the western boundary of the proposed viticultural area) provide adequate water through underground aquifers to enable irrigation of the grape acreage as well as to satisfy other agricultural requirement.

(c) The rainfall which is lower than surrounding areas during the growing season is considered to be an advantage because it allows winemakers in the viticultural area to manage effectively the amount of water received by the grapevines through the use of various methods of irrigation.

(d) The inland vallelys which open to the Pacific Ocean between the parallel mountain ranges (Gabilan, Santa Lucia, and Diablo) form corridors of cool air which contribute to a longer growing season than surrounding areas.

(e) Unlike the surrounding highland areas above the 1,000-foot contour line, the viticultural area is subjected to variable winds which sweep down from Monterey Bay through the inland valleys. The higher afternoon temperatures in the farther inland reaches of the viticultural area create low atmospheric pressure conditions which draw the relatively cooler air from the Monterey Bay down through the valleys of the viticultural area to replenish the hot air rising from the inland areas.

(f) Temperatures are rarely extreme enough to cause serious problems of frost or heat as in neighboring grape-growing areas.

(g) Limestone is the predominant component of the soils in the neighboring highland areas. Soils within the proposed viticultural area, however, are generally light textured loams to loamy sands varying in reaction from pH 5.1 to 8.4 and having low salinity. The soils are generally low in organic matter content and naturally supplied nitrogen and require irrigation in the summer months. The needs for irrigation and nitrogen fertilization are advantageous to growers since growers are able to adjust water and nitrogen levels into the fine balance needed for the production of wine.

(h) The petitioned eastern boundary of the Monterey County line runs along the ridge top of the Gabilan mountain range which is the eastern boundary line between San Benito County and Monterey County. Little coastal air passes inland over this mountain range. The area to the east of the range has little of the coastal influences of moderating temperature and rainfall. San Benito County has spring frosts occurring two to four weeks later, fall frosts occurring one to six weeks earlier, and hot spells lasting one to three days longer than those occurring in Monterery County.

(i) The Monterey area has several unique climatic features which distinguish it from other California grape-growing regions. These features include a long period from bloom to harvest, mild daily high temperatures during most of the fruit development period, fog in the morning, a quick rise to the daily maximum temperature with simultaneous precipitous drop in humidity and regularly occurring wind from the north beginning in the early afternoon. The high temperatures common to the Central Valley are rare in Monterey but do occur during the Indian summer period. Weather records from Gonzales, Soledad, Greenfield, and King City all show a high degree of similarity in temperatures within the area. Comparisons to weather records from neighboring grape-growing areas show that the combination of morning fog and afternoon wind produces a unique temperature and relative humidity pattern.

(j) The Monterey area can be distinguished from most other grape-growing areas in California by the high acid levels that it gives to most normal varieties of grapes. When the fruit reaches the sugar at which it is harvested (21–22 degrees Brix for whites and 22–24 degrees Brix for reds) the total acid is generally around 0.75–0.85 in most areas of California. However, in Monterey it may range from 0.9 to 1.5 which is very high relative to other California grapes. In order to achieve a better balance between sugar and acid, the grapes are left on the vine until the sugar reaches around 26 degrees Brix so that total acid will decrease to approximately 0.9. Mr. C. J. Alley Ph.D., University of California at Davis, states that he believes this retention of acid is caused by the winds which occur daily anywhere from 10AM to 2PM. When this happens, the mid-day temperature, which is relatively high, drops drastically and stays low for the remainder of the day. Mr. Alley states that he believes this sudden drop in temperature each day prevents the normal reduction in acid as the fruit matures compared to other areas of California.

(k) The average annual temperature is much the same in the proposed Monterey viticultural area. It varies from about 57 degrees in the northern areas of the Salinas Valley to about 60 degrees in the southern areas. However, the southern areas are farther inland and have clearer skies. Consequently, southern areas have both warmer days and cooler nights and have 10 to 20 degrees greater ranges of both daily and seasonal temperatures. The natural vegetation of grasses, sage brush, and sparse low trees shows that the weather is quite uniform throughout the Monterey County grape-growing areas.

(l) The generally similar soils, weather, and topography within the proposed Monterey viticultural area have the potential to produce grapes of a noticeable similarity.

Historical Background

During the period when California was held by Spain and Mexico, missions near Jolon and Soledad grew grapes and made wine. The Soledad Vineyard was quite extensive, as indicated in letters and depicted on maps of its holdings. Scattered vineyards also existed during the American period. No directories were issued before 1888, but the State directories of grape growers and winemakers of that year and of 1891 list vineyards with post office addresses at Salinas, Gonzales, San Lucas, San Ardo, Bradley, and Parkfield.

The commercial history of significant grape growing and winemaking in the county of Monterey began in the year 1962 with the planting of approximately 1,400 acres of varietal grapes by three of California's producers and marketers of wine: Paul Masson Vineyards, Mirassou Vineyards, and Wente Bros. Vineyard acreage in the county of Monterey has since grown to 31,632 acres as reported in the publication "California Grape Acreage 1979," issued by the California Crop and Livestock Reporting Service, May 1980. Recognition of "Monterey" as a viticultural area is manifested in countless references and articles in newspapers, magazines, and books on wine.

There are 14 bonded wineries located within the boundary proposed by the petitioners.

Petitioned Boundary

The boundary of the Monterey viticultural area, as proposed by the petitioners, is found on two U.S.G.S. maps: "Monterey," scale 1:250,000 (1974), and "San Luis Obispo," scale 1:250,000 (1956, revised 1969 and 1979). The specific description of the petitioned boundary is found in the proposed regulations which immediately follow the preamble to this notice of proposed rulemaking.

Alternative Boundary

Due to the expanse and topographical diversity of the land area within the boundary proposed by the petitioner, ATF proposes an alternative boundary. This boundary would extend the petitioned boundary farther west to the Pacific Ocean but would compress the size of the area by limiting the boundary to land generally below the 1,000-foot contour lines to the east and west of the Salinas River Valley. This boundary would include the Carmel Valley and Arroyo Seco viticultural areas and the proposed King City and San Lucas viticultural areas but would exclude the approved Chalone viticultural area and the bonded winery located therein. The ATF alternative boundary and the names of the 39 U.S.G.S. 7.5 minute maps assembled to depict the boundary are found in the text of this notice of proposed rulemaking.

Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to the initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable because this notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant or incidental effects on a substantial number of small entities; or impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this notice of proposed rulemaking, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Issues on Which Comments Are Requested

Name of Proposed Viticultural Area. The petitioners believe that the name "Monterey" is the most appropriate name for the viticultural area. ATF is concerned, however, that use of the word "Monterey" without the qualifier "County," may mislead the consumer as to the percentage of wine required to be from grapes grown in the named appellation of origin. For a county appellation, the minimum percentage from the county is 75 percent; for a viticultural area appellation, the minimum percentage is 85 percent.

ATF is concerned that the consumer may not be able to distinguish between wine labeled with the county appellation and wine bearing the viticultural area appellation. ATF is also concerned that someone, simply by adding the word "County," could produce a wine which would ride on the reputation of the viticultural area name.

ATF also requests comments concerning (1) whether "Monterey" is the most appropriate name to designate the area; (2) whether the name "Monterey" applies only to the land area on the Monterey Peninsula; and (3) whether the grape-growing areas in the Carmel Valley and the Salinas River Valley should be entitled to the use of the name "Monterey."

Viticultural Area Size. ATF is also requestion comments regarding the size of the area. The petitioned boundary of the "Monterey" viticultural area consists of approximately 1,168,000 acres of which about 31,632 acres of grapes are under cultivation, representing about 3 percent of the total land area. The anticipated growth in grape-growing acreage in the proposed area is from 5,000 to 15,000 acres in the next ten years. This increased acreage would bring the total percentage of grapes under cultivation to about 4 percent of the total area.

ATF requests comments on whether or not the viticultural area boundaries proposed by both the petitioner and by ATF encompass areas that are too large. ATF questions whether the viticultural area could be compressed even more and still have geographical features which are distinguishable from surrounding areas.

ATF solicits comment regarding the reduction of the land area encompassed within the petitioned viticultural area boundary by the redrawing of the boundary line to exclude the highland areas (essentially above the 1,000-foot contour line) east of the Salinas River Basin which would result in the exclusion of the approved Chalone viticultural area (and the bonded winery located therein) from the proposed viticultural area. The Bureau maintains that the soil and growing conditions in the valleys are different that in Chalone and that Chalone because or its elevation sites above the fog line is not affected by the fog and variable winds. The Bureau also proposes to redraw the western boundary line to the 1,000-foot contour line on the mountains to the west of the Salinas River Basin. The ATF alternative boundary would encompass the approved Arroyo Seco and Carmel Valley viticultural areas and the proposed King City and San Lucas viticultural areas. The southernmost boundary would be the Monterey County-San Luis Obispo County Line and would include essentially the area below the 1,000-foot contour line in the Hames Valley and the San Antonio River Valley. The southeastern boundary line would narrow the viticultural area as it approaches the county line and would exclude the Peachtree Valley and Indian Valley.

ATF also is concerned about the northern boundary line proposed by the petitioners to be drawn just south of Chualar. Although the petitioners state that the land area between Monterey Bay and this boundary line is devoted exclusively to other forms of agriculture, e.g., artichokes and lettuce, ATF maintains that the boundary should be determined by geographic features and not by crop and planting distributions. ATF also believes that new vineyards have been planted in this area. Comments on this issue should show the viticultural features, e.g., temperature, soil, fog, climate, etc., which differentiate the area north of Chualar from that south of Chualar. The northwestern boundary of the ATF alternative is the Pacific Ocean.

Overlapping of Viticultural Areas. The Monterey viticultural area as proposed by the petitioners partially or totally overlaps six other proposed or approved viticultural areas: King City, San Lucas, Arroyo Seco, Carmel Valley, Chalone, and Central Coast.

ATF has reservations about establishing viticultural areas which totally or partially overlap with other proposed or approved viticultural areas. ATF believes the significance of

viticultural areas as delimited grape-growing regions distinguishable by geographical features may be eroded by the indiscriminate establishment of overlapping viticultural areas. However, ATF recognizes that a rigid policy of disapproving a proposed viticultural area solely on the grounds that it overlaps with other proposed or approved viticultural areas would be inequitable. Therefore, ATF will judge each petition which proposes a viticultural area that overlaps with other proposed or approved viticultural areas on a case-by-case basis. ATF will be guided in this judgment by evidence presented in the petition and by comments received from the public during the comment period. All persons interested in this overlap issue are encouraged to submit written comments before the close of the comment period.

The ATF alternative is printed in the text of this notice of proposed rulemaking. The assembled 39 maps depicting the boundary of the ATF alternative are available for inspection in the ATF Reading Room.

Public Participation

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Monterey viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority

Accordingly, under the authority in 27 U.S.C. 205 (49 Stat. 981, as amended), the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add to the table new section 9.98, to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.98 Monterey.

Par. 2. It is proposed to amend 27 CFR Part 9, Subpart C by adding a new § 9.98. Comments are requested on the two alternative versions set forth below.

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.98 Monterey (Alternative A as proposed by the petitioners).

(a) *Name.* The name of the viticultural area described in this section is "Monterey."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Monterey viticultural area are two U.S.G.S. maps. They are titled:

(1) "Monterey," scale 1:250,000 (1974); and

(2) "San Luis Obispo," scale 1:250,000 (1956, revised 1969 and 1979).

(c) *Boundaries.* The Monterey viticultural area is located entirely within Monterey County, California. The beginning point is about two miles south of Salinas at the junction of State Highway 68 with River Road, a secondary, all-weather, hard surface road which runs parallel and adjacent to the Salinas River.

(1) From the beginning point the boundary runs in a southeasterly direction along River Road until it intersects with Chualar River Road, a secondary, all-weather, hard surface road about two miles southwest of Chualar;

(2) Thence in a northeast direction along Chualar River Road until it intersects U.S. Highways 101 in the vicinity of Chualar;

(3) Thence southeast on U.S. Highway 101 approximately 0.5 miles to where it crosses Chualar Creek;

(4) Thence following Chualar Creek in a northeasterly direction to Chualar Canyon;

(5) Thence following Chualar Canyon northeasterly to the dividing line between Monterey and San Benito County;

(6) Thence in a generally southeasterly direction along this dividing line between Monterey and San Benito County until it intersects with the Fresno County line;

(7) Thence following the dividing line between Fresno and Monterey County in a generally southeasterly direction to the headwaters of Little Cholame Creek about two miles northwest of Mine Mountain;

(8) Thence following along the ridge to the southeast of Little Cholame Creek to its intersection with Cholame Creek;

(9) Thence crossing Cholame Creek and following along the top of the southwest ridge draining into Cholame Creek in a generally northwesterly direction to the intersection of Vineyard Canyon and Cholame Creek;

(10) Thence following in a southwesterly direction along the south ridge draining into Vinyard Canyon until it reaches the line dividing Monterey and San Luis Obispo Counties;

(11) Thence west along the Monterey County-San Luis Obispo County line to a point approximately one mile due north of Tierra Redonda Mountain;

(12) Thence following along the south ridge draining into the San Antonio River in a generally northwesterly direction to the boundary of the Los Padres National Forest;

(13) Thence along the boundary of the Los Padres National Forest in a northwesterly, easterly, northerly, westerly, and subsequently a northwesterly direction until it intersects with the southeastern tip of White Rock Ridge, approximately 0.5 mile southeast of White Rock Lake;

(14) Thence in a northwesterly direction along the unnamed secondary road to Robinson Canyon;

(15) Thence north along Robinson Canyon to its intersection with the Carmel River;

(16) Thence across the Carmel River to Buckeye Canyon and from there in a northeasterly direction along Buckeye Canyon to the intersection of State Highway 68 with Laurells Grade Road, a secondary, all-weather, hard surface road;

(17) Thence in a northeasterly direction along State Highway 68 to the point of beginning

§ 9.98 Monterey (Alternative B as proposed by ATF).

(a) *Name.* The name of the viticultural area described in this section is "Monterey."

(b) *Approved maps.* The approved maps for determining the boundary of Monterey viticultural area are 39 U.S.G.S. quadrangle maps in the 7.5 minute series, as follows:

(1) Sycamore Flat, CA, 1956, photoinspected 1972;
(2) Paraiso Springs, CA, 1956;
(3) Greenfield, CA, 1956;
(4) Thompson Canyon, CA, 1949, photo-revised 1979;
(5) Cosio Knob, CA, 1948, photoinspected 1976;
(6) Espinosa Canyon, CA, 1948;
(7) San Ardo, CA, 1967;
(8) Hames Valley, CA, 1949;
(9) Tierra Redonda Mtn., CA, 1948;
(10) Bradley, CA, 1949;
(11) Pancho Rico Valley, CA, 1967;
(12) Nattras Valley, CA, 1967;
(13) Lonoak, CA, 1969;
(14) San Lucas, CA, 1949;
(15) Wunpost, CA, 1948;
(16) Pinalito Canyon, CA, 1969;
(17) Topo Valley, CA, 1969;
(18) North Chalone Peak, CA, 1969;
(19) Soledad, CA, 1955;
(20) Mount Johnson, CA, 1968;
(21) Gonzales, CA, 1955;
(22) Mt. Harlan Quadrangle, CA, 1968;
(23) Natividad Quadrangle, CA, 1947, photo-revised 1968, photoinspected 1974;
(24) San Juan Bautista Quadrangle, CA, 1955, photo-revised 1980;
(25) Prunedale Quadrangle, CA, 1954 photo-revised 1981;
(26) Watsonville East Quadrangle, CA, 1955, photo-revised 1980;
(27) Watsonville West Quadrangle, CA, 1954, photo-revised 1980;
(28) Moss-Landing Quadrangle, CA, 1954, photo-revised 1980;
(29) Marina Quadrangle, CA, 1974 photo-revised;
(30) Monterey, CA, 1947, photo-revised 1968, photoinspected 1974;
(31) Mt. Carmel, CA, 1956, photoinspected 1972;
(32) Carmel Valley, CA, 1956, photoinspected 1974;
(33) Ventana Cones, CA, 1956, photoinspected 1974;
(34) Chews Ridge, CA, 1956, photoinspected 1972;
(35) Rana Creek, CA, 1956, photoinspected 1973;
(36) Seaside CA, 1947, photo-revised 1968, photoinspected 1975;
(37) Spreckels, CA, 1947, photo-revised 1968, photoinspected 1975;
(38) Chualar, CA, 1947, photo-revised 1968, photoinspected 1974; and,
(39) Palo Escrito Peak, CA, 1956.

(c) *Boundary.* The Monterey viticultural area is located in Monterey County, California. The boundary is as follows:

(1) The beginning point is found on the "Sycamore Flat" U.S.G.S. 7.5 minute map at the junction of Arroyo Seco Road and the Jamesburg Road. (This is the beginning point for the Arroyo Seco viticultural area.)

(2) The east boundary proceeds along Arroyo Seco Road to the Southwest corner of section 22, T(ownship) 19 S., R(ange) 5 E.

(3) Then east along the southern boundaries of sections 22, 23, 24, 19, and 20 to the southeast corner of section 20, T. 19 S., R. 6 E.

(4) Then northeast in a straight line for approximately 1.3 miles to the summit of Pettits Peak, T. 19 S., R. 6 E.

(5) Then northeast in a straight line for approximately 1.8 miles to the point where the 400 foot contour line intersects the northern boundary of section 14, T. 19 S., R. 6 E. (From this point the Monterey and Arroyo Seco viticultural areas no longer share a common boundary.)

(6) Then east southeast in a straight diagonal line across sections 14 and 13 to the southeast corner of section 13, T. 19 S., R. 6 E.

(7) Then southeast in a straight diagonal line across sections 19 and 29 to the southeast corner of section 29, T. 19 S., R. 7 E.

(8) Then east in a straight line along the southern boundary of section 28 to the southeast corner of section 28, T. 19 S., R. 7 E.

(9) Then south along the eastern boundary of section 33 to the southeast corner of section 33, T. 19 S., R. 7 E.

(10) The southeast in a straight diagonal line across section 3 to the southeast corner of section 3, T. 20 S., R. 7 E.

(11) Then south southeast in a straight diagonal line across sections 11 and 14 to the southeast corner of section 14, T. 20 S., R. 7 E.

(12) Then south along the western boundaries of sections 24 and 25 to the southwest corner of section 25, T. 20 S., R. 7 E.

(13) Then east following the southern boundaries of sections 25 and 30 to the southeast corner of section 30, T. 20 S., R. 8 E.

(14) Then south along the western boundary of section 32 to the southwest corner of section 32, T. 20 S., R. 8 E.

(15) Then west along the northern boundary of section 5 to the northwest corner of section 5, T. 21 S., R. 8 E.

(16) Then south along the western boundary of section 5 to the southwest corner of section 5, T. 21 S., R. 8 E.;

(17) Then southeasterly in a straight diagonal line to the southeast corner of section 27, T. 21 S., R. 8 E.

(18) Then in a southeasterly direction in a straight diagonal line across sections 8, 17, 16, 21, 22, 27, 35, and 36, T. 21 S., R. 8 E., section 1, T. 22 S., R. 8 E., and sections 6, 7, 8, and 17, T. 22 S., R. 9 E. to the southeast corner of section 16, T. 22 S., R. 9 E.

(19) Then in a east southeasterly direction in a straight diagonal line across sections 22, 23, and 24 to the southeast corner of section 19, T. 22 S, R. 10 E.

(20) Then in a south southeasterly direction in a straight diagonal line across sections 29, 32, and 33, T. 22 S., R. 10 E., to the southeast corner of section 4, T. 23 S., R. 10 E.

(21) Then in a south southeasterly direction in a straight diagonal line across sections 10, 15, and 23 to the southeast corner of section 26, T. 23 S., R. 10 E.

(22) Then northwest in a straight diagonal line to the northwest corner of section 26, T. 23 S., R. 10 E.

(23) Then in a west northwesterly direction in a straight diagonal line across sections 22, 21, 20, and 19, T. 23 S, R. 10 E. to the northwest corner of section 24, T. 23 S., R. 9 E.

(24) Then in a southeasterly direction across sections 24, 25, 30, 31, and 32 to the southeast corner of section 5, T. 24 S., R. 10 E.

(25) Then in an east southeasterly direction in a straight diagonal line across section 9 to the southeast corner of section 10, T. 24 S., R. 10 E.

(26) Then in a south southeasterly direction in a straight diagonal line across section 14 to the southeast corner of section 23, T. 24. S., R. 10 E.

(27) Then southwest in a straight diagonal line to the southwest corner of section 26, T. S. 24, R. 10 E.

(28) Then south along the western boundary of section 35 to the southwest corner of section 35, T. 24 S., R. 10 E.

(29) Then east along the southern boundaries of sections 35 and 36 to the southeast corner of section 36, T. 24 S., R. 10 E. Then north along the eastern boundaries of sections 36 and 25 to the northeast corner of section 25, T. 24 S., R. 10 E.

(30) Then in a northeasterly direction in a straight diagonal line across sections 19, 18, and 17 to the northeast corner of section 8, T. 24 S., R. 11 E.

(31) Then in a west northwesterly direction in a straight diagonal line across section 5 to the northwest corner of section 6, T. 24 S., R. 11 E.

(32) Then north along the boundary line between R. 10 E. and R. 11 E. and along the eastern boundary lines of sections 36, 25, 24, 13, 12 and 1 in T. 23 S., and along the western boundaries of

sections 36, 25, 24, 13, 12 and 1 of T. 22 S. and along the western boundaries of sections 36, 25, 24, 13, 12, and 1 in T. 22 S., to the northeast corner of section 36, T. 21 S., R. 10 E.

(33) Then in a west northwest direction in a straight diagonal line across sections 25, 26, 23, 22, 15, 16 and 9 to the northwest corner of section 8, T. 21 S., R. 10 E.

(34) Then northwest in a straight diagonal line to the northwest corner of section 6, T. 21 S., R. 10 E. Then west along the northern boundary of section 1, T. 21 S., R. 9 E. to the southeast corner of section 36, T. 20 S., R. 9 E.

(35) Then northwest in a straight diagonal line across sections 36, 26, 22, 16, 8, and 6 in T. 20 S., R. 9 E. to the northwest corner of section 6, T. 20 S., R. 9 E.

(36) Then north along the line separating R. 8 E. and R. 9 E. along the western boundaries of sections 36, 25, 24, 13, 12 and 1, T. 19 S., R. 8 E. to the northeast corner of section 2, T. 19 S., R. 9 E.

(37) Then northwest in a straight diagonal line to the point of intersection of the boundary line separating R. 7 E. and R. 8 E. and the boundary line separating T. 17 S. and T. 18 S.

(38) Then west along the northern boundaries of sections 1 and 2 to the northwest corner of section 2, T. 18 S., R. 7 E.

(39) Then northwest in a straight diagonal line across section 34 to the northwest corner of section 34, T. 17 S., R. 7 E.

(40) Then west along the southern boundaries of sections 28 and 29 to the southwest corner of section 29, T. 17 S., R. 7 E.

(41) Then northwest in a straight diagonal line across sections 30, 24, 14, 10 and 4 to the northwest corner of section 4, T. 17 S., R. 6 E.

(42) Then north northeast in a straight line across the easternmost portion of section 32 to the northeast corner of section 32, T. 16 S., R. 6 E.

(43) Then north along the eastern boundary of section 29 to the northeast corner of section 29, T. 16 S., R. 6 E.

(44) Then northwest in a straight diagonal line across section 20 to the northwest corner of section 20, T. 16 S., R. 6 E.

(45) Then west northwest in a straight diagonal line across sections 18 and 13 to the northwest corner of section 13, T. 16 S., R. 5 E.

(46) Then north northwest in a straight diagonal line across sections 11 and 2 to the northwest corner of section 2, T. 16 S., R. 5 E.

(47) Then in a westerly direction along the southern boundaries of section 34 and 33 to the southwest corner of section 33, T. 15 S., R. 5 E.

(48) Then north along the western boundary of section 33, T. 15 S., R. 5 E., in a straight line for approximately 0.5 mile to the intersection with the Chualar Land Grant boundary at the northwestern corner of section 33, T. 15 S., R. 5 E.

(49) Then northeast in a straight diagonal line across the Chualar Land Grant and section 27 to the northeast corner of section 27, T. 15 S., R. 5 E.

(50) Then northwest in a straight diagonal line across section 22 to the northwest corner of section 22, T. 15 S., R. 5 E.

(51) Then west in a straight line along the southern boundaries of sections 16 and 17, T. 15 S., R. 5E., to the southwest corner of section 17 where it intersects with the Encinal Y Buena Esperanza Land Grant boundary.

(52) Then in a northerly and then westerly direction along the eastern boundary of the Encinal Y Buena Esperanza Land Grant and the western boundaries of sections 21, 17, 8, and 7, T. 15 S., R. 5 E.

(53) Then in a straight line from the northwest corner of the Encinal Y Buena Esperanza Land Grant boundary and section 7, T. 15 S., R. 5 E. in a west northwest direction to the point where the power transmission line (with located metal tower) intersects at the western boundary of the Cienega del Gabilan Land Grant and the eastern boundary of the El Alisal Land Grant, T. 14 S., R. 4 E.

(54) Then north and then northwest along the boundary line between the Cienega del Gabilan Land Grant and El Alisal Land Grant to the westernmost corner of the Cienega del Gabilan Land Grant, T. 14 S., R. 4 E.

(55) Then in a generally westerly direction along the boundary line between the Sausal Land Grant and La Natividad Land Grant to the point where the boundary line intersects Old Stage Road.

(56) Then proceeding in a northerly direction along Old Stage Road to the point where Old Stage Road intersects the Monterey County–San Benito County line, T. 13 S., R. 4 E.

(57) Then in a northwesterly direction along the Monterey County–San Benito County line to the point near the Town of Aromas where the boundary lines of the counties of Monterey, Santa Cruz, and San Benito meet, T. 12 S., R. 3 E.

(58) Then in a meandering line along the Monterey County–Santa Cruz County line in a generally easterly and southeasterly direction to the Pacific Ocean, T. 12 S., R. 1 E.

(59) Then south along the coastline of Monterey Bay around the Monterey Peninsula and south along the coastline of Carmel Bay to Carmel Point, the northwesternmost point of Point Lobos State Reserve on the Carmel Peninsula.

(60) Then southeast in a straight diagonal line to the southwestern corner of section 25, T. 16 S., R. 1 W.

(61) Then east along the southern boundaries of section 25, T. 16 S., R. 1 W., and section 30 and 29, T. 16 S., R. 1 E., to the southeastern corner of section 29 where it intersects with the southwestern boundary of the El Potrero de San Carlos Land Grant.

(62) Then southeast along the southwestern boundary line of the El Potrero de San Carlos Land Grant to the intersection of the boundary line and the northern boundary of section 4, T. 17 S., R. 1 E.

(63) Then east in a straight line along the northern boundary of section 4, across Pinyon Peak for approximately 5.33 miles to the northeast corner of section 5, T. 17 S., R. 2 E. (This is the beginning point of the Carmel Valley viticultural area.)

(64) Then south along the western boundary of the Los Laureiles Land Grant, then easterly, to the north-south section line dividing section 9 from section 10, T. 17 S., R. 2 E.

(65) Then south along the western boundary of sections 10, 15, to the southwest corner of section 22, T. 17 S., R. 2 E.

(66) Then east along the southern boundary of section 22, T. 17 S., R. 2 E. to the northwest corner of section 26, T. 17 S., R. 2 E.

(67) Then south along the western boundary of section 26 to the southwestern corner of section 26, T. 17 S., R. 2 E.

(68) Then east along the southern boundary of section 26 to the northwest corner of section 36, T. 17 S., R. 2 E.

(69) Then south along the western boundary of section 36 to the southwest corner of section 36, T. 17 S., R. 2 E.

(70) From this point, the boundary follows the Los Padres National Forest Boundary east, then south, then east to the southwest corner of section 9, T. 18 S., R. 3 E.

(71) Then south along the western boundary of section 16 to the southwest corner of section 16, then east along the southern boundary of section 16 to the southeast corner of section 16, then north along the eastern boundary of section 16 to the northeast corner of section 16, T. 18 S., R. 3 E.

(72) Then east along the southern boundaries of sections 10 and 11 to the southeast corner of section 11, T. 18 S.,

R. 3 E. Then north along the eastern boundaries of sections 11 and 2 to the northeast corner of section 2, T. 18 S., R. 3 E.

(73) Then in a straight line north across Tularcitos, Aqua Mala, and Rana Creeks to the point where Chupines Creek and the eastern boundary line of the Los Tularcitos Land Grant intersect at the southern boundary line of section 35, T. 16 S., R. 3 E.

(74) Then west for approximately 5.5 miles along the east-west line dividing Township 16 South from Township 17 South to the northwesternmost point of the Los Tularcitos Land Grant boundary in R. 2 E.

(75) Then in a straight line in a west nothwesterly direction to the northeastern corner of section 29, T. 16 S., R. 2 E.

(76) Then in a straight line in a northwesterly direction to the southeast corner of section 11, T. 16 S., R. 1 E.

(77) Then in a northeasterly direction in a straight line to the southeast corner of the Saucito Land Grant, T. 16 S., R. 1 E.

(78) Then north in a straight line for approximately 0.67 mile to the point where the western boundary of the Saucito Land Grant intersects the paved road running through Del Ray Canyon, T. 16 S., R. 1 E.

(79) Then east along the Del Rey Canyon Road for approximately 1.67 miles to the point where the boundary line separating the Laguna Seca Land Grant and City Lands of Monterey Land Grant intersects the Del Rey Canyon Road, T. 16 S., R. 2 E.

(80) Then in a southeasterly direction along the boundary line separating the Laguna Seca Land Grant and City Lands of Monterey Land Grant and the El Toro Land Grant and Corral de Tierra Land Grant to the point where the boundary line intersects the northern boundary of section 15, T. 16 S., R. 2 E.

(81) Then in a straight northeasterly line along the southeastern boundary line of the El Toro Land Grant to the southwest corner of section 25, T. 15 S., R. 2 E.

(82) Then east along the southern boundary lines of sections 25, 30, 29, and 28 to the southeast corner of section 28, T. 15 S., R. 3 E.

(83) Then southeast in a straight diagonal line along the eastern boundaries of sections 33 and 34, T. 15 S., R. 3 E., and sections 3, 2, 12, 16, 20, 21, and 28, T. 16 S., R. 4 E., to the point where the eastern boundary line of section 28 intersects the boundary line of the Guadalupe Y Llanitos de Los Correos Land Grant.

(84) Then south to the southwest corner of section 34, T. 16 S., R. 4 E.

(85) Then west to the southwest corner of section 2, T. 17 S., R. 4 E.

(86) Then south along the eastern boundary of section 3 to the southeast corner of section 3, T. 17 S., R. 4 E.

(87) Then southeast in a straight diagonal line across sections 11, 13, 19, and 29, to the southeast corner of section 29, T. 17 S., R. 5 E.

(88) Then south along the western boundary of section 33 to the southwest corner of section 33, T. 17 S., R. 5 E.

(89) Then east along the southern boundary of section 33 to the northeast corner of section 4, T. 18 S., R. 5 E.

(90) Then southeast in a diagonal line across sections 3 and 11 to the southeast corner of section 11, T. 18 S., R. 5 E.

(91) Then south along the western boundary of section 13 to the southwest corner of section 13, T. 18 S., R. 5 E.

(92) Then southeast in a diagonal line across section 24 to the southeast corner of section 24, T. 18 S., R. 5 E.

(93) Then south along the western boundaries of sections 30 and 31 to the southwest corner of section 31, T. 18 S., R. 6 E.

(94) Then east along the southern boundaries of sections 31 and 32 to the southeast corner of section 32, T. 18 S., R. 6 E. (From this point the Monterey and Arroyo Seco viticultural areas share the same boundary lines.)

(95) Then south along the eastern boundaries of sections 5, 8, and 17 to Arroyo Seco Road, T. 19 S., R. 6 E.

(96) Then southwest in a straight line for approximately 1.0 mile to Benchmark 673, T. 19 S., R. 6 E.

(97) Then west in a straight line for approximately 1.8 miles to Bench Mark 649.

(98) Then northwest in a straight line for approximately 0.2 mile to the northeast corner of section 23, T. 19 S., R. 5 E.

(99) Then west following the northern boundaries of sections 23 and 22 to the northwest corner of section 22, T. 19 S., R. 5 E.

(100) Then south in a straight line along the western boundary of section 22 to the point of beginning.

Signed: October 19, 1983.

Stephen E. Higgins,

Director.

Approved November 8, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-31282 Filed 11-16-83; 8:45 am]

BILLING CODE 4810-31-M

Fiscal Service

31 CFR Parts 209 and 210

[4-00236]

Payments by Electronic Funds Transfer and Other Methods to Financial Organizations

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Treasury Department is considering a legislative proposal that would authorize the Secretary of the Treasury to issue regulations to require that the wages and salary of a Federal employee be paid by Electronic Funds Transfer (EFT) or any other method determined by the Secretary to be in the interest of economy or effectiveness, with sufficient safeguards over the control of, and accounting for, public funds. Treasury's legislative proposal would also authorize the Secretary to set an upper limit on the number of allotments that may be made from any payment when, in the Secretary's judgment, a limit is desirable to protect the Government's disbursing systems against unreasonable expense.

If Treasury's legislative proposal were enacted, Treasury would issue implementing regulations that would address provisions now found in 31 CFR Parts 209 and 210. The new regulations would provide, among other things, for procedures for an employee to be excluded from the EFT program if the employee does not maintain an active deposit account relationship with a financial organization or is otherwise excepted from participating in the program. This advance notice of proposed rulemaking is issued to invite full public comment and to facilitate consultation with affected interest groups. If Treasury's legislative proposal is enacted, the terms or substance of its proposed regulations will be published and public comment will be invited in accordance with the Administrative Procedure Act.

DATE: Comments on Treasury's intent must be submitted on or before January 5, 1984.

ADDRESS: Comments may be mailed to Dan Gordon, EFT Program Management Branch—FS, Department of the Treasury, Annex #1, PB–1102, Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT: Dan Gordon (Program Officer), 202–634–2082, or Dave Ingold (Attorney), 202–566–7534.

SUPPLEMENTARY INFORMATION:

Objectives

In 1982, the Treasury Department made more than 170 million payments by EFT. This program has been shown to be more safe and secure than payment by check, and provides greater convenience and confidence to recipients. The Treasury Department, in considering this legislation, is following the increasingly common practice among corporations to make wage and salary payments to their employees by EFT.

As of December 1982, there were approximately 2.8 million Federal employees. Treasury and other disbursing activities annually make about 74 million payments of net pay. Since 1978, Treasury has been promoting the conversion of Federal salary payments from check to EFT. It has been highly successful and well received in those agencies where it has been implemented.

The primary purpose of Treasury's legislative proposal is to increase the number of EFT payments. This will improve operating efficiency, increase productivity and reduce the costs associated with current payments of Federal salaries and wages. The average savings associated with all Federal recurring EFT payments compared to check is approximately $.21 per payment.

If more payments were made by EFT and fewer by check, other economies may result. For example, payments made without checks preclude the possibility that checks will be stolen and forged, thereby reducing the circumstances that obligate the Government to make replacement payments and benefiting the general taxpayer.

Policy

It is recognized that in a legislative proposal furthering the expansion of EFT payments there must be accommodations for individuals who do not maintain active deposit account relationships with financial institutions and others who cannot receive EFT payments. That flexibility will exist in the regulations that Treasury will issue if the Secretary is authorized to require that wages and salaries of Federal employees be paid by EFT. The proposed regulations would provide:

1. All employees of the Government employed on the effective date of the legislation and up to one year thereafter, who receive wages or salaries on a regular basis, will receive their pay by EFT, unless:

a. They certify that they have no active deposit account relationship with a financial institution; or

b. They request a waiver based on compelling need that the head of the agency employing them and the Secretary of the Treasury approve.

2. All employees of the Government first employed or re-employed by the Government twelve months after the enactment of the legislation, who receive wages or salaries on a regular basis, will receive their pay by EFT, unless—

They request a waiver based on compelling need that the head of the agency employing them and the Secretary of the Treasury approve.

3. An employee may request that a payment of Federal salary or wages be directly deposited in no more than three accounts with financial institution(s) of the employee's choice.

4. No later than twelve months after publication of the regulations as a final rule, heads of employing agencies shall commence to include in certifications of payments of wages and salaries the information needed to make EFT payments. Before this date, but after publication of Treasury's regulations as a final rule, heads of agencies may initiate programs in their agencies to meet this requirement.

List of Subjects in 31 CFR Parts 209 and 210

Banks, banking, Electronic funds transfer, Government employees, Wages.

Authority: 31 CFR Parts 209 and 210 as proposed to be amended; 31 U.S.C. 3332 as proposed to be amended.

Dated: November 10, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83-31174 Filed 11-18-83; 8:45 am]

BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 461, 421, 471 and 464

[OW-FRL-2474-4]

Battery Manufacturing, Nonferrous Metals Manufacturing, Nonferrous Metals Forming, and Metal Molding and Casting Point Source Categories, Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Data Availability and Request for Comment.

SUMMARY: EPA has obtained additional data and information relating to the proposed battery manufacturing effluent limitations guidelines, pretreatment standards and new source performance standards under the authority of the Clean Water Act. EPA is making these data and information available for public inspection and comment.

In addition, EPA is considering the transfer of lead forming and lead casting operations from regulation under the nonferrous metals forming and metal molding and casting categories, respectively, to regulation under the lead subcategory of the battery manufacturing category. Finally, as discussed in the Supplementary Information Section of this notice, EPA is considering truck washing operations under nonferrous metals manufacturing as well as in battery manufacturing.

DATES: Comments on the new data and on the preliminary conclusions concerning the data discussed in this notice must be submitted by December 21, 1983.

ADDRESSES: Send comments to Ms. Mary L. Belefski, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention: EGD Docket Clerk. The supporting information is available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear), (PM-213). The comments will be made available as they are received. The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Technical information may be obtained from Mr. Ernst P. Hall, at (202) 382-7126.

SUPPLEMENTARY INFORMATION: EPA proposed effluent limitations guidelines, new source performance standards, and pretreatment standards for existing and new sources for the battery manufacturing point source category on November 10, 1982 (47 FR 51052). The comment period was scheduled to close on January 10, 1983 but was extended for all subcategories until January 24, 1983 and for the lead subcategory only until February 7, 1983. We received over 250 individual comments from 23 different commenters.

After considering the comments, we dicided to collect additional information relating primarily to the lead subcategory. The Battery Council International (BCI), in coordination with

the Agency, developed an industry survey which the Council distributed to their membership and to the Independent Battery Manufacturers Association (IBMA). Completed forms were sent to the EPA at the request of BCI. These surveys contained information on process element flows, treatment system operating characteristics, solid waste disposal, and personal hygiene and cleaning practices required at the plant. We received survey responses from sixty-five plants and are considering these new data. Two of the survey responses indicated that their plants were closed and did not provide any new data. The nonconfidential portions of these responses are available for inspection in the EPA Public Information Reference Unit.

We also made engineering visits to seventeen lead battery manufacturing sites and one foliar battery (Leclanche subcategory) manufacturing site to determine the flow characteristics of process and nonprocess wastewater streams at these battery plants. During plant visits we collected information, where available, about the quality and flow of raw and treated wastewater. We also received treatment effectiveness data from the plants where monitoring was conducted. Additionally, we collected samples for chemical analysis at five of these sites to determine the nature of the wastewater stream and the effectiveness of end-of-pipe treatment.

At one of these five sites, we obtained a single effluent grab sample. This site had the proposed treatment (lime and settle) in place but was not operating it properly. The lab results from the grab sample, however, show an effluent lead concentration of 0.1 mg/l. Other data received from the plant indicated that the treatment system achieved an average effluent lead concentration of 1.0 mg/l. At two other sites, the treatment system consisted of lime, settle and filter. At one of these two sites, we took a set of composite samples during one day. This particular plant had unusual treatment practices such as adding acid after settling and before filtration. Adding acid before filtration would tend to increase the fraction of dissolved lead and reduce the effectiveness of filtration. The other site was sampled for three days and showed effluent lead concentrations comparable to those projected in the development document for lime, settle and filter. Of the two remaining sites, both had lime and settle treatment in place. One had less than optimal treatment in that it did not use sludge recirculation or add iron as a coagulant and coprecipitant. The other which appeared to be well designed and operated showed effluent lead levels comparable to those proposed for lime and settle.

As an indication of the effectiveness of existing treatment systems, we also collected discharge monitoring report (DMR) data from state and EPA Regional offices for direct dischargers in the lead subcategory and other battery subcategories. DMR data are self monitoring data supplied by permit holders to meet state or EPA permit requirements. The state and EPA Regional offices provided data for five lead subcategory battery manufacturing sites. We also received selfmonitoring treatment effectiveness data from plants in the lead and cadmium subcategories. Because these data varied widely in character and nature, they provide only limited information on the optimal operation of treatment systems. The DMR data are not adequate for establishing effluent limitations and standards.

Our preliminary analysis of the new data and information for the lead subcategory indicates that there are additional usable data available on treatment of lead from well operated lime and settle treatment systems and there are wastewater flows associated with the Occupational Safety and Health Administration (OSHA) lead requirements which need to be considered. Additional information does not support significant changes in the remaining processes addressed by the proposal, but the data do support the addition of some process streams not previously considered. Additional information also supports some changes in the in-process cost methodology. Furthermore, there are additional process flows previously considered under other industrial point source categories which are more appropriately regulated under the Battery Manufacturing Category. Finally, for the Leclanche subcategory there are additional data available which support considering discharge allowances for foliar battery production. Each of these points is discussed below in more detail.

In summary, the following new information is being added in the public record for this rulemaking: industry survey information; DMR data and new permits; self monitoring treatment effectiveness data; trip reports from the visited plants; chemical analysis data and flow data collected by EPA from four sample sites and one single effluent grab sample from another site; and a new costing model. Some data in these trip reports have been claimed as confidential by affected companies. This information will be treated in accordance with the provisions of 40 CFR Part 2 and is not being placed in the public file.

(a) *Treatment Effectiveness for Lead.* We received comments that there were not enough data points from battery manufacturing used in the combined metals data base (CMDB) to calculate the lead limitations from the lead subcategory. We have received long term self monitoring (raw and treated) wastewater data from one lead plant which has lime and settle technology, other raw and treated wastewater sampling data collected by EPA since proposal, and plant-supplied effluent data from various treatment technology systems. From the preliminary analysis of this data, we are considering using long term data supplied by one plant during a site visit, in addition to data used as a basis for the proposed regulation, to establish lead treatment effectiveness for the final regulation. These data are in the public record along with a descriptive statistical summary.

(b) *OSHA—Related Streams.* Commenters stated that we did not account for wastewater flows associated with personal hygiene requirements. The OSHA lead standard requires employers to control exposure to airborne lead within a plant based on the established lead permissible exposure limit (PEL), and to make blood sampling and analysis monitoring available for their employees. To achieve this, plants require handwashing (63 survey respondents require mandatory handwashing), showers (63 require showers), wearing uniforms which are routinely washed (10 have on-site laundries), wearing respirators which are routinely washed (37 wash respirators on-site), and frequently washing floors (61 wash floors) to control particulate lead. Each of these requirements generates wastewaters for which a discharge allowance may be appropriate.

1. *Hand Wash.*—The new data appear to support a discharge allowance for employee hand wash within the production area. Of the seventeen sites visited, ten discharge to a sanitary sewer without treatment and seven treat on-site before discharge.

2. *Respirator Wash.*—The new data appear to support a discharge allowance for respirator wash water. Of the seventeen sites visited, respirator wash information was obtained for twelve sites. Of these twelve, five treat wash water on-site before discharge, six discharge to the sanitary sewer without

treatment and one discharges to an unknown destination. The observed methods used for respirator wash were varied. Washing techniques included rinsing in lab sinks, laundering in conventional clothes washing machines, and sanitizing in more sophisticated machinery specifically devoted to respirator washing such as "Wavicide" machines.

3. *Showers.*—Industry comments on the proposed regulations suggested that employee shower water is a stream which should have a discharge allowance. This water appears to be nonprocess wastewater which can be discharged without a specific allowance to a sanitary sewer provided employees always wash their hands when leaving the production area, and employees working in high lead areas wear protective gloves, hair covers, long sleeved uniforms, and boots (all of which must be laundered or disposed of properly). A discharge allowance for showers may not be justified in these effluent limitations guidelines and standards.

4. *Laundry.*—The data collected appear to support a discharge allowance for on-site laundering of work uniforms. Information on laundry activity was obtained for all sites. Four of these wash clothing on-site. One of the on-site laundries treats water on-site; the other three laundries discharge to an sanitary sewer without treatment. Laundry discharge flows were obtained during sampling visits.

5. *Floor Wash.*—The new data appear to support a discharge allowance for floor wash water outside of the pasting and formation areas. Floor washing is done at many more plants than had previously reported this procedure. Information was obtained from all sites visited. Wastewater discharges from floor wash machines contain high concentrations of lead and may need to be settled or filtered prior to treatment to recover particulate lead and reduce loadings on the treatment system.

The information supplied in the industry survey responses and data collected during sampling visits will be considered for establishing discharge allowances for these operations. The Agency expects to calculate production normalized discharge allowances for these OSHA-related streams by using the average of the measured flows, information suplied in the industry survey on typical OSHA practices, and the Combined Metals Data Base (CMDB) treatment effectiveness. Total lead use, lead in finished batteries, and number of employees are three factors currently being considered as production normalizing parameters for these flows. Allowances for any operation would be granted only to plants performing the operation. An alternative approach being considered is to combine some or all of these and other small discharge allowances into a miscellaneous allowance applicable to any manufacturer who has any one of the grouped items. Comment on this approach is specifically requested.

(c) *Other Process Streams.* We received comments that there were other wastewater sources within lead plants which should also be considered in the effluent limitations and standards. We are considering new information received on laboratories and truck wash.

1. *Laboratories.*—The new data appear to support a discharge allowance for wastewater discharged from on-site laboratory facilities. Information was obtained for all sites, and flow rates were acquired from five of these sites. Of the remaining twelve sites, ten reported an unmeasured small discharge from the laboratory and two either did not have a lab or did not report a lab discharge. Data from four of the five sites which reported flow rates appear to be realistic and usable. One value estimated by a plant during a site visit was more than an order of magnitude greater than the other values measured or reported. This large flow was not justified in terms of differences among plants' testing and analysis procedures and will not be considered in establishing an allowance.

The tests performed which generate water were found to be very similar amoung these plants. We also observed at some plants that the lead samples taken for quality control are reclaimed for their lead value. Based on this practice, lead loadings in the discharge water to treatment should mostly be due to lab instrument washing and dumped electrolyte from battery teardown.

We are considering combining laboratory discharge allowances with the OSHA—related process stream allowance to provide a single allowance available to any plant performing any of these operations. We do not expect to require flow reduction for these operations to achieve BAT or PSES.

We request specific comment on this approach.

2. *Truck Wash.*—The new data appear to support a discharge allowance for truck wash wastewater in both the battery manufacturing and nonferrous metals manufacturing categories. We observed that trucks are used to transport used batteries in connection with battery cracking (secondary lead subcategory of the Nonferrous Metals Category) processes. Trucks are also used to transport batteries for various purposes related to battery manufacturing operations. The truck wash discharge allowance being considered for the lead subcategory of battery manufacturing would apply only to those sites without an associated on-site secondary lead smelting plant. Truck washing at sites that have battery cracking or secondary lead smelting will be regulated under the nonferrous metals manufacturing regulation which is expected to be promulgated at about the same time as this regulation. We expect to promulgate equivalent discharge allowances for truck wash under the two regulations. From the sixty-five industry surveys, eighteen lead battery sites operate and wash down trucks and have no associated secondary lead smelter operation.

Both sampling data collected at visited plants and flows obtained from commercial truck washing operations may be averaged in calculating the discharge allowance for this operation.

(d) *Process Element Flows Considered at Proposal.*

We received comments that we had not adequately considered certain process wastewater flows for the processes considered at proposal. Consequently we have re-evaluated each such process operation.

1. *Leady Oxide Production.*—The new data do not appear to support commenters' claims that continuous discharge of cooling wastewater (primarily non-contact cooling) is required in ball mill operations for the production of leady oxide. We are continuing to consider no discharge allowance for this operation because plants can choose alternate methods for water reuse or use a non-wastewater generating process. Information for leady oxide production was collected at nine of the seventeen sites visited. Five of these use only the Barton process, which produces no process wastewater. At four sites (one site has both Barton and ball mill production), ball mills with widely varying cooling water applications and wastewater generation configurations are used. One uses a completely closed recirculating cooling configuration with annual sump cleaning. One uses non-contact water to cool bearings with minimal wastewater generation. One has two ball mills with two different cooling configurations: one is a once-through shell cooling with wastewater generation and one uses recirculating water with reduced wastewater generation. One uses once through shell cooling with wastewater generation.

2. *Pasting.*—The data collected do not appear to support the claim in comments that pasting machine and pasting area washdown water cannot be recycled because it does not meet paste formulation engineering specifications. Washdown is a required procedure because different paste formulations may be used on any one pasting line, and the equipment must be periodically cleaned. Sixteen of the seventeen sites visited perform paste formulation and application operations. Of these, six totally reuse this water for washdown: the paste is settled and reclaimed. One site reuses washdown water but some water from a wet air scrubber flows to treatment. Another site plans on installing a complete recirculation washdown water system by December 1983. Some plants use rotoclone air scrubbers which do not generate a water discharge.

Information was provided by only one company for paste formulation water specifications; no specifications were made available by any company for washdown water. Thus, the information does not support the contention that water quality specifications preclude water reuse.

3. *Curing.*—Data collected during the site visits do not appear to support discharge allowances for curing operations. Of the seventeen sites visited, eight do not generate a wastewater discharge from either positive or negative plate curing. Of these eight, six use humidity-controlled rooms for both types of plates; one uses steam curing for both types of plates; and one uses ambient curing, humidity controlled rooms, or steam curing depending on the battery and type of plate. In the zero discharge steam curing operations, steam is generated by heating elements in the oven. In one case, the steam is partially vented, in the other it is totally enclosed. Based on this information, it is observed that the zero discharge allowance does not preclude the use of any particular type of curing operation.

4. *Formation.*—The new data do not appear to support any increase of the proposed discharge allowances for formation processes. Operations were observed on site visits which support a no-discharge allowance for single fill; double fill, and fill and dump processes. Controlled charging rates preclude the necessity for cooling water in closed formation processes. Double fill and fill and dump operations were found to use automatic fillers to control overfilling spills; dumped acid, spills, and battery second stage rinse water can be reused.

Continuation of a discharge allowance for plate rinsing operations associated with open formation—dehydrated appears to be supported. We are considering basing the open formation-dehydrated regulatory flow on the new data obtained during the sample visits. The industry is invited to comment on this possibility.

5. *Battery Wash.*—The new data gathered during the site visits appears to support the proposed BPT, BAT, PSES and new source discharge allowances for battery washing processes. Detergent battery wash water which is frequently used on the final product cannot be reused in other production processes, such as acid cutting. Other battery rinses which do not contain detergent can be reused in battery manufacturing processes for such purposes as acid cutting. Two of the seventeen sites visited reuse battery rinse water in other battery manufacturing processes.

(e) *Transfer of Process Operations from Other Categories.* We received comments in other industrial categories on processes which occur primarily in lead battery plants. For administrative convenience we are seriously considering the transfer of certain battery manufacturing operations from regulation under two other categories to regulation under the lead subcategory of battery manufacturing. The first set of requirements concerns grid casting, continuous (direct chill) casting of lead, and melting furnaces used in battery manufacturing. These have previously been included in the metal molding and casting category (40 CFR 464—see Subpart D 464.40, 464.41, 464.42, 464.43, 464.44 and 464.45). This reguation was proposed November 15, 1982 (47 FR 51512). Second, we plan to propose regulation of all lead rolling operations associated with battery manufacturing under the battery manufacturing category. (These operations were initially studied by the Agency as part of the nonferrous metals forming category.) Comment on this transfer of process operations is specifically requested.

1. *Continuous Strip Casting.*—Continuous strip lead casting was performed at two of the 17 sites visited after proposal. The direct chill casting is followed by rolling at the visited plants. There is a small discharge of wastewater from the direct chill casting when the recirculation system is cleaned out—approximately semiannually. The available data appear to justify a discharge allowance for this operation. A discharge allowance based on a BPT regulatory flow of 0.227 1/kg lead cast was proposed for this operation under the proposed metal molding and casting regulation. We are evaluating the new data received and considering combining it with the old data.

2. *Die Casting.*—Die casting of lead or grid casting is performed at a majority of lead battery plants and was performed at 14 of the 17 sites visited. Noncontact cooling water (for which no discharge allowance is required) is used to cool the molds; air scrubbers are sometimes used for air pollution control; and mold release preparation usually generates a wastewater from equipment washout.

Wet air pollution control devices (scrubbers) may sometimes produce wastewaters baghouses do not. We scrutinized air pollution control practices at visited plants. Of the fourteen sites visited which have grid casting, information concerning air pollution devices treating fumes from the casting area was obtained from eight sites. Of these eight sites, two have wet air pollution control scrubbers; two sites use baghouses; and four sites have no air pollution control devices for the casting area. Air pollution regulations for new sources that perform grid casting are based upon the use of scrubbers (see 47 FR 16564, April 16, 1982). The proposed effluent guidelines for these operations required zero discharge, based upon the recycling of scrubber wastewaters. It is notable that our site visits indicated that baghouses, which produce no wastewater, may be an additional acceptable means to simultaneously control air pollution and achieve zero wastewater discharge. One of the sites which we visited had previously been considered by EPA as an example of baghouse operational problems and fires which made baghouses unsuitable as a basis for air pollution standards of performance for new stationary sources. The fire problem has been solved at that plant by plant operational procedures and no fire has occurred in the baghouse in about three years. The fires appear to have been related to the use of a kerosene-cork mixture as a mold release. Such a mixture tends to collect in the ventilation ducts and occasionally ignites, burning with an explosion-like rate of flame propagation. Other mold release formulations based on other suspension fluids (e.g., silicones) and using other release fillers (e.g., silica) do not appear to experience the same fire problems in ventilation ducts or baghouses. Considering the possibility of scrubber wastewater recycle, as well as the potential for safe operation of baghouses, a no-discharge allowance for grid casting area air pollution control appears to remain appropriate.

3. *Mold Release Formulation.*—Mold release formulation is performed at most

sites that cast grids. However, commercial mold releases (both cork or silica based and with either kerosene or silicon carrier fluids) are available from commercial sources. The generation of wastewater by mold release formulation is related to equipment cleaning after mixing batches of the release material. Data supplied during plant visits on the amount of wastewater generated during the formulation of mold releases appear to justify a discharge allowance for grid casting when mold release is formulated at the battery manufacturing site. We are considering using this flow data to develop and discharge allowance for this operation.

4. *Lead Melting Furnaces.*—Plants involved in other manufacturing categories and in battery manufacturing produce parts from molten lead. Air scrubbers used in these operations are potential sources of wastewater discharge. When lead melting pots or furnaces are located in battery plants the discharge will be included under the Battery Manufacturing Category. The metal molding and casting regulation proposed no discharge allowance for air scrubbers. This approach is being considered for the final regulation.

5. *Lead Rolling.*—Lead rolling is performed in conjunction with direct chill casting and is followed by expanded metal grid production. During the rolling operation the lead is lubricated with an oil-water mixture which is periodically disposed. We intend to propose regulations for this process operation in the future.

(f) *Costing.* We are using a new computer model for estimating end-of-pipe wastewater treatment systems costs for the lead subcategory. This program uses standard engineering costing procedures and generates treatment system costs that are similar to those used at proposal. The treatment system designs and equipment are the same as those considered at proposal. The model will generate costs based on June 1983 dollars.

Based on data collected during site visits we are considering revising some in-plant costing procedures. First, we observed that batteries can be stacked in charging racks and slow-formed. We observed batteries stacked in racks as high as fifteen batteries high, and at all the visited sites we observed sufficient vertical height in the building to provide the necessary stacking for slow formation. Because batteries can be successfully formed when stacked in racks, the claimed need for additional floor space in the formation area appears to be unsupported. Therefore, the in-plant costs are being revised to eliminate new building costs for slow formation. Second, the capital recovery factor has been adjusted to reflect a current interest rate. The cumulative effect of the above changes is anticipated to reduce the overall regulatory compliance costs.

(g) *Foliar Batteries.* In response to comments, the Agency visited one foliar (Leclanche subcategory) battery plant to obtain aditional flow and process data. These new data highlight differences between the floiar type Leclanche battery and other Leclanche batteries. The new information about the process and wastewater generation and discharge appear to support a discharge allowance for this segment of the Leclanche subcategory.

Copies of this new information and data are available for public inspection in the EPA Public Information Reference Unit. Comments are solicited only on the new data and on the preliminary analysis outlined above. These comments must be received by EPA on or before December 21, 1983 to ensure their consideration.

Dated: November 10, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-31237 Filed 11-18-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6563]

National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Removal of proposed rule.

SUMMARY: The Federal Emergency Management Agency has erroneously published a proposed rule for modified base flood elevation determinations for the City of Newport, Jackson County, Arkansas. This notice will serve to delete that publication. The proposed rule referenced a newspaper publication at which time a 90-day appeal period would be initiated. In fact, no 90-day appeal period was required for this community, as the revised Flood Insurance Rate Map (FIRM) did not change base flood elevations.

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the deletion of the Notice of Proposed Modified Determinations of base (100-year) flood elevations for the City of Newport, Jackson County, Arkansas, as published on October 17, 1983, at 48 FR 47015.

List of Subjects in 44 CFR Part 67

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: November 4, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-31273 Filed 11-18-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status and Critical Habitat for the Fresno Kangaroo Rat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine Endangered status and Critical Habitat for the Fresno kangaroo rat. This small, hopping mammal is restricted to the native grasslands of Fresno County in the San Joaquin Valley of California. From 1938 to April 1981, about 90 percent of the approximately 100,000 acres of these grasslands was destroyed by agricultural development. Just in the period from April to November 1981, 34 percent of the remaining habitat was eliminated, and the loss of additional areas appears imminent.

Moreover, most of the native grasslands still in existence are being adversely modified through grazing by domestic livestock. Although there are still about 6,417 acres of potentially suitable habitat, a recent survey found only about 857 acres to be actually occupied by the kangaroo rat. This proposal, if made final, would implement the protection of the Endangered Species Act of 1973, as amended, for the Fresno kangaroo rat. The Service seeks data and comments from the public.

DATES: Comments from the public and the State of California must be received by January 20 1984.

Public hearing request must be received by January 5, 1984.

ADDRESSES: Interested persons or organizations are requested to submit comments to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 Northeast Multnomah Street, Portland, Oregon 97232. Comments and materials received will be available for public inspection, by appointment during normal business hours, in the Service's Endangered Species Office at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford R. Wilbur at the above address (503/231–6131 or FTS 429–6131).

SUPPLEMENTARY INFORMATION:

Background

The Fresno kangaroo rat (*Dipodomys nitratoides exilis*) is a small, hopping mammal, found only in the San Joaquin Valley of central California. It appears to have always been restricted to the native alkali sink-open grassland plant community of western Fresno County. Its original range is not entirely known, but probably covered an area of about 250,000 acres, extending in the north to the San Joaquin River, in the east to the town of Fresno, in the south to the Kings River, and in the west to the Fresno Slough (Hoffman 1974).

Shortly after its discovery in 1891, the Fresno kangaroo rat evidently became rare in response to agricultural development in its habitat, and for many years it was thought to be extinct. In 1933, however, it was rediscovered (Culbertson 1934). A survey in 1938 indicated the presence of about 100,000 acres of native alkali sink vegetation within the original range of the kangaroo rat (Knapp 1975). Because of the continued growth of agriculture and urbanization, the natural habitat declined to an estimated 15,000 acres by 1975 (Koos 1979). An aerial survey in April 1981, located about 10,000 acres of apparently suitable habitat, but by November 1981, 34 percent of this land had been converted to agriculture. Field studies in 1981–1982 found only about 857 acres, mostly State-owned, to actually be occupied by the kangaroo rat (Hoffman and Chesemore 1982). Nearly all of the other remaining potential habitat has deteriorated badly because of heavy grazing by domestic livestock. Some of this habitat will probably be converted to agriculture in the near future, and all of it may be eliminated, unless conservation measures are implemented.

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 lists. The Secretary of the Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. These factors and their application to *Dipodomys nitratoides exilis* (Fresno kangaroo rat) are as follows.

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Fresno kangaroo rat is one of a group of small mammals, the existence of which is closely associated with conditions of soil and vegetation. Its requirements in this regard seem even more restrictive than those of most kangaroo rats. It most have a land surface with hummocks as sites for its extensive, but shallow burrow systems, and a substrate of suitable compactness to permit burrow construction. A relatively dense growth of vegetation is required as cover for escape from predators and as a source of food. Conversion of an area of native vegetation for crop production completely eliminates the use of that area by the Fresno kangaroo rat. This animal, unlike some other rodents, is not known to utilize area that have been cultivated or irrigated. As indicated in the Background above, however, nearly all of the original habitat of the kangaroo rat has been taken over by agriculture, and the process is continuing. Associated urbanization has also reduced the amount of native vegetation.

Of the remaining potential habitat of the Fresno kangaroo rat, most is being adversely affected by livestock grazing. Evidence indicates that such grazing has a substantial impact on both the distribution and density of the kangaroo rat. The largest kangaroo rat populations are associated with the least grazing pressure (Koos 1977). Mean population densities were found to be about 6.0 individuals per acre in an ungrazed area, but only about 2.5 per acre in a grazed area (Warner 1976). Grazing may adversely influence kangaroo rat numbers by modifying vegetation structure, reducing escape cover, and decreasing food availability. The livestock may also directly damage the shallow burrows of the kangaroo rat (Koos 1979).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not known to be a problem.

C. *Disease or predation.* Not known to be a problem at present, but could be potentially disastrous if the habitat of the kangaroo rat becomes excessively restricted.

D. *The inadequacy of existing regulatory mechanisms.* The California State Fish and Game Commission lists the Fresno kangaroo rat as endangered and, therefore, regulations are in effect that prohibit taking. The main problem of the kangaroo rat, however, is not direct taking, but habitat loss to agricultural development and grazing.

E. *Other natural or manmade factors affecting its continued existence.* Hoffman and Chesemore (1982) suggested that the combination of a drought in 1977 and possible competition with the Heermann's kangaroo rat (*Dipodomys heermanni*) may have caused the extirpation of the Fresno kangaroo rat in areas of marginal habitat.

Critical Habitat

Section 4(a)(3) of the Endangered Species Act, as amended, requires the Secretary to designate the "Critical Habitat" of a species, concurrent with listing, "to the maximum extent prudent and determinable." The Act defines Critical Habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The proposed Critical Habitat of the Fresno kanagroo rat comprises about 857 acres in western Fresno County, California. It is located generally to the sought of the San Joaquin River, to the west of the town of Kerman, to the north of the Fresno Slough Bypass, and to the east of the Fresno Slough. Of this land, about 565 acres compose the State of California's Alkali Sink Ecological Reserve or are scheduled for addition to the Reserve, about 20 acres are part of the State-owned Mendota Wildlife Management Area, and the remainder is privately owned.

In considering designation of Critical Habitat, 50 CFR 424.12(b) requires focus on the biological or physical constituent elements within the defined area that are essential to the conservation of the species involved. With respect to the Fresno kangaroo rat, the area proposed as Critical Habitat satisfies all known criteria for the ecological, behavioral, and physiological requirements of the species. This area provides sufficient vegetative cover for escape from predators and to serve as a food source, land surface with hummocks to serve as secure burrowing sites, and substrate of suitable compactness to permit burrow construction. This area may not include the entire habitat of the Fresno kangaroo rat. The kangaroo rat could be discovered on or reintroduced to other areas within the general locality described above. Therefore, modifications to the Critical Habitat designation may be proposed in the future.

Subsection 4(b)(8) of the Act requires that, to the maximum extent practicable, any proposed or final rule to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be affected by such designation. In the case of the Fresno kangaroo rat, as previously indicated, conversion of native vegetation for agricultural use destroys suitable habitat. Moderate to heavy livestock grazing adversely modifies habitat, so that the number of Fresno kangaroo rats that can be supported is severely reduced. Any other activities that disturb the native vegetation and ecosystem would probably also adversely affect the kangaroo rat. Conversely, the same kinds of actions could be affected by the protection of the Critical Habitat of the kangaroo rat, if they are likely to adversely modify such habitat, and if they are Federally authorized, funded or carried out (see "Available Conservation Measures," below).

Subsection 4(b)(2) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. Therefore, an impact analysis will be prepared prior to the time of a final rule and will be used as the basis of a decision on whether or not to exclude any area from Critical Habitat for the Fresno kangaroo rat. The Service is notifying Federal and State agencies that may have jurisdiction over the land and water under consideration. These agencies and other interested parties are requested to submit information on economic or other impacts of the proposed measure.

No activities involving Federal agencies are presently known that may have an impact on the habitat of the Fresno kangaroo rat. However, construction of a solid waste disposal site is being contemplated by Fresno County in the vicinity of the intersection of Whites Bridge Road and James Road. This project is in the early planning stages and a specific site has not been selected. It is not known if there will be any Federal involvement in this activity.

It should be emphasized that Critical Habitat designation does not necessarily affect Federal activities. If appropriate, the impacts will be addressed during conferral or consultation with the Service as required by Section 7 of the Endangered Species Act, as amended. Modification, and not curtailment, of the affected Federal activity has traditionally been the result of Section 7 consultations.

Available Conservation Measures

Endangered Species regulations already published in Title 50, § 17.21 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered wildlife species. The prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale any Fresno kangaroo rat in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Endangered wildlife under certain circumstances. Regulations governing such permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, for incidental take in accordance with an approved conservation plan, or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Subsection 7(a) of the agencies to evaluate their actions with respect to any species that is proposed or listed as Endangered or Threatened. This proposed rule requires Federal agencies to satisfy their statutory obligations with respect to the Fresno kangaroo rat. Agencies will now be required, in accordance with Section 7(a)(4), to informally confer with the Service on any action that is likely to jeopardize this species or result in the destruction or adverse modification of its Critical Habitat. If the Fresno kangaroo rat is ultimately added to the list of Endangered and Threatened Wildlife, Section 7 would require Federal agencies to insure that the actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of this species or result in the destruction or adverse modification of its Critical Habitat that has been determined by the Secretary.

This proposed rule would also bring Sections 5 and 6 of the Endangered Species Act into effect with respect to the Fresno kangaroo rat. Section 5 authorizes the acquisition of lands for the purpose of conserving Endangered and Threatened species. Pursuant to Section 6, the Fish and Wildlife Service would be able to grant funds (should they become available) to the State of California for management actions aiding the protection and recovery of the kangaroo rat.

Listing the Fresno kangaroo rat as Endangered would provide for development of a recovery plan for this mammal. Such a plan would draw together the State and Federal agencies having responsibility for conservation of the kangaroo rat. The plan would establish an administrative framework, sanctioned by the Act, for agencies to coordinate activities and cooperate with each other in conservation efforts. The plan would set recovery priorities and estimate the cost of the various tasks necessary to accomplish them. It would assign appropriate functions to each agency and a time frame within which to complete them.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file at the Service's Portland Regional Office (see **ADDRESSES** section above) and may be examined by appointment during regular business hours. A determination will be made at the time of a final rule as to whether this is a major Federal action that 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 at 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 the proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the Fresno kangaroo rat;

(2) The location of and the reasons why any habitat of this mammal should or should not be determined to be Critical Habitat as provided for by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this mammal;

(4) Current or planned activities that may adversely modify the areas that are being proposed for designation as Critical Habitat; and

(5) The foreseeable economic and other impacts of the Critical Habitat designation on Federal activities, private individuals, etc.

Final promulgation of the regulations on the Fresno kangaroo rat 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 filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 Northeast Multnomah Street, Portland, Oregon 97232.

Author

The primary author of this proposal is Dr. Kathleen E. Franzreb, Endangered Species Office, U.S. Fish and Wildlife Service, 1230 "N" Street, 14th Floor Sacramento, California 95814.

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List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulations 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 for Part 17 is revised to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–832, 92 Stat. 3751; Pub L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*)

§ 17.11 [Amended]

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order, to the List of Endangered and Threatened Wildlife under Mammals:

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical Habitat	Special rules
Common name	Scientific name						
•	•	•	•	•	•		•
Rat, Fresno kangaroo	*Dipodomys nitratoides exilis*	U.S.A. (California)	Entire	E		17.95(a)	N.A.
•	•	•	•	•	•		•

§ 17.95 [Amended]

3. It is further proposed that § 17.95(a), *Mammals*, be amended by adding the Critical Habitat of the Fresno kangaroo rat after that of the manatee as follows:

• • • • •

Fresno Kangaroo Rat *(Dipodomys nitratoides exilis)*

California. An area of land, water, and airspace in Fresno County, with the following components (Mt. Diablo Base Meridian): T14S R15E, E½NW¼ and NE¼ Sec. 11, that part of W½ Sec. 12 north of the Southern Pacific Railroad, E½ Sec. 12; T14S R16E, that part of Sec. 7 south of the Southern Pacific Railroad.

Within this area, the major constituent elements that are known to require special management considerations or protection are the hummocks and substrate that provide sites for burrow construction, and the natural alkali sink-open grassland vegetation that provides food and escape cover.

• • • • •

Dated: October 4, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-31222 Filed 11-18-83; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status and Critical Habitat for Smoky Madtom ("Noturus Baileyi")

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine the smoky madtom (*Noturus baileyi*), a small catfish, to be an Endangered species and to designate its Critical Habitat. This proposal, if made final, would implement Federal protection provided by the Endangered Species Act of 1973, as amended. The smoky madtom was thought to be extinct when extirpated from Abrams Creek, Great Smoky Mountains National Park, Blount County, Tennessee, in 1957. It was rediscovered in Citico Creek in 1980, and the results of an extensive survey indicate that the species is now apparently restricted to approximately 6.5 miles of Citico Creek, primarily within the Cherokee National Forest, Monroe County, Tennessee. With this restricted range, a single catastrophic event could render the species extinct. The Service is requesting information on environmental and other impacts that would result from listing the smoky madtom as an Endangered species and designating its Critical Habitat.

DATES: Comments from all parties must be received by January 20, 1984. Public hearing requests must be received by January 5, 1984.

ADDRESSES: Interested persons, organizations, agencies, and governments are requested to submit comments to Field Supervisor, Asheville Endangered Species Field Station, U.S. Fish and Wildlife Service, Plateau Building, Room A–5, 50 South French Broad Avenue, Asheville, North Carolina 28801. Comments and material relating to this proposal are available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Richard G. Biggins, Asheville Endangered Species Field Station, U.S. Fish and Wildlide Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801; (704/259–0321) or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240; (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The smoky madtom (*Noturus baileyi*) was believed extinct until September 1980 when it was discovered by a U.S. Fish and Wildlife Service survey crew sampling in Citico Creek, a tributary of the Little Tennessee River in Monroe County, Tennessee. Presently, this is the only population known to exist. The species was originally discovered in 1957 in Abrams Creek, a Little Tennessee River tributary in the Great Smoky Mountains National Park, Blount County, Tennessee, by a Service crew which was treating the creek with a fish toxicant to remove unwanted fish species from the Chilhowee Reservoir watershed prior to the closure of Chilhowee Dam. This was a routine procedure at the time, designed to enhance the chances of establishing a trout fishery in the new reservoir. The smoky madtom specimens taken from Abrams Creek during this project were used by Taylor (1969) to describe the species.

A study of the smoky madtom, funded by the Service, was completed in November 1982 (Dinkins, 1982). That survey involved extensive sampling at 44 locations in the Little Tennessee River drainage in North Carolina and Tennessee; two tributaries in the Hiwassee River, Tennessee; and one tributary in the Pigeons River, Tennessee. Although some habitat looked favorable for the species, the smoky madtom was not found outside Citico Creek.

The species is know from a total of 6.5 miles of Citico Creek, primarily within the Cherokee National Forest. One individual was found about 1 mile below the National Forest's boundary, but this area contains little of the species' preferred habitat. The species' prime habitat and the rest of the individuals observed during the study (67) were located on Forest Service lands above the upper Citico Creek bridge on Mountain Settlement Road.

The biology of this madtom is poorly understood. However, this small (largest known individual 2.9 inches total length) member of the catfish family is probably nocturnal, and likely feeds on aquatic insects. The fish has been found in various stages of breeding condition during the spring and summer, and nests (containing an average of 35 eggs) have been located under large slab rocks in pool areas during July (Dinkins, 1982). During the period of May to November, smoky madtoms are generally found associated with palm-sized slab rock at either the crest or base of riffles. Their habitat during the rest of the year is unknown.

The apparent limited distribution of this species leaves it vulnerable to a single catastrophic even which could completely eliminate it. The fish's habitat could also be degraded by logging activities, road and bridge construction and maintenance, mineral exploration, and other disturbances within the Citico Creek watershed if these activities are not carefully designed and carried out with the survival of the species in mind.

On June 22, 1982, the Fish and Wildlife Service published in the **Federal Register** (47 FR 26878–26879) a notice that a review of this species' status was being conducted. That notice requested data on the species' status, and solicited information on environmental and economic impacts and the effects on small business that could result if the species and its Critical Habitat were listed. The following is a summary of each of the responses received.

Tennessee Wildlife Resources Agency recommended listing the species as an Endangered species and designating Critical Habitat. They also noted that extreme care was needed to ensure that no habitat deterioration took place in the creek or its watershed.

Tennessee Department of Public Health recommended the species and its Critical Habitat in Citico Creek watershed be listed under the Endangered Species Act. They expressed concern for the species if mineral exploration occurred in the watershed. They stated that the watershed contains geologic formations of anakeesta shale. Anakeesta has a 10 percent sulfide content and forms sulfuric acid upon contact with water. They caution that mineral explorations could expose anakeesta and result in acid contamination of Citico Creek. They further explained that acid which enters the watershed can oxidize or bring into solution aluminum and other metals that are naturally found in the soils. These metals, especially aluminum, are extremely toxic to the aquatic ecosystem.

U.S. Department of Agriculture, Forest Service stated they had no proposed activities directly involving Citico Creek. They expressed concern that designating Critical Habitat could have the most significant effect on future timber sales, accompanying road construction, and on possible mineral exploration in the watershed. However, they said no road crossings of Citico Creek were being planned and significant exploration for oil and gas was unlikely. In summary, they stated "* * * know of no existing or proposed activity that would affect the quality of Citico Creek, nor do we know of significant impacts to small businesses or organizations."

U.S. Department of the Interior, National Park Service responded that their agency did not have any jurisdiction over the area where the species is presently found. However,

they did urge protection for the species and its habitat. The species was first discovered in Abrams Creek in Blount County, Tennessee, which is within the Great Smoky Mountains National Park. The Park Service has shown considerable interest in reestablishing the species in Abrams Creek.

U.S. Department of Transportation, Federal Highway Administration informed the Service that a Federal-aid secondary road system parallels Citico Creek at the lower end of the creek section where one smoky madtom was found. (This creek section is below the area proposed for Critical Habitat.) Although no State requests are pending, Federal-aid funds for this short road section may be requested in the future. In spite of potential projects which may impact the species, they state: "We see no reason why these projects could not be implemented with proper measures to prevent significant impacts on the quality of Citico Creek. Listing of the species and designating Critical Habitat may result in additional coordination/consultation efforts but should not have any significant effect on the Federal-aid highway program."

Department of the Army, Corps of Engineers, Office of Chief Engineer responded that the designation of Citico Creek as Critical Habitat for the smoky madtom would not have a significant effect on any Corps of Engineers program. They further stated: "The Corps of Engineers concurs with the preservation of the species through listing and the designation of its Critical Habitat."

U.S. Soil Conservation Service had no proposed or planned projects in the Citico Creek watershed.

U.S. Nuclear Regulatory Commission reported they had no existing or proposed activities which might affect the species or its habitat.

Federal Energy Regulatory Commission reported that at this time they had no licensed project or preliminary permits issued in the area inhabited by the smoky madtom.

Tennessee Valley Authority stated the area of Citico Creek where the madtom existed was not owned or controlled by TVA. However, the agency had been involved in planning, reviewing, and implementing proposals in this Creek's watershed. They did not report on any presently ongoing projects that would impact the species.

We received one comment on the biology and status of the species from the private individual conducting the smoky madtom status survey for the Service. He recommended the species be listed as Endangered and a portion of Citico Creek be designated as Critical Habitat. This information was utilized in the preparation of this proposal.

Summary of Factors Affecting the Species

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. A species shall be determined to be an Endangered or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. These factors, and their application to the subject species are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The smoky madtom is presently known from only 6.5 miles of Citico Creek. With such a limited distribution, the species could be rendered extinct by a single catastrophic event, either natural or human-related. Potential threats to the species and its Critical Habitat could also come from logging activities, road and bridge construction and maintenance, mineral exploration, and other projects in the watershed if these activities are not planned and implemented with the survival of the species in mind.

Other than the potential soil erosion and siltation problems associated with any land disturbance, a more serious problem could arise in this watershed. The Citico Creek watershed contains geologic formations of anakeesta shale, an acid-bearing rock which has caused problems in the past. Bergendahl, *et al.* (1977) reported that in the 1970's a formation of anakeesta was exposed during construction of the Tellico-Robbinsville Highway. Acid leaching from a road cut increased the concentration of sulfates, heavy metals, and acidity in Grassy Branch, a tributary of the South Fork Citico Creek. In 1978, surveys of Grassy Branch revealed no fish life. Attempts have been made to mitigate this problem, but they have not been entirely successful. Other formations of anakeesta do exist in the watershed, and there is a danger that they too could be exposed during construction activities.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* There is no evidence of overutilization for this species.

C. *Disease or predation.* There is no evidence of threats from disease or predation.

D. *The inadequacy of existing regulatory mechanisms.* Tennessee State law (Sections 51–904) prohibits the taking of the smoky madtom without a permit. This law also provides a mechanism which encourages the protection of the fish's habitat. Federal listing would provide necessary additional protection for the species by requiring Federal agencies to consult with the Service when projects they fund, authorize, or carry out may affect the species.

E. *Other natural or manmade factors affecting its continued existence.* Several species of madtoms have, for still unexplained reasons, been extirpated from portions of their range. Etnier and Jenkins (1981) speculated that this may "* * * in addition to visible habitat degradation, be related to their being unable to cope with olfactory 'noise' being added to riverine ecosystems in the form of a wide variety of complex organic chemicals that may occur only in trace amounts." Organic pollution is minimal in the Citico Creek system. However, if madtoms are adversely impacted by increased concentrations of complex organic chemicals, any increase in these materials could cause a problem for this isolated population.

Critical Habitat

Section 4(a)(3) of the Act requires the Secretary to designate Critical Habitat for a species, to the maximum extent prudent and determinable, concurrent with the determination that such species is an Endangered or Threatened species. The 50 CFR Part 424 defines "Critical Habitat" to include areas within the geographical area occupied by the species at the time the species is listed that are essential to the conservation of the species and that may require special management considerations of protection and specific areas outside the geographic area occupied by the species at the time upon a determination by the Secretary that such areas are essential for the conservation of the species.

Proposed Critical Habitat for the smoky madtom is as follows:

Citico Creek, Cherokee National Forest, Monroe County, Tennessee, from the Cherokee National Forest boundary at Upper Citico Bridge on Mountain Settlement Road (approximately creek mile 4.3) upstream to the confluence of Citico Creek with Barkcamp Branch (approximately creek mile 10.8).

As specified in the listing regulations (50 CFR 424.12(b)) the Service shall consider in determining what areas are Critical Habitat those physiological, behavioral, ecological, and evolutionary requirements essential to the conservation of the species and that may require special management consideration or protection. These requirements include, but are not limited

to: (1) Space for individual and population growth and normal behavior; (2) food, water, air, light, minerals, or other natural or physiological requirements; (3) cover or shelter; (4) sites for breeding, reproduction, rearing of offspring * * * and generally; and (5) habitats that are protected from disturbance or are representative of the historic geographical and ecological distribution or a species.

In addition to the present high water quality in Citico Creek, the smoky madtom requires run/pool areas with pea-size gravel substrate containing scattered large flat rocks for nesting cover. The species utilizes palm-sized slab rocks for cover, and relatively silt-free riffle areas during other times of the year. The area proposed for Critical Habitat provides the smoky madtom with all of the necessary constituent elements for completion of its life cycle. If the quality of this creek section can be maintained near its present level and no catastrophic event occurs, the species will likely continue to survive in Citico Creek.

Section 4(b)(8) of the Act requires that when proposing Critical Habitat, the Service shall, to the maximum extent practicable, describe and evaluate those activities (whether public or private) which may adversely modify such habitat, or which may be affected by such designation. Activities which presently occur within the proposed Critical Habitat include fishing, swimming, camping, nature study, and scientific research. These activities at their present use level do not appear to be adversely impacting Critical Habitat.

There are activities which do or could occur within the Citico Creek watershed and which may be affected by designating Critical Habitat. They include, in part, mineral exploration and mining, bridge and road construction and maintenance, logging, off-road vehicle use, and stream alterations. These activities, along with others that alter the watershed, could, if not controlled, degrade the water and substrate quality of Citico Creek by increasing siltation, water temperatures, organic pollutants, acidity, heavy metal concentrations, and extremes in water flow. If it is determined that any activity is likely to jeopardize the continued existence of the smoky madtom or likely to result in the destruction or adverse modification of its Critical Habitat, the activity will need to be modified unless an exemption to the Endangered Species Act is granted.

Available Conservation Measures

In addition to the effects discussed above, the effects of this proposal if published as a final rule would include, but would not necessarily be limited to, those mentioned below. The Act and Endangered species regulations already published in the June 24, 1977, **Federal Register** (42 FR 32372) set forth a series of general prohibitions and exceptions that apply to all Endangered wildlife. These prohibitions are found in Section 17.21 of 50 CFR and are summarized below.

These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Endangered species under certain circumstances. Regulations governing permits are at 50 CFR 17.22. Such permits are available for scientific purposes or to enhance the propagation or survival of the species.

Subsection 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that 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 informally confer with the Service on any action that is likely to jeopardize the continued existence of this species or result in destruction or adverse modification of its proposed Critical Habitat. When species are listed, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species, and to ensure that their actions are not likely to result in the destruction or adverse modification of its Critical Habitat.

As covered earlier in this proposal, both the U.S. Forest Service, that has jurisdiction over the Cherokee National Forest, and the Federal Highway Administration, which provides Federal aid funds for upkeep of the road paralleling the lower section of Citico Creek below the proposed Critical Habitat, have stated that they have no existing or proposed projects that would significantly impact Citico Creek.

Federal activities that could impact the species and its habitat in the future include, but are not limited to, the following: Issuance of permits for mineral exploration, timber sales, recreational development, stream alterations, road and bridge construction and maintenance, and implementation of forest management plans. It has been the experience of the Service that the large majority of Section 7 consultations are resolved so that the species is protected and the project can continue.

The Service is required by Section 4(b)(2) of the Act to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service will prepare an Economic Impact Analysis prior to the time of preparing a final rule involving the designation of Critical Habitat. This document will be the basis for the Service's decision as to whether or not to exclude areas from Critical Habitat for the smoky madtom. The Service notified Federal, State, and local agencies and governmental entities as part of a 1982 status review of this species. That notice requested information on economic and other impacts of the proposed action. No significant economic or other impacts were identified in the respoases received.

The Service will renotify agencies and individuals as part of this proposal and solicit any information that may have become available in the interim.

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and as 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, commercial, or other relevant data concerning any threat (or lack thereof) to the species included in this proposal;

2. The location of and the reason why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 4 of the Act;

3. Additional information concerning the range and distribution of this species; and

4. Current or planned activities in the subject area and their possible impacts on the smoky madtom and its proposed Critical Habitat.

Final promulgation of regulations on the smoky madtom will take into

consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to Warren T. Parker, Field Supervisor, Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801; (704/259-0321).

Author

The primary author of this proposed rule is Richard G. Biggins, Asheville Endangered Species Field Station, U.S. Fish and Wildlife Service, Plateau Building, Room A-5, 50 South French Broad Avenue, Asheville, North Carolina 28801; (704/258-2850, Ext. 321).

National Environmental Policy Act

In accordance with a recommendation from the Council on Environmental Quality (CEQ), the Service has not prepared any NEPA documentation for this proposed rule. The recommendation from CEQ was based, in part, upon a decision in the Sixth Circuit Court of Appeals which held that the preparation of NEPA documentation was not required as a matter of law for listing under the Endangered Species Act. *PLF v. Andrus* 657 F.2d 829 (6th Cir. 1981).

References

Bergendahl, B. S., J. L. Blackburn, and G. L. Klinedinst. 1977. Report on the geological and water quality of Tellico-Robbinsville Road, Station 804+85+ to 956+10+. Region 15 Federal Highway Administration.

Dinkins, Gerald R. 1982. Status survey of the smoky madtom (*Noturus baileyi*): Final report under contract (number 14-16-004-81-060) to U.S. Fish and Wildlife Service, Asheville, North Carolina 28801. 33 pp.

Etnier, D. A., and R. E. Jenkins. 1981. *Noturus stanauli*, a new madtom catfish (Ictaluridae) from the Clinch and Duck Rivers, Tennessee. Bull. Ala. Mus. Nat. Hist. 5:17-22.

Taylor, W. R. 1969. A revision of the genus *Noturus* Refinesque with an analysis of higher groups of Ictaluridae. (*Noturus baileyi* pp. 141-144). Bull. U.S. Nat. Mus., No. 282, p. 315.

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 United States Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 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.*)

2. It is proposed to amend § 17.11(h) by adding, in alphabetical order, the following to the List of Endangered and Threatened Wildlife:

§ 17.11 [Amended]

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Fishes:							
Madtom, smoky	*Noturus baileyi*	U.S.A. (TN)	Entire	E		17.95(e)	NA

§ 17.95 [Amended]

3. It is further proposed to amend § 17.95(e) for "Fishes," by adding Critical Habitat for the smoky madtom as follows:

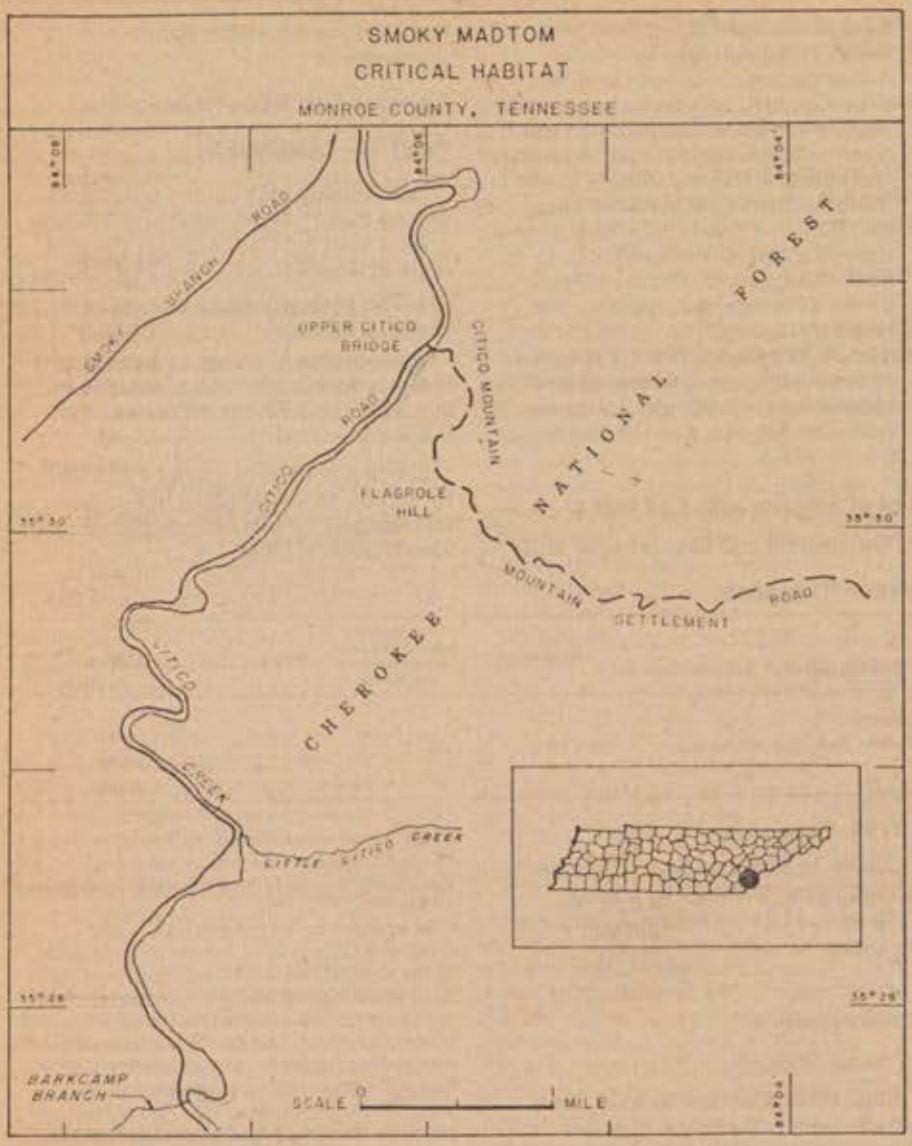
* * * * *

Smoky madtom

(Noturus baileyi)

Citico Creek, Cherokee National Forest, Monroe County, Tennessee, from the Cherokee National Forest boundary at upper Citico Bridge on Mountain Settlement Road (approximately creek mile 4.3) upstream to the confluence of Citico Creek with Barkcamp Branch (approximately creek mile 10.8).

In addition to the present high water quality in Citico Creek, constituent elements of the Critical Habitat include run/pool areas with relatively silt-free pea-size gravel substrate containing scattered large flat rocks breeding habitat. The species utilizes palm-size slab rocks for cover and relatively silt-free riffle areas during other times of the year. The area proposed for Critical Habitat provides the smoky madtom with all of the necessary constituent elements for completion of its life cycle.



Dated: October 18, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 31221 Filed 11-18-83; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 30632-113]

Reef Fish Fishery of the Gulf of Mexico; Reopening of Comment Period; Correction

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

ACTION: Proposed rule; notice of reopening of comment period; correction.

SUMMARY: This document corrects the closing date given in the notice of reopening of the comment period on proposed regulations for the Reef Fish Fishery of the Gulf of Mexico that was published on October 28, 1983, 48 FR 49527.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, Regional Director, Southeast Region, 813-893-3141.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-29108, appearing on page 449527, third column under the **"DATES"** heading, the sentence should read, "Comments on the proposed rule and Fishery Management Plan (FMP) must be received by November 25, 1983."

Dated: November 16, 1983.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 83-31233 Filed 11-18-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 225
Monday, November 21, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Marvin Field Public Water Based Recreation RC&D Measure, Colorado; Environmental Impact Finding

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 Marvin Field Public Water Based Recreation RC&D Measure, Chaffee County, Colorado.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon G. Boone, State Conservationist, Soil Conservation Service, 2490 W. 26th Avenue, Denver, Colorado 80211, Telephone (303) 837–4275.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. Sheldon G. Boone, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this measure.

This public water based recreation measure concerns a plan to expand an existing city owned and operated passive and active recreational facility. The works of improvement include installing baseball, softball and soccer fields; playground and picnic areas; group shelter; volleyball and horseshoe areas; bicycle racks and a boating drop into the Arkansas River.

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. The basic data developed during the environmental evaluation are on file and may be reviewed by contacting Mr. Sheldon G. Boone.

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: November 3, 1983.

Sheldon G. Boone,

State Conservationist.

[FR Doc. 83-31220 Filed 11-18-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's Procedural Regulations; See, 14 CFR 302.1701 et. seq.; week ended November 10, 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 case a final order without further proceedings.

Date filed	Docket No.	Description
Nov. 7, 1983	41796	Sea & Sun Airlines, N.V., c/o Howard S. Boros, Boros & Garofalo, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036. Application of Sea & Sun Airlines, N.V., pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations applies for a foreign air carrier permit to engage in the charter air transportation of persons, property and mail between all points in the United States and all points in the Netherlands Antilles. Answers may be filed by December 5, 1983.
Nov. 9, 1983	41804	Jet Fleet International Airlines, Inc., c/o Stephen D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036. Application of Jet Fleet International Airlines, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for a certificate of public convenience and necessity to provide interstate and overseas scheduled air transportation and for a fitness determination. Conforming Applications, Motions to Modify Scope and Answers may be filed by December 7, 1983.
Nov. 10, 1983	41805	Tower Air, Inc., c/o Stephan L. Gelband, Hewes, Morella, Gelband & Lamberton 1010 Wisconsin Avenue, N.W., Suite 640, Washington, D.C. 20007. Application of Tower Air, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for a certificate of public convenience and necessity to provide scheduled interstate and overseas air transportation of persons, property and mail, and for a fitness determination. Conforming Applications, Motions to Modify Scope and Answers may be filed by December 8, 1983.
Nov. 9, 1983	41748	Pan Aero International, c/o Harry A. Bowen, Bowen and Atkin, Suite 350, 2020 K Street, N.W., Washington, D.C. 20006. Application of Pan Aero International, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, and pursuant ot Order 83–10–103, requests a certificate under Section 401 of the Act authorizing Pan Aero to engage in scheduled interstate and overseas air transportation of persons property, and mail between all points in the United States, its territories, and possessions. Answers may be filed by December 7, 1983.

Date filed	Docket No.	Description
Nov. 9, 1983	29833	Transporturile Aeriene Romane (TAROM), c/o John G. Adams, Suite 1009, 1625 Eye St., N.W., Washington, D.C. 20006. Amendment to the Application of Transporturile Aeriene Romane (TAROM) requests renewal of its foreign air carrier permit to operate from Bucharest to New York via Vienna. Answers may be filed by December 7, 1983.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 83-31261 Filed 11-18-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 41321]

British American Air, Inc., Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to commence on December 21, 1983, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Ave., NW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., November 10, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.
[FR Doc. 83-31260 Filed 11-18-83; 8:45 am]
BILLING CODE 6320-01-M

Commuter Fitness Determination; Gulfstream Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 83-11-37, Order to Show Cause.

SUMMARY: The Board is proposing to find that Gulfstream Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than November 25, 1983, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, 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 83-11-37 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-11-37 to that address.

By the Civil Aeronautics Board: November 8, 1983.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 83-31257 Filed 11-18-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 41781]

Rainbow Air, Inc., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 8, 1983, at 10:00 a.m. (local time), in Hearing Room 2, Lower Level, 2120 L Street, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., November 10, 1983.

John M. Vittone,
Administrative Law Judge.
[FR Doc. 83-31259 Filed 11-18-83; 8:45 am]
BILLING CODE 6320-01-M

Application of Mid Pacific Airlines, Inc. to Amend its Certificate

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show-Cause (83-11-4).

SUMMARY: The Board is proposing to amend the certificate held by Mid Pacific Airlines to authorize it to engage in intra-Hawaii all-cargo service. It further proposes to award intra-Hawaii all-cargo service to all fit carriers who apply for such authority. The Board tentatively concludes in the order that Mid Pacific is fit to provide the service.

DATES: All interested persons wishing to respond to the Board's tentative findings and proposed certificate award shall file, and serve upon all persons listed below no later than December 6, 1983, a statement of their response, together with a summary of testimony, statistical data, and other material expected to be relied upon to support any objections raised.

ADDRESSES: Responses should be filed in Docket 41585 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served upon the parties listed in the Attachment to the order.

FOR FURTHER INFORMATION CONTACT: John F. Brennan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-11-4 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-11-4 to that address.

By the Civil Aeronautics Board: November 1, 1983.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 83-31258 Filed 11-18-83; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration
Title: Paris Air Show Comments Guide
Form numbers: Agency—N/A; OMB—N/A

Type of request: Existing Collection in use without an OMB control number
Burden: 242 respondents; 61 reporting hours
Needs and uses: The information collected is needed to determine the aerospace industry's trade promotional needs. Information will be used to determine the degree of privatization of U.S. Pavilion at the Paris Air Show in 1985.
Affected public: Businesses or other for profit, small businesses or organizations
Frequency: One time only
Respondent's obligation: Voluntary
OMB Desk Officer: Ed Clarke, 395–4814

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to the OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 83-31283 Filed 11-18-83; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments; Cornell University

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83–343. Applicant: Cornell University, Microbiology Department, J. A. Baker Institute, Ithaca, NY 14853. Instrument: Gammacell–40 Irradiator with Twin Caesium–137 Sources. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use: A wide range of research projects including the study of infectious agents and the response of animals to these agents, the production of antibodies and other cell products in tissue culture, and the inhibition of cell division in a variety of tissues. Application received by Commissioner of Customs: November 1, 1983.

Docket No.: 83–344. Applicant: Cornell University, New York State Agricultural Expt. Station, Geneva, NY 14456. Instrument: Electron Microscope, Model JEM–100SX and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use: Studies of plants and associated pathogens or pests to learn how to better control agronomically important diseases and pests through an understanding of the mechanism by which the pests and host plants interact. Application received by Commissioner of Customs: November 1, 1983.

Docket No.: 83–345. Applicant: Cornell University, 229 Bard Hall, Ithaca, NY 14853. Instrument: Electrophoresis Apparatus and Rotating Prism. Manufacturer: Rank Brothers, United Kingdom. Intended use: Measurement of the zeta potential of charged particles (ceramics) which are suspended in a fluid in order to study the fundamental mechanisms of slip-casting and tape casting of ceramic materials. Students will also use the instrument for their doctoral dissertation research. Application received by Commissioner of Customs: November 1, 1983.

Docket No.: 83–346. Applicant: Cornell University, Department of Food Science, 114 Stocking Hall, Ithaca, NY 14853. Instrument: Recirculating Emulsifier. Manufacturer: Reprosurf HB, Sweden. Intended use: Studies of the capacity of proteins to form and stabilize an emulsion. Application received by Commissioner of Customs: November 1, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creil,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-31198 Filed 11-18-83; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments; Swarthmore College, et al.

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with Subsections 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 83–327. Applicant: Swarthmore College, Department of Chemistry, Swarthmore, PA 19081. Instrument: Temperature-Jump Spectrophotometer System. Manufacturer: Dia-log Gesellschaft Für Digital-Analogue Datentechnik, GMBH, West Germany. Intended use: Research: Study of the kinetics of reactions of porphyrins and metalloporphyrins with nucleic acids. Education: A research course, Chemistry 94, for science students in their junior or senior years. Application received by Commissioner of Customs: October 28, 1983.

Docket No. 83–337. Applicant: U.S. Geological Survey, 450 Main Street, Room 525, Hartford, CT 06103. Instrument: Terrain Conductivity Meter, Model EM–34–3. Manufacturer: Geonics Ltd., Canada. Intended use: Electrical conductivity of hydorlogic or geologic units and fluids to see if this geophysical technique can be used to delineate various hydrologic units to help understand the hydrogeology of the area. Application received by Commissioner of Customs: October 28, 1983.

Docket No. 83–340. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012–L–650, Livermore, CA 94550. Instrument: Streak Camera, Model C1370/System III with Options. Manufacturer: Hamamatsu Corp., Japan. Intended use: Investigation of the optical emission from electron beam induced excitation of air or other gases. The data will be included in the calculational models resulting in charges in design parameters. Application received by Commissioner of Customs: October 31, 1983.

Docket No. 83–341. Applicant: Pomona College, Geology Department, Sixth Street and College Avenue, Claremont, CA 91711. Instrument: One (1) Hand Held Ratioing Radiometer System. Manufacturer: Barringer Research, Canada. Intended use: Research: Studies of common rocks and minerals in the field to determine the relation between infrared reflectance and rock chemical and mineralogic compositions.

Education: Teach geological research techniques in the courses in igneous and metamorphic petrology and independent study projects. Application received by Commissioner of Customs: October 31, 1983.

Docket No. 83-342. Applicant: University of South Florida, 4202 Fowler Avenue, Tampa, FL 33620. Instrument: Circular Dichroism Spectropolarimeter, Model J-500A. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use: Investigation of circular dichroism spectra of nucleic acids, proteins and the complexes with each other. The objectives of these experiments are:

(1) To develop quantitative methods of assessing the structure of nucleic acids and proteins.

(2) To study subtle changes of the environment of enzyme active sites.

(3) To study structures of antibiotics.

(4) To compare predicted and experimental structures.

Application received by Commissioner of Customs: October 31, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-31196 Filed 11-18-83; 8:45 am]

BILLING CODE 3510-DS-M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes; Health Research, Inc., et al.

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83-308. Applicant: Health Research, Incorporated, Buffalo, NY 14263. Instrument: Electron Microscope, Model H-600-2 and Accessories. Manufacturer: Hitachi, Japan. Intended use: See notice at 48 FR 45279. Instrument ordered: March 8, 1983.

Docket No.: 83-311. Applicant: USDA-ARS, Stoneville, MS 38776. Instrument: Electron Microscope, EM 10CR and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 48 FR 45279. Instrument ordered: August 24, 1983.

Docket No.: 83-312. Applicant: University of Hawaii, Honolulu, HI 96822. Instrument: Electron Microscope, EM 10CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 48 FR 45279. Instrument ordered: September 1, 1983.

Docket No.: 83-313 Applicant: The Johns Hopkins University, Baltimore, MD 21218. Instrument: Electron Microscope, EM 420 ST and Accessories. Manufacturer: NV Philips, The Netherlands. Intended use: See notice at 48 FR 45279. Instrument ordered: August 2, 1983.

Docket No.: 83-314 Applicant: The Johns Hopkins University, Baltimore, MD 21218. Instrument: Electron Microscope, EM 420 ST and Accessories. Manufacturer: NV Philips, The Netherlands. Intended use: See notice at 48 FR 45280. Instrument ordered: August 2, 1983.

Docket No.: 83-315 Applicant: Eye Research Institute of Retina Foundation, Boston, MA 02114. Instrument: Electron Microscope, EM 410LS and Accessories. Manufacturer: NV Philips, The Netherlands. Intended use: See notice at 48 FR 45280. Instrument ordered: September 1, 1983.

Docket No.: 83-316 Applicant: V.A. Medical Center, St. Paul, MN 55111. Instrument: Electron Microscope, EM 10 CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 48 FR 45280. Instrument ordered: June 23, 1983.

Docket No.: 83-318 Applicant: University of Health Sciences, North Chicago, IL 60064. Instrument: Electron Microscope, EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 48 FR 45814. Instrument ordered: September 1, 1983.

Docket No.: 83-319 Applicant: University of Health Sciences, North Chicago, IL 60064. Instrument: Electron Microscope, EM 10 CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 48 FR 45815. Instrument ordered: September 1, 1983.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or of any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-31197 Filed 11-18-83; 8:45 am]

BILLING CODE 3510-DS-M

Issuance of Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to International Trailer Sales, Inc. (ITS). This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this certificate. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230."

Comments should refer to the certificates as "Export Trade Certificate of Review, application number 83-00009.

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595-604 (March 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may

be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merhandise, or services of the class exported by the applicant;

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares merchandise, or services of the class exported by the applicant; and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937–40 (April 13, 1983).

Description of Certified Conduct

ITS—Application No. 83–00009

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from IDI on June 9, 1983. The application was deemed submitted on June 23, 1983. A summary of the application was published in the **Federal Register** on July 6, 1983 (48 FR 31060 (1983)). Based on analysis of the information contained in the application, the response to supplementary questions, and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by ITS meet the four standards of the Act:

Export Trade

(a) Commercial trailers for construction, heavy equipment and other hauling, truck tractors, and parts and supplies therefor;

(b) Maintenance, safety; repair, and similar support services for the foregoing products; and

(c) Export trade services (consulting, international market research, product research and design exclusively for export, transportation, including trade documentation and freight forwarding, communication and processing of foreign orders, foreign exchange, financing and collection, and taking title to goods) in connection with the foregoing products and services.

Export Markets

The export market includes all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

To engage in the Export Trade in the Export Markets, ITS may:

(a) Enter into exclusive agreements with U.S. manufacturers and suppliers wherein: (1) The manufacturer or supplier may agree not to sell, directly or through any other intermediary, into the export markets in which ITS exclusively represents the manufacturer or supplier, or to any ITS's competitors for resale in the export markets; and (2) ITS may agree not to represent any competitors of such manufacturer or supplier, unless authorized by the manufacturer or supplier.

(b) Enter into exclusive agreements with representatives (including agents, brokers and distributors) in the Export Markets wherein: (1) ITS may agree to deal in the export market only through its representative; and (2) the representative may agree not to represent ITS's competitors in the export market, unless authorized by ITS.

Such exclusive agreements may have terms not to exceed three (3) years.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The certificates may be inspected and copied in accordance with regulations published in 15 CFR Part 4. Information about the inspection and copying of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

Dated: November 15, 1983.

Irving P. Margulies,

Deputy General Counsel.

[FR Doc. 83-31204 Filed 11-18-83; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meetings

Agency: National Marine Fisheries Service, NOAA, Commerce.

Summary: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilities under the Act. The Council, its SSC and AP will hold separate public meetings.

Dates: The Council will convene on Wednesday, December 7, 1983, at approximatly 9:00 a.m. at the Old Federal Building, 6045 W. 4th Avenue, Anchorage, Alaska. The Council will meet until about 5:00 p.m. Thursday, December 8, 1983 or until Council business is completed.

The SSC meeting will convene at 1:30 p.m. on Monday, December 5, 1983 at the Old Federal Building and will adjourn at approximately 5:00 p.m. on Tuesday, December 6. The AP will convene its meeting at approximately 10:00 a.m. on Tuesday, December 6, 1983 at the Old Federal Building and will adjourn at approximately 5:00 the same day. The meetings may be lengthened or shortened depending upon progress on the agenda items.

The Bering Sea Herring research group will meet from 8:30 a.m. to noon on December 5, 1983 in the Old Federal Building. Major topics will include herring research priorities and experimental design.

Other plan team meetings may be held on short notice during the Council meeting week. These meetings will be posted at the Council meeting site. All meetings are open to the public.

Proposed Agenda: *Council*—A detailed agenda will be sent to the

public around November 21, 1983. The Council will hear reports on the domestic and foreign fisheries and on enforcement and surveillance. The Council will hear a report from the Halibut Workgroup, decide whether or not to approve a moratorium on new entry into the halibut fishery for 1984, and consider objectives for management of the fishery. The Council will hear from the International Pacific Halibut Commission on management measures for the 1984 season and may make its own recommendations for the fishery. Foreign vessel permit applications for 1984 will be revised and final recommendations will be made on joint venture processing and domestic annual processing figures for the Gulf of Alaska and Bering Sea/Aleutian Islands. The Council will also consider an amendment to increase pollock optimum yield in the Gulf of Alaska and change area apportionments of Pacific cod optimum yield. The Council also may consider alternative methods for redistributing the pollock optimum yield to the Central and Western Regulatory Areas.

The Gulf of Alaska Prohibited Species Workgroup will report to the Council. Pacific ocean perch optimum yield also may be discussed. The Council will give final consideration to Bering Sea Groundfish Amendment 9 granting field order authority for conservation closure, and to total allowable catch for each of the groundfish species managed under the Bering Sea groundfish plan. Under Tanner crab, the Council will discuss pot limits and exclusive registration areas as management technique in the Fishery Conservation Zone off Alaska. The Council will hear a report on herring research needs and will review the status of current contracts and the 1984 administrative budget. The SSC and AP agenda items will be similar to that of the Council.

For Further Information Contact: Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510.

Dated: November 16, 1983.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 83-31232 Filed 11-18-83; 8:45 am]

BILLING CODE 3510-22-M

THE COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, December 13, 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 Atherton, Secretary, Commission of Fine Arts, at the above address or call 566–1066.

Dated in Washington, D.C., November 14, 1983.

Charles H. Atherton,

Secretary.

[FR Doc. 83-30627 Filed 11-18-83; 8:45 am]

BILLING CODE 6330-01-M

COMMODITY FUTURES TRADING COMMISSION

MidAmerica Commodity Exchange; Proposed Amendments Relating to the Live Hog Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The MidAmerica Commodity Exchange has submitted a proposal to revise its live hog futures contract. The Commodity Futures Trading Commission (Commission) has determined that the proposal is of major economic significance and that, accordingly, publication of that, proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments should be received on or before December 21, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., 20581. Reference should be made to the MCE live hog futures contract.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. (202) 254–6990.

SUPPLEMENTARY INFORMATION: The MidAmerica Commodity Exchange (MCE or Exchange) is proposing revisions to its live hog futures contract which would be analogous to the proposed amendments submitted by the Chicago Mercantile Exchange (CME) for its live hog futures contract (48 FR 41805 (September 19, 1983)). The Exchange indicates that the current terms and conditions of the MCE's 15,000 pound live hog contract are deliberately designed to parallel the terms and conditions of the CME's 30,000 pound live hog contract in order to provide MCE members and their customers access to the liquidity and price discovery mechanism of the CME live hog futures market through inter-market spreading. As a result, according to the MCE, an active two-for-one MCE to CME contract inter-market spread has developed. The MCE indicates that the proposed changes in the CME contract would create adverse consequences for inter-market spreaders without appropriate amendments to MCE rules. Therefore, the MCE is proposing amendments which would conform to those proposed by the CME. The MCE proposal would eliminate the delivery of U.S. No. 4 grade hogs on the contract, reduce the number of U.S. No. 3 grade hogs allowed to be delivered at par and in the total delivery unit, increase the par weight range of hogs, designate a new delivery point at Sioux Falls, South Dakota, and increase the discount for hogs delivered at the St. Paul, Minnesota delivery point..

The Current MCE live hog contract specifies the par delivery unit to be 15,000 pounds of USDA Grade No. 1, 2, 3 and 4 hogs (barrows and gilts) in the weight range of 200 to 230 pounds. The contract stipulates that the average weight of the hogs in the delivery unit and at least 45 hogs in each delivery unit must fall within the 200 to 230 pound weight range. Delivery units containing live hogs weighing under 200 pounds but not less than 190 pounds and weighing over 230 pounds but not more than 240 pounds are deliverable on the current contract with a discount of 50¢ per hundredweight based on the weight of such hogs delivered. Hogs weighing less than 190 or over 230 pounds are not deliverable. Under the existing contract, delivery units containing more than 45 head of USDA Grade No. 3 hogs are deliverable at a discount of 50¢ per hundredweight for the entire delivery unit with no limit on the total number of USDA Grade No. 3 hogs. Delivery units containing up to 4 head of USDA Grade No. 4 are deliverable at a discount of $2.00 per hundredweight for each such hog. Units containing more than 4 head of USDA Grade No. 4 are not deliverable on the current contract.

Under the Exchange's proposal, USDA Grade No. 4 hogs would no longer be deliverable on the contract, and fewer USDA Grade No. 3 hogs (barrows and gilts) could be delivered at par and in the total delivery unit. Delivery units containing more than 5 but not more than 15 USDA Grade No. 3 hogs would be deliverable at a discount of $2.00 per hundredweight for the USDA Grade No. 3 hogs. Units containing more than 15 USDA Grade No. 3 hogs would not be deliverable under the revised contract.

The par weight per hog would increase to a range of 210 to 240 pounds from the current 200 to 230 pounds. The revised contract would require both the average weight of hogs in the delivery unit and at least 45 hogs to fall within the 210 to 240 pound weight range. However, hogs weighing under 210 pounds but not less than 200 pounds and weighing over 240 pounds but not more than 250 pounds would be deliverable at a discount of 50¢ per hundredweight for such hogs. Hogs weighing under 200 pounds or over 250 pounds would not be deliverable. All of these proposed changes in provisions of the MCE contract pertaining to the delivery unit are identical to the CME proposals except that the maximum number of USDA Grade No. 3 hogs, the numbers of such hogs deliverable at a discount and the minimum required number of hogs falling within the 210 to 240 pound weight range are one-half of the corresponding amounts proposed by the CME, reflecting the smaller contract size at the MCE.

The exchange submits that the proposed changes in the contract's delivery unit would reflect current conditions and practices in the cash hog markets. The MCE indicates that in recent years there has been an improvement in the quality of hogs being marketed commercially. The Exchange maintains that eliminating No. 4 grade hogs from the contract, decreasing the number of U.S. No. 3 grade hogs to 5 head in a MCE par delivery load, and allowing no more than 15 head of U.S. No. 3 grade hogs to be deliverable at a discount of $2.00 per hundredweight, would make the contract more consistent with commercial hog sales than the currently allowable 4 head of U.S. No. 4 hogs deliverable at a discount, 45 head of U.S. No. 3 grade hogs (approximately 64 percent of the unit) in a par delivery load and the 100 percent U.S. No. 3 hogs deliverable at a discount. The Exchange maintains that an increase in the current par delivery weight range from 200–230 pounds to 210–240 pounds would reflect the average current commercial slaughter weight. The Exchange also states that allowing a 50¢ per hundredweight discount for hogs under 210 pounds but not less than 200 pounds and weighing over 240 pounds but not more than 250 pounds would adequately reflect the cash market discount for hogs in these weight groups. The Exchange believes that these revisions to the contract's delivery unit would reduce the potential for deliveries of inferior hogs on the contract and would allow inter-market spread activity to continue between the MCE and CME live hog contracts.

To conform with amendments proposed by the CME, the MCE proposal also includes the designation of an additional delivery point at Sioux Falls, South Dakota with a 50¢ per hundredweight discount for hogs deliverd at this location. The Exchange indicates that during the past decade the volume of hog receipts at Sioux Falls has grown steadily, making this location the second largest hog market in the United States today. The Exchange maintains that the relative growth of hog volume at Sioux Falls has resulted from declines in volume at other public stockyards, the growth of hog production in the Sioux Falls marketing region, and the ability of western packers to transport hogs from Sioux Falls to slaughter on the West Coast. The MCE further notes that the extent of packer participation in the Sioux Falls market, for both slaughter on site and transportation to slaughter plants further west, indicates the availability of ready cash market access for longs taking delivery at Sioux Falls. The Exchange maintains that the 50¢ discount at Sioux Falls would be consistent with the cash market locational differentials at Sioux Falls in recent years.

The MCE proposal includes an amendment to raise the St. Paul, Minnesota delivery point discount from 25¢ per hundredweight to 75¢ per hundredweight which would conform to that proposed by the CME. The MCE states that over the past three years, deliveries tendered at the St. Paul delivery point substantially exceeded combined deliveries at the remaining six Exchange-approved delivery locations. The Exchange believes that this high number of hog deliveries at St. Paul is because the St. Paul delivery point is insufficiently discounted. The Exchange further submits that an evaluation of the cash price differentials at St. Paul relative to the contract's par delivery point at Peoria, Illinois over the period 1978–1983 supports the conclusion that the contract's discount for St. Paul has been too small. The Exchange believes that the contract's current 25¢ discount for St. Paul favors short traders delivering at St. Paul to the disadvantage of short traders at other delivery points and to long traders generally.

The proposed amendments to the live hog contract would become effective immediately after Commission approval for all contract months subsequently listed by the Exchange for trading, but would not be applicable to currently listed months.

In accordance with section 5a(12) of the Commodity Exchange Act, 7 U.S.C. 7a(12) (1982), the Commission has determined that the proposal submitted by the MCE's concerning its live hog futures contract is of major economic significance. Accordingly, the MCE's proposal will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the MCE in support of the proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitted written data, views or arguments on the proposed amendments should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by December 21, 1983. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on November 15, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-31231 Filed 11-18-83; 8:45]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Group; Meeting

November 10, 1983.

The USAF Scientific Advisory Board Space Division Advisory Group will hold meetings on December 6, 1983 from 1:00 p.m. to 5:00 p.m. and on December 7, 1983 from 8:00 a.m. to 12:00 noon, at Kirtland Air Force Base, Albuquerque, New Mexico, Conference Room 1, Building 497.

The Group will receive classified briefings and hold classified discussions on selected Air Force space programs. The meetings concern matters listed in Section 552b(c) of Title 5, United States Code, specifically paragraph (1) thereof and may be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–8404.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–31214 Filed 11–18–83; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

November 7, 1983.

The USAF Scientific Advisory Board Weapons Panel will meet at the Pentagon, Washington, D.C. on December 13–14, 1983. The purpose of the meeting will be to review the current status of all research, development, and acquisition programs associated with conventional weapons, munitions, and fuzes. The meeting will convene at 9:00 am and adjourn at 5:00 pm on both days.

The meeting concerns matters listed in Section 552(c) of Title 5, United States Code, specifically subparagraph (1) and (4) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–31215 Filed 11–18–83; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

November 15, 1983.

The USAF Scientific Advisory Board Airlift Cross Matrix Panel will hold meetings on December 6–8, 1983, from 8:30 am to 5 pm each day at the Det 2 619 MASS Christchurch, New Zealand and McMurdo Sound, Antarctica.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–4811.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–31433 Filed 11–18–83; 11:02 am]

BILLING CODE 3910–01–M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Date of Meeting: Friday, 2 December 1983.

Times: 0830–1700 hours (Closed).

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Functional Subgroup Chairs (Planning Concepts/Management Support, Weapons Systems, C³I, Human Capabilities/Resources, Logistics and Support Systems, and Research and New Initiatives) will meet for classified discussions on current ASB study topics and for status reports from panel members on their assigned topics. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5 United States Code, specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695–3039 or 697–9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 83–31153 Filed 11–18–83; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Meeting Change

The following change has occurred for the meeting of the Army Science Board Ad Hoc Subgroup on Updating Old Equipment, which was announced in the **Federal Register** issue of Friday, 21 October 1983 (48 FR 48860), FR Doc #83–28727:

Dates of Meeting: Wednesday and Thursday, 30 November and 1 December 1983 (instead of Wednesday and Thursday 16 and 17 November 1983).

Dated: November 15, 1983.

Sally A. Warner,

Administrative Officer.

[FR Doc. 83–31154 Filed 11–18–83; 4:45 am]

BILLING CODE 3710–08–M

Meeting Change

The following change has occurred for the meeting of the Army Science Board Ad Hoc Subgroup on Army Leadership, which was announced in the **Federal Register** issue of Friday, 21 October 1983 (48 FR 48861), FR Doc #83–28730:

Place of Meeting: Pentagon, Washington, D.C. on Thursday, 1 December 1983 (instead of Fort Leavenworth, Kansas).

Sally A. Warner,

Administrative Officer.

[FR Doc. 83–31155 Filed 11–18–83; 4:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Intergovernmental Advisory Council on Education; Meeting

AGENCY: Intergovernmental Advisory Council on Education, Department of Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Intergovernmental Advisory Council on Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: December 6, 1983.

ADDRESS: Columbia Club, 121 Monument Circle, Parlor A, 4th Floor, Indianapolis, Indiana 46204.

FOR FURTHER INFORMATION CONTACT: Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202; (202) 472–6464.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education is established under Section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council is established to provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations pertaining to education.

The IACE will meet on December 6 from 8:00 a.m. to 5:30 p.m. in Parlor A of the Columbia Club. The proposed agenda includes:

—Status of Council Report

—Proposed Forum on Intergovernmental Issues

—Schedule of Council Activities for Fiscal Year 1984

Records are kept of all Council proceedings and are available for public inspection at the Office of the Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C.

Signed at Washington, D.C., on Tuesday, November 15, 1983.

Nancy L. Harris,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 83-31204 Filed 11-18-83; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Vocational Education; Meeting

AGENCY: National Advisory Council on Vocational Education, Department of Education.

ACTION: Notice of public meeting of the council.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of it opportunity to attend.

DATE: December 4–5, 1983 (10:00 a.m.–4:30 p.m. on 12/4; 9:00 a.m.–4:00 p.m. on 12/5).

ADDRESS: Marriott Hotel, 700 West Convention Way, Anaheim, CA 92802; December 4—Salon A and B—December 5—Salon 3 and 4.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90–576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The meeting of the National Advisory Council on Vocational Education, as announced, is open to the public, and the proposed Agenda will include:

December 4

Report of the Chairman
Report of the Executive Director
Introduction of new members
Council project reports
Committee meetings
  Legislative
  Review and Evaluation
  Human Resources
Forums Task Force Report

December 5

Forums Task Force Report
Committee Reports
Report from the Department of Education
  Dr. Robert M. Worthington
Report from the American Vocational Association
  President Joe Mills

Records are kept of the Council's proceedings, and are available for public inspection at the office of the National Advisory Council on Vocational Education from 9:00 a.m. to 5:00 p.m., 425 13th Street, N.W., Suite 412, Washington, DC 20004

For further information contact: Carolyn J. Edwards, NACVE Staff at above address. Telephone (202) 376–8873.

Signed at Washington, D.C., on November 15, 1983.

James W. Griffith,

Executive Director, National Advisory Council on Vocational Education.

[FR Doc. 83-31225 Filed 11-18-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER84-73-000]

Appalachian Power Co.; Notice of Filing

November 15, 1983.

The filing Company submits the following:

Take notice that on November 8, 1983, American Electric Power Company (AEP) tendered for filing on behalf of its affiliate Appalachian Power Company (APCO) Modification No. 11 dated July 1, 1983 to the Interconnection Agreement dated February 28, 1949 between Duke Power Company (Duke Power) and APCO, APCO's Rate Schedule FERC No. 18.

AEP states that Section 1 of this Agreement adds a Fuel Conservation Energy Service Schedule to the Interconnection Agreement and Section 2 modernizes the Billing and Payment Article of the Interconnection Agreement. Sections 3, 4, 5, and 6 of this Agreement update the Emergency Energy, Interchange Power, Short Term and Limited Term Power Service Schedules to comply with present FERC Rulemaking and insure uniform rates from APCO for the same service to unaffiliated system companies. These schedules are the same as schedules previously filed by AEP and accepted for filing by the Commission.

AEP requests an effective date of July 20, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon Duke Power Company, the Virginia State Corporation Commission, the South Carolina Public Service Commission, the North Carolina Utility Commission, and the Public Service Commission of West Virginia.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules or Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31165 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-34-000]

Cleveland Electric Illuminating Co.; Notice of Filing

November 15, 1983.

The filing Company submits the following:

Take notice that on October 14, 1983, Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 50

MW of power from 345 kv interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI requests an effective date of October 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31167 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL84-3-000]

Clifton Power Corp.; Order Initiating Show Cause Proceeding and Notifying Respondent of Proposed Summary Disposition of Proceeding Prior to Setting Matter for Hearing

Issued: November 15, 1983.

During the Commission staff's review of an application filed by the Clifton Power Corporation (CPC) for a license to operate the Clifton Mills No. 1 project, Project No. 4632 (the Clifton project), information became available which indicates that CPC may have engaged in acts and transactions which constitute violations of the Federal Power Act, 16 U.S.C. 791a *et seq.* (FPA), and the Commission regulations thereunder. Because of this information, the Enforcement Division of the Office of the General Counsel conducted a preliminary investigation of these acts and transactions pursuant to Section 1b.6 of the Commission's Rules Relating to Investigations, 18 CFR 1b.6 (1983).

II

As a result of this investigation, it is alleged that:

1. CPC is a corporation organized and existing under the laws of the State of South Carolina, with principal offices located in or near Clifton, Spartanburg County, South Carolina.

2. Duke Power Company (Duke), which maintains headquarters in Charlotte, North Carolina, is a public utility subject to the jurisdiction of the Federal Energy Regulatory Commission (commission), pursuant to Part II of the FPA, 16 U.S.C. 824–824k.

3. The Clifton project is located on the Pacolet River in Spartanburg County, South Carolina.

4. The Clifton project dam was originally constructed before 1868. Hydromechanical equipment formerly located at the dam was replaced by two hydroelectric generators installed in 1933 and 1937, respectively. Each generator has a capacity of 400 kilowatts.

5. No declaration of intention to construct a dam or other project works for the Clifton project, pursuant to FPA § 23(b), 16 U.S.C. 817, has ever been filed with the Commission. The Commission has never made a finding pursuant to FPA § 23(b) that such construction would not affect the interests of interstate and foreign commerce.

6. On May 7, 1981, CPC filed with the Commission an application for a license to operate the Clifton project. The Commission has not yet acted upon the license application, and there is at present no Commission license or authorization for operation of the Clifton project.

7. During the period ending on or about July 10, 1981, CPC renovated the project works of the Clifton project in preparation for operation of the project, including generation and sale of electric power from the project.

8. On or about July 10, 1981, CPC established an electrical connection between the Clifton project and Duke's transmission system for electric power, and began operating the Clifton project. Such operation includes generation of electric power from the Clifton project and sale of that electric power to Duke.

9. The electrical interconnection between the Clifton project and Duke's interstate electrical transmission system, and CPC's operation of the Clifton project, including, when possible, generation of electric power and sale of that power to Duke, have been continuous from on or about July 10, 1981 to the present.

10. During the period from the date of CPC's interconnection of the Clifton project to Duke's transmission system to the present, the Duke transmission system has consisted of facilities located in North Carolina and in South Carolina and has operated so that electric power generated in each state is consumed in both states.

11. During the period July 1981 through September 9, 1983, the last date for which the Commission has received data, CPC generated and sold to Duke a total of 5,387,377 kilowatt-hours of electric energy from the Clifton project.

12. CPC received net revenue, that is, gross revenue less interconnection charges, of approximately $88,875 from the sale of electric power to Duke during the period July 1981 through September 9, 1983, the last date for which the Commission has received data.

13. Pursuant to § 23(b) of the FPA, the construction, operation or maintenance of the Clifton project requires a license issued by the Commission

III

The Commission Finds:

(1) Pursuant to sections 4, 23(b), and 309 of the FPA, 16 U.S.C. 797, 817, and 825h, respectively, and Rule 209 of the Commission's Rules of Practice and Procedure, 18 CFR 385.209, good cause exists for requiring, and the public interest in administering the FPA demands, that CPC show cause why the Commission should not order immediate cessation of CPC's operation of the Clifton project, including generation of electric power and sale of that power to Duke.

(2) The allegations set forth in Section II, above, if true, constitute a continuing violation by CPC of § 23(b) of the FPA and the Commission's regulations thereunder. Therefore, prior to setting this matter for hearing under Subpart E of the Commission's Rules of Practice and Procedure, 18 CFR Part 385, the Commission, pursuant to Rule 217(c)(3) of the Commission's Rules of Practice and Procedure, 18 CFR 385.217(c)(3), shall consider summary disposition of this proceeding, and finds that notice of and comment on such summary dispostion is practicable and necessary.

(3) Based upon the foregoing, there is good cause to waive any provision of the Commission's Rules of Practice and Procedure which may be inconsistent with the alternative procedures prescribed by this order, which procedures the Commission has determined to be appropriate in this matter.

The Commission Orders:

(A) Pursuant to Rule 209 of the Commission's Rules of Practice and Procedure, 18 CFR 385.209, a show cause proceeding is hereby initiated against CPC.

(B) With respect to this proceeding, the Commission shall be the decisional authority, and no hearing under Subpart

E of the Commission' Rules of Practice and Procedure, 18 CFR Part 385, shall be convened unless the Commission determines that a genuine issue of material fact exists with respect to the allegations set forth in Section II of this order.

(C) Within fifteen (15) days from the date of issuance of this order, CPC shall show cause why the Commission should not order immediate cessation of CPC's operation of the Clifton project, including generation of electric power and sale of that power to Duke. CPC's answer, if any, to this order to show cause pursuant to Rule 213 of the Commission's Rules of Practice and Procedure, 18 CFR 385.213, shall be filed in writing and under oath, shall admit or deny, specifically and in detail, each allegation set forth in Section II hereof, and, if such allegations are denied, shall set forth specific facts showing that there is a genuine issue for hearing.

(D) Prior to setting this matter for hearing under Subpart E, the Commission, pursuant to Rule 217(c)(3) of the Commission's Rules of Practice and Procedure, 18 CFR 385.217(c)(3), shall consider summary disposition of this proceeding, and hereby gives notice of such proposed summary disposition to CPC. CPC's answer to this order to show cause, if any, shall be deemed to constitute CPC's comments on the proposed summary disposition of this proceeding in accordance with Rule 217(c)(3) of the Commission's Rules of Practice and Procedure, 18 CFR 385.217(c)(3).

(E) Any person wishing to intervene in this proceeding must file a notice of intervention or a motion to intervene, as appropriate, with respect to this matter within ten (10) days from the date of issuance of this order.

(F) Answers in opposition to any motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, shall be filed within ten (10) days after the motion to intervene is filed.

(G) Pursuant to Rule 101(e) of the Commission's Rules of Practice and Procedure, 18 CFR 385.101(e), for good cause, the Commission hereby waives any provision of the Commission's Rules of Practice and Procedure, 18 CFR Part 385, which may be inconsistent with the alternative procedures prescribed by this order for this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31168 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-71-000]

Connecticut Light and Power co.; Notice of Filing

November 15, 1983.

The filing Company submits the following:

Take notice that on November 8, 1983, Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to a Transmission Agreement dated September 16, 1983 between: (1) CL&P and Western Massachusetts Electric Company (WMECO); and (2) Electric Division of the Town of Wallingford, Department of Public Utilities (Wallingford).

CL&P states that the Transmission Agreement provides for transmission service to Wallingford for the wheeling of 3,056 kilowatts during the period from November 1, 1983 to October 31, 1984.

CL&P further states that the transmission charge rate is a monthly rate equal to one-twelfth of the estimated annual average costs of transmission service on the Northeast Utilities system determined in accordance with Schedule A and Exhibits I, II and III thereto, of the Transmission Agreement. The monthly transmission charge is determined by the product of: (i) The appropriate transmission charge rate ($/kW-month; and (ii) 3,056 kilowatts.

CL&P requests an effective date of November 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon WMECO, and Wallingford.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol, 825 North Capitol. Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intrevene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31166 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-11-000]

Iowa Power and Light Co.; Notice of Application

November 15, 1983.

Take notice that on November 3, 1983, Iowa Power and Light Company, filed an an Application seeking authority pursuant to Section 204 of the Federal Power Act to issue on or before December 31, 1985, bank notes maturing not more than one year after date of issue and commercial paper notes maturing not more than nine months after the date of issue in principal amounts not exceeding $125,000,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 2, 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 (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31169 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-12-000]

Long Island Lighting Co.; Notice of Application

November 15, 1983.

Take notice that on November 4, 1983, Long Island Lighting Company (Applicant) filed an application seeking authority pursuant to Section 204 of the Federal Power Act to issue through and including December 31, 1985, its unsecured promissory notes and commercial paper in a principal amount not to exceed $400,000,000, with maturity dates not later than September 30, 1986.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 5, 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 (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31170 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-35-000]

Lynn Mines and Mining Co.; Notice of Complaint

November 14, 1983.

Take notice that the United States Department of Agriculture, Forest Service (Complainant) on June 23, 1983 filed a complaint against the Permittee for the Crow Creek Project FERC No. 6574.

Correspondence with the Complaint should be directed to: Jim Snow, Esq., United States Department of Agriculture, Office of the General Counsel, Natural Resources Division, Washington, D.C. 20250.

The Crow Creek project is located on Permittee's private property within the boundaries of the Helena National Forest near the town of Radersburg, in Jefferson and Broadwater Counties, Montana. Complainant alleges that Permittee for the Crow Creek Project is in violation of the preliminary permit issued for the project on February 28, 1983, by: (1) Engaging in unauthorized road construction which caused irreparable environmental damage; (2) failing to consult in good faith with the Forest Service and to conduct required investigations; and (3) failing to enter into a memorandum agreement with the Forest Service concerning access road usage. On these grounds, Complainant seeks to have the preliminary permit cancelled.

Comments, Protests, or Motions to Intervene—Anyone may file comments, a protest, or motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 14, 1983.

Filing and Service of Responsive Documents—Any filings must bear in capital letters the title "COMMENTS," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Docket Numer of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Michael T. Mishkin, Supervisory Trial Attorney, Office of the General Counsel, Enforcement Division, Federal Energy Regulatory Commission, 941 North Capitol Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-31171 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-55-000 (PGA84-1)]

Mountain Fuel Resources; Notice of Change in Rates

November 15, 1983.

Take notice that Mountain Fuel Resources, Inc. (Resources), on October 28, 1983, tendered for filing and acceptance a proposed change in rates applicable to service rendered under its Rate Schedule No. 1 affected by and subject to Resources' *Purchased Gas Cost Adjustment Provision* (PGA) and by its proposed *Gas Research Institute (GRI) charge adjustment provision.* Resources filed Nineteenth Revised Sheet No. 7 and Eighth Revised Sheet No. 7-A, proposing an effective date of December 1, 1983, and Twentieth Revised Sheet No. 7, proposing an effective date of January 1, 1984, to its FERC Gas Tariff, Original Volume No. 1.

The current adjustment to Resources' rate, proposed to be effective December 1, 1983, due to the PGA provision of its tariff, results in a net increase of $0.0166/Mcf over the rate currently being collected.

The adjustment to Resources' rate requested to be effective January 1, 1984, due to Resources proposed GRI charge adjustment provision currently pending before the Commission in Docket No. RP84-6-000, would result in an increase of $0.0125/Mcf, which rate was approved by the Commission for the GRI funding unit in Docket No. RP83-95-000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of this chapter. All such petitions or protests should be filed on or before November 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available or public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31172 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-70-000]

New York State Electric & Gas Corp.; Notice of Filing

November 15, 1983.

The filing Company submits the following:

Take notice that on November 7, 1983, New York State Electric & Gas Corporation (NYSEG) tendered for filing proposed changes in its FERC Rate Schedule Nos. 27, 28, 30, and 35. It is estimated that the proposed changes would increased revenues from jurisdictional sales and service by about $3,400 based on the 12 month period ended August 31, 1983.

NYSEG states that these increased rates are the result of the increased revenue requirement for wages and property taxes.

NYSEG requests an effective date of September 29, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served on NYSEG's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available or public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31173 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-770-000]

Pacific Power & Light Co.; Notice of Filing

November 15, 1983.

Take notice that on September 28, 1983, Pacific Power & Light Company

(PP&L) tendered for filing its Certificate of Concurrence and supporting documentation to the Exchange Agreement between PP&L and Colockum Transmission Co., Inc., executed on June 2, 1983.

PP&L requests the Commission to accept this filing as either an initial rate filing or as a certificate of concurrence under 18 CFR 35.12 or 35.1, respectfully, pending the Commission's determination as to whether Colockum is subject to its jurisdiction.

PP&L further requests that the Commission waive 18 CFR 35 to the extent that other information would be required.

PP&L states that the transaction involves no form of income for either party; but, rather, it contemplates an exchange of capacity for energy.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31174 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-779-004]

Pennsylvania Power Co.; Notice of Revised Compliance Filing

November 15, 1983.

Take notice that on October 24, 1983, Pennsylvania Power Company (PPC) submitted for filing a revised version of its September 20, 1983 Revised Compliance Filing in response to a deficiency letter from the Office of Electric Power Regualtion. The filing contains an explanation of PPC's tax calculation from its August 4, 1983 Compliance Filing, the deferred fuel expenses, the interest expense deduction which is calculated by utilizing the weighted cost of long-term debt times the wholesale rate base, and the exhibits which identify the allocations of the cash components of working capital.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 21, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31175 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-7004-021]

Pennzoil Co., Notice of Eighth Amendment to Application for Immediate Clarification or Abandonment Authorization

November 14, 1983.

Take notice that on November 8, 1983, Pennzoil Company (Pennzoil), P.O. Box 2967, Houston, Texas 77001, filed in Docket No. G-7004-021 and application for abandonment authorization for as much gas as is required to allow sales of gas to eighteen new applicants for residential service in West Virginia in addition to those applicants specified in Pennzoil's original application filed on October 25, 1982. In filing this Eighth Amendment to its original application, Pennzoil incorporates herein and renews each of the requests for clarification or abandonment authorization set forth in its original application. Service to these applicants and existing customers would be provided from gas supplies that would otherwise be sold to Consolidated Gas Supply Corporation (Consolidated), an interstate pipeline.

Pennzoil states that immediate action is necessary to protect the health, welfare and property of the applicants and customers in West virginia who depend upon Pennzoil for their gas supply needs. Pennzoil also states that immediate action also is required because, by order dated October 21, 1982, the Public Service Commission of West Virginia directed Pennzoil "to show cause, if any it can, why it should not be found to been in violation of its duty * * * to provide adequate gas service to all applicants * * * and why it should not be required to provide service to domestic customers in West Virginia when requests are received for same.

Consolidated has indicated that it has no objection to the requested authorization.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said amendment to the original application shoud on or before, November 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). 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 the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person previously granted intervention in connection with Pennzoil's original application in Docket No. G-7004-006 need not seek intervention herein. Each such person will be treated as having also intervened in Docket No. G-7004-021.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on the amendment to the original application in the event no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-31176 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-72-000]

Public Service Company of Indiana, Inc.; Notice of Filing

November 15, 1983.

The filing Company submits the following:

Take notice that on November 8, 1983, Public Service Company of Indiana, Inc. (PSI) tendered for filing pursuant to the Power Coordination Agreement between PSI and Wabash Valley Power Association, Inc. (WVPA) a First Supplemental Agreement to become effective January 1, 1984.

PSI states that said Agreement provides for Interim Power from PSI for WVPA member systems located in Northern Indiana Power Service Company's [NIPSCO] service areas as follows:

(1) Interim Power provided by PSI for not less than 100 MW and not greater than 225 MW for not less than 13 consecutive weeks at a minimum load factor of 75% on a daily basis and a minimum hourly schedule of 50% of the highest maximum hourly schedule for the day or such other load factor minimum schedule combination to which the parties mutually agree.

(2) WVPA is to provide its own bulk transmission service for PSI's generating facilities to PSI's bulk transmission interconnection points with NIPSCO, through the use of the PSI/WVPA joint transmission system.

(3) WVPA shall arrange with NIPSCO transmission and distribution service from the PSI/NIPSCO bulk transmission interconnection points to the WVPA member systems delivery points in the NIPSCO service area.

PSI requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon Wabash Valley Power Association, Inc. and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 1983. Protests will be considered by the Commission in determing the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31177 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-68-000]

Southern California Edison Co.; Notice of Filing

November 15, 1983.

The filing Company submits the following:

Take notice that on November 3, 1983, Southern California Edison Company (Edison) tendered for filing a change of rates for network transmission service as embodied in the Southern California Edison Company FPC Electric Tariff Original Volume No. 1, Contract Rate TN.

Edison requests an effective date of January 1, 1984.

Copies of this filing have been served upon the Public Utitities Commission of the State of California, the California cities of Anaheim, Azusa, Banning, Colton, Riverside, and Vernon and the Southern California Water Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31178 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-6-000; FERC JD No. 82-06096]

State of New Mexico, NGPA Section 108 Determination; Marathon Oil Co., L. G. Warlick "C" Well No. 2; Notice of Petition To Reopen Final Well Category Determination and Request for Withdrawal of Application

November 14, 1983.

On October 20, 1983, Marathon Oil Company (Marathon) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a final well category determination pursuant to § 275.202 of the Commission's regulations (18 CFR 275.202 (1983)). Under the final determination, natural gas from the L.G. Warlick "C" Well No. 2, located in Lea County, New Mexico, qualifies as stripper well gas under section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1981). This affirmative determination made by the Oil Conservation Division of the New Mexico Energy and Minerals Department (New Mexico) became final on December 27, 1981, pursuant to section 503(d) of the NGPA and § 275.202(a) of the Commission's regulations.

Marathon requests the reopening of this final determination so that it can withdraw its application for said determination on the basis that the L. G. Warlick "C" Well No. 2 produced natural gas in excess of the 60 Mcf/day limit prescribed by section 108(b) of the NGPA and therefore does not qualify as a section 108 stripper gas well.

Marathon states that, at the time of the filing of the subject section 108 application, its Monthly Report of Producing Wells indicated that the field into which the L. G. Warlick "C" Well No. 2 was drilled was non-productive due to depletion. Marathon recently discovered that the above-mentioned Monthly Report was in error. The subject well is dually completed in the Blinebry and Drinkard zones and has been producing, and continues to produce natural gas in excess of 60 Mcf/day from both zones. Marathon concludes that the well therefore does not qualify for the section 108 rate. Finally, Marathon advises that it intends to make refunds with interest as provided under §§ 270.101(e) and 273.302 of the Commission's regulations.

The Commission hereby gives notice that the question of whether refunds, plus interest as computed under § 154.102(c) (18 CFR 154.102(c) (1983)), will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register** with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Commission Rules of Practice

and Procedure (18 CFR 385.214 or .211 (1983)). All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-31178 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP79-23-010, RP79-23-011 and RP79-24-012]

Distrigas of Massachusetts Corp.; Filing

November 16, 1983.

Take notice that on November 9, 1983, Boston Gas Company (Boston Gas), tendered for filing "Amended Appendix A to Comments of DOMAC Customers in Protest of Refund Report Filed by Distrigas of Massachusetts Corporation" dated November 2, 1983.

Boston Gas states that this amendment is necessary to correct a typographical error only.

Boston Gas states that the filing has been served on all parties of record in the above-captioned proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 30, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-31180 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP83-81-003 and TA84-1-49-003]

Montana-Dakota Utilities Co.; Filing

November 16, 1983.

Take notice that on November 9, 1983, Montana-Dakota Utilities Company (MDU), pursuant to Selection 4 of the Natural Gas Act and Part 154 of the Commission's Regulations thereunder, tendered for filing the following tariff sheet as part of MDU's FERC Gas Tariff:

Original Volume No. 4

Second Substitute Twenty-seventh Revised Sheet No. 3A

The proposed effective date is November 1, 1983.

MDU states that this sheet provides for a revised current surcharge adjustment as required by the Commission's letter order issued October 31, 1983, in Docket No. TA84-1-000. By this filing the current surcharge is reduced from 56.176 cents per Mcf to 55.194 cents per Mcf or .982 cents on Rate Schedules G-1, PR-1, and I-1. Since the current surcharge applicable to Rate Schedule X-4 remains the same, namely 60.192 cents, no revision has been made. Computations supporting the proposed revisions are shown in the Revised Exhibit C attached to the filing.

MDU also states that the rates also reflect the changes filed on October 31, 1983, in Docket No. RP83-81-000 as required by the FERC's May 27, 1983 order in the Docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 30, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-31184 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-12-001]

Northern Border Pipeline Co.; Filing

November 16, 1983.

Take notice that on November 9, 1983, Northern Border Pipeline Company (Northern Border) tendered for filing the following document:

Substitute First Revised Sheet No. 28, Original Volume No. 2.

Northern Border states that the above tariff sheet originally filed with the Commission on October 21, 1983, in the above docket contained an unintended revision of Subsection 2.4. The sheet filed in this filing corrects the unintended revision and Northern Border requests that the Commission accept the corrected tariff sheet for filing.

Northern Border requests an effective date for the corrected sheet of October 21, 1983.

A copy of the filing has been sent to all of Northern Border's shippers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 30, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-31185 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7102-001]

Trempealeau Associates; Surrender of Preliminary Permit

November 16, 1983.

Take notice that Trempealeau Associates, Permittee for the Trempealeau Hydropower Project No. 7102, has requested that its preliminary permit be terminated. The permit was issued on July 8, 1983, and would have expired on July 8, 1985. The project would have been located on the Mississippi River in Trempealeau County, Wisconsin.

The Permittee filed its request on October 17, 1983, and the surrender of the preliminary permit for Project No. 7102 is deemed accepted 30 days from the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31186 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-66-000]

Union Electric Co.; Filing

November 15, 1983.

The filing Company submits the following:

Take notice that on November 1, 1983, Union Electric Company (Union) tendered for filing an Amendment dated October 26, 1983, to the Interchange Agreement dated June 28, 1978, between Associated Electric Cooperative, Incorporated and Union. Union states that said Amendment primarily provides for a new and revised interconnection point and deletion of certain exisitnig delivery points.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 1 385.211, 385.214). All such motions or protests should be filed on or before November 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31180 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-67-000]

United Illuminating Co.; Filing

November 15, 1983.

The filing Company submits the following:

Take notice that on November 2, 1983, United Illuminating Company (UI) tendered for filing a system power agreement (Agreement) between UI and New England Power Company (NEP).

UI indicates that the Agreement, dated September 11, 1983, provides for energy transactions based on a sale of UI system capacity and related energy. The energy furnished by UI to NEP would be from one or more of existing operable fossil-fired steam generation units at New Haven Harbor Station and English Station in the City of New Haven and/or Bridgeport Harbor Station in the city of Bridgeport. However, in most anticipated instances, the energy will be supplied from Bridgeport Harbor Station Units 1 and 2.

UI states that the Agreement provides that the parties will, from time to time, determine the amount and period of the sale based on their mutual expectations of achieving overall dollar savings.

UI further states the NEP will pay an energy reservation charge and transmission utilization charge to UI in an amount equal to the amount of kilowatt hours reserved for and provided to NEP times $0.004. In addition, NEP will pay the costs of energy taken by NEP from UI based on either: (A) A before-the-fact agreed upon heat rate and at fuel costs in effect for pool dispatching purposes at the time of the exchange or (B) the actual cost of such energy as determined after the fact.

UI requests an effective date of September 11, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been mailed to NEP.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-31181 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-567-005]

Wisconsin Electric Power Co.; Compliance Filing

November 15, 1983.

Take notice that on October 21, 1983, Wisconsin Electric Power Company ("WEPC") submitted for filing its Compliance Filing pursuant to a Commission Opinion and Order in Docket No. ER80-567-000 which was issued on September 19, 1983.

WEPC states that it need not file revised rate schedules pursuant to the Commmission's order as the rate schedules requested were agreed upon in the Settlement Agreement in Docket No. ER80-567-000. However, the effective rates were approved by the Commission in an order issued on October 4, 1983 in Docket No. ER83-2-000, and comport with the Commission's September 19, 1983, Opinion and Order.

Additionally, WEPC also states that information requested from the Commission concerning its anticipated facility cost expenditures has already been included in the Company's Advance Plan to the Public Service Commission of Wisconsin, and is being sent to WEPC's jurisdictional customers.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 28, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-31182 Filed 11-18-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2473-4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Managment and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street, S.W.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Water Programs

National Pollutant Discharge Elimination System (NPDES): The permit authority in each case is EPA or the delegated State agency unless otherwise noted. All of the following are renewals of existing regulations; no changes are proposed.

- Title: Facility and Permit Transfer Report (EPA #0024).

Abstract: When a change of ownership occurs at a discharging facility, the owner must notify the permit authority so that the permit can be modified if necessary. Modification may also be necessary if a change in operations is planned.

Respondents: Businesses, publicly owned treatment works and other institutions.

• Title: Permit Consolidation Request (EPA #0025).

Abstract: A permit applicant may request that the processing of one permit application be consolidated with applications under other permit programs. Consolidation allows one joint draft permit, comment period and public hearing rather than several.

Respondents: Businesses, publicly owned treatment works and other institutions.

• Title: Request for Fundamentally Different Factors Variance (EPA #0077).

Abstract: A permittee may request a variance to obtain individualized effluent limits in lieu of national limits by submitting technical data on the nature, volume and environmental impact of the proposed discharge. The permit authority compares the data with the national standard for the particular industry and approves/denies the variance.

Respondents: Businesses, and other institutions.

• Title: State Request for NPDES Program Revision (EPA #0128).

Abstract: When Federal regulations change, States update their programs and provide EPA with information on program changes and what State legal authority is necessary to make the changes. The Agency reviews the submission to ensure compliance with the Clean Water Act.

Respondents: State water pollution control agencies.

• Title: State Report of Wastewater Permits (EPA #0131).

Abstract: States delegated authority by EPA to administer the NPDES program transmit copies of permit applications to the Agency and notify it of actions related to the application. EPA uses the information to verify compliance with the Clean Water Act and to ensure that concerns of neighboring states affected by a permitted discharge are addressed.

Respondents: State water pollution control agencies.

• Title: State Recordkeeping for NPDES Compliance Evaluation Program (EPA #0132).

Abstract: States delegated authority by EPA to administer the NPDES program must retain records on permittees to ensure compliance. The records may be used to substantiate an enforcement action or as evidence in case of litigation.

Respondents: State water pollution control agencies.

• Title: Modification of Permit Application (EPA #0136).

Abstract: The permit authority may request additional information from the permittee to assess the facility's discharge and to determine whether the permit should be modified, revoked and/or reissued, or terminated.

Respondents: Businesses, publicly owned treatment works and other institutions.

• Title: State Certification of EPA-Issued Permits (EPA #0137).

Abstract: States not delegated authority to administer the NPDES program certify both permit applications (prior to submittal to the Agency) and EPA-drafted permits. Certification states that discharges and permit conditions will comply with the Clean Water Act and with applicable State law.

Respondents: State water pollution control agencies.

• Title: State Report of NPDES Compliance Evaluation Program (EPA #0168).

Abstract: States delegated authority to administer the NPDES program must submit to EPA information regarding their compliance evaluation programs for routine Agency review.

Respondents: State Water pollution control agencies.

Drinking Water

• Title: National Inorganic/Radionuclide Survey of Public Water Systems (EPA #1047).

Abstract: EPA is surveying public water systems to assess the occurrence of selected inorganic metals and radionuclides in drinking water. The Agency will use the data to support revisions to the Primary Drinking Water Regulations.

Respondents: Public water systems.

Solid Waste Programs

• Title: RCRA—Biennial Report (EPA #0976).

Abstract: To comply with statutory requirements, respondents compile a biennial report of information on location, amount and description of hazardous waste handled. EPA uses the information to define the population of the regulated community and to expand its data base of information for rulemaking.

Respondents: Owners and operators of hazardous waste management facilities.

* * * * *

Agency PRA Clearance Requests Completed by OMB

EPA #0256, Cost or Price Summary from Recipients of EPA Assistance Agreements, was cleared November 1 (OMB #2000-0494).

EPA #1084, NSPS for Nonmetallic Mineral Processing Plants, was cleared October 27 (OMB #2060-0050).

* * * * *

Comments on all parts of this notice should be sent to:

David Bowers (PM-223), U.S. Environmental Protection Agency, Office of Standards and Regulations, 401 M Street, S.W., Washington, D.C. 20460; and

Vartkes Broussalian, Wayne Leiss or Carlos Tellez, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, N.W., Washington, D.C. 20503.

Dated: Nivember 14, 1983.

Daniel J. Fiorino,

Chief, Regulation Management Staff.

[FR Doc. 83-31100 Filed 11-19-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-140041 TSH-FRL-2473-7]

Dynamac Corporation and Development Planning and Research Associates, Inc.; Transfer of Data to Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Confidential Business Information (CBI) submitted to EPA under section 5 of the Toxic Substances Control Act (TSCA) will be transferred to Dynamaac Corporation (Dynamac) of Rockville, Maryland, and its subcontractor, Development Planning and Research Associates, Inc. (DPRA), of Manhattan, Kansas, under Contract No. 68-02-3952. Dynamac and DPRA will use this information to assist them in gathering data and performing various data analyses to support chemical review activities in EPA's Office of Toxic Substances.

DATE: The transfer of information submitted to EPA and claimed confidential will occur no sooner than 10 working days after publication of this notice in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799) Office of Toxic Substances, Environmental

Protection Agency, Room E-543, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800-424-9065). In Washington, D.C.: (202-554-1404). Outside the U.S.A.: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION: Section 5 of TSCA requires chemical manufacturers, processors, and importers to submit a premanufacture notice (PMN) to EPA prior to the manufacture, processing or importation of a new chemical substance or an existing chemical substance for a significant new use. EPA is then obliged to determine if manufacturing or distribution of the substance will be permitted or if it presents an unreasonable risk and should be limited, delayed, or even prohibited. Under Contract No. 68-02-3952, Dynamac Corporation of Rockville, Maryland, and its subcontractor, Development Planning and Research Associates of Manhatten, Kansas, will gather information and perform relevant chemical use, chemical substitute, and socioeconomic impact analyses to support these determinations..

Information from PMN submissions, which may be claimed confidential by the submitters, will be provided to Dynamac and DPRA to assist them in performing the required analyses. More specifically, the information to be provided may consist of chemical identities, Chemical Abstracts Service (CAS) registry numbers where available, manufacturers' identities, and specific use information. Pursuant to 40 CFR 2.306(j), EPA has determined that disclosure of this information to this contractor and subcontractor is necessary to fulfill the requirements of the contract. EPA is issuing this notice to inform submitters under TSCA section 5 that Dynamac and DPRA will have access to confidential information.

Dynamac and DPRA have been authorized to receive CBI in accordance with the EPA manual "Contractor Requirements for the Control and Security of TSCA Confidential Business Information." EPA has approved Dynamac's and DPRA's security plans and has conducted the required inspection of their facilities and found them to be in compliance with the manual. Their personnel will be required to sign a nondisclosure agreement before they are permitted access to confidential information.

Dated: October 11, 1983.

Marcia Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-31252 Filed 11-18-83; 8:45 am]

BILLING CODE 6560-50-M

[AMS-FRL 2458-4]

Fuels and Fuel Additives; Waiver Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to section 211(f) of the Clearn Air Act (Act), the Administrator of EPA is denying an application for a fuel waiver involving methanol submitted by the American Methyl Corporation (American Methyl).

ADDRESSES: Copies of documents relevant to this waiver application, including the Administrator's decision document, are available for inspection in public docket EN-83-03 at the Central Docket Section (LE-131) of the Environmental Protection Agency, Gallery 1-West Tower, 401 M Street, SW., Washington, D.C. 20460, (202) 382-7548, between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell or Robert Gelman, Fuels Section, Field Operations and Support Division (EN-397), U. S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-2635.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Clean Air Act, 42 U.S.C. 7545(f)(1), generally prohibits the introduction into commerce of certain new automotive fuels and fuel additives. Section 211(f)(4) of the Act provides that the Administrator of the EPA, upon application by a fuel or fuel additive manufacturer, may waive the prohibitions established under section 211(f) if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause or contribute to the failure of any vehicle to meet applicable emission standards.

American Methyl has submitted a waiver application under section 211(f) of the Act for the addition to unleaded gasoline of METHYL-10, an additive consisting of 460 milligrams of a proprietary inhibitor per liter of additive and a mixture of methanol and co-solvent alcohols, such that the final fuel shall contain no more than five percent oxygen by weight. See 48 FR 31083 (July 6, 1983).

For reasons specified in the decision document (available as described above), I have decided to deny American Methyl's waiver application. This decision is based on the determination that American Methyl has not demonstrated that the additive, when used as specified above, will not cause or contribute to a failure of any 1975 or subsequent model year vehicle or engine to comply with the emission standards with respect to which it was certified under section 206 of the Act.

EPA has determined that this action does not meet any of the criteria for classification as a major rule under Executive Order 12291. Therefore, no regulatory impact analysis is required.

This action is not a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), because EPA has not published a Notice of Proposed Rulemaking under the Administrative Procedure Act, 5 U.S.C. 553(b), or other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small entities.

This is a final Agency action of national applicability. Jurisdiction to review this action lies exclusively in the U.S. Court of Appeals for the District of Columbia Circuit. Under section 307(b)(1) of the Act, judicial review of the action is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of (the date of publication). Under section 307(b)(2) of the Act, today's action may not be challenged later in a separate judicial proceeding brought by the Agency to enforce the statutory prohibitions.

Dated: November 14, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-31253 Filed 11-18-83; 8:45 am]

BILLING CODE 6560-50-M

[SA-FRL 2475-6]

Science Advisory Board; Open Meeting—December 8-9, 1983

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Executive Committee of the Science Advisory Board will be held on December 8-9, 1983, in Conference Room 1101, West Tower, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. The meeting will begin at 9:15 am on both days and will adjourn at 5:30 pm on December 8 and 12 noon on December 9.

The principal agenda items of the meeting will include: (1) A discussion with various EPA Assistant Administrators about issues for Science Advisory Board review; (2) review of the Agency's *Research Outlook 1984;* (3) further discussion of the American Industrial Health Council (AIHC) proposal to strengthen the scientific component of the regulatory process; (4) reports of the SAB committees and

subcommittees; and (5) discussion of other informational items of interest to Committee members.

The meeting will be open to the public. Any member of the public wishing to attend or wishing further information should contact Dr. Terry F. Yosie, Staff Director, Science Advisory Board by close of business December 5, 1983. The telephone number is (202) 382–4126.

Dated: November 15, 1983.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 83-31254 Filed 11-18-83; 8:45 am]

BILLING CODE 6560-34-M

[SA-FRL 2475-7]

Science Advisory Board; Clean Air Scientific Advisory Committee; Open Meeting—December 12, 1983

Under Pub. L. 92–463, notice is hereby given that a one-day meeting of the Clean Air Scientific Advisory Committee (CASAC) will be held on December 12, 1983 in Conference Room 3906–08, Waterside Mall, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. The meeting will begin at 9:15 am and will adjourn at approximately 4:30 pm.

The principal purpose of the meeting will be to discuss and prepare a report to the Administrator of EPA on research needs for setting ambient air quality standards. The agenda will also include discussion of suggested upcoming issues for CASAC review and informational items of current interest to members of the Committee.

The meeting will be open to the public. Any member of the public wishing to attend or wishing further information should contact Dr. Terry F. Yosie, Staff Director, Science Advisory Board. The telephone number is (202) 382–4126.

Dated: November 15, 1983.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 83-31255 Filed 11-18-83; 8:45 am]

BILLING CODE 6560-34-M

EXPORT-IMPORT BANK OF THE UNITED STATES

Privacy Act of 1974; Amendment of Systems of Records

AGENCY: Export-Import Bank of the United States.

ACTION: Notice of Amendment.

SUMMARY: The Export-Import Bank of the United States is publishing an amendment to its Systems of Records.

EFFECTIVE DATE: November 21, 1983.

FOR FURTHER INFORMATION CONTACT: Helene H. Wall, Administrative Officer, Export-Import Bank of the United States, Washington, D.C. 20571. Telephone 202–566–8111.

SUPPLEMENTARY INFORMATION: The Export-Import Bank's Privacy Act Systems of Records was published in full text at 47 FR 38190, August 30, 1982. In accordance with the Debt Collection Act, the following Systems of Records have information from which we intend to release debtor information pursuant to (b)(12) of the Privacy Act:

EIB–4 EIB Earnings and Tax Statement
EIB–7 EIB Financial Assistance Request for (under Federal Employee Training Act)
EIB–8 EIB Financial Organization, Credit to Account (Checking)
EIB–9 EIB Financial Organization, Credit to Account (Savings)
EIB–14 EIB Payroll Change Slip, SF–1128
EIB–15 EIB Payroll Coding Sheet, magnetic tape
EIB–16 EIB Payroll Information Employee
EIB–17 EIB Payroll Listing
EIB–18 EIB Payroll Master Record
EIB–19 EIB Payroll Control Manual
EIB–31 EIB Travel Advance Application

Therefore, the following language should be added after the routine use section:

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures Pursuant to 5 U.S.C 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Helene H. Wall,

Administrative Officer.

November 16, 1983.

[FR Doc. 83-31275 Filed 11-18-83; 8:45 am]

BILLING CODE 6690-01-M

FEDERAL COMMUNICATIONS COMMISSION

Procedures for Filing Comments in the Commission's Investigation of Access Charge and Divestiture Related Tariffs

[CC Docket No. 83–1145]

November 4, 1983.

In an order released October 19, 1983, the FCC instituted an investigation of all tariffs filed by local telephone exchange companies to implement access charges and all tariffs filed by the American Telephone and Telegraph Co. (AT&T), the Bell Operating Companies (BOCs), and certain independent companies to implement the divestiture of the BOCs from AT&T. The FCC also suspended the effectiveness of the tariffs, for the most part scheduled to take effect January 1, 1984, until April 3, 1984. In this Public Notice, we provide details on the specific procedures to be followed in this investigation. The procedures adapt our usual rules in some respects to the needs of this proceeding.

Tariffs Subject to Investigation

The tariffs included for investigation in this docket are listed in the appendices. Tariffs listed in Appendix A, the so-called "copycat" tariffs, were filed by the BOCs and certain independent carriers. These tariffs, included in Phase II, Part 1 of CC Docket No. 83–1145, purportedly mirror existing AT&T tariffs for interstate services offered by the carriers after divestiture. Tariffs listed in Appendix B are access tariffs filed by local telephone exchange carriers to implement our access charge orders and rules. These tariffs are included in Phase I of this docket. Tariffs listed in Appendix C were filed by AT&T andc other carriers to implement divestiture and to reflect the effects of access charges. They also include other proposed tariff revisions. These tariffs are included in Phase II, Part 2 of this docket.

Overall Procedure and Rules

The investigation in this docket will be conducted as a notice and comment proceeding under Part 1, Subpart C of the Commission's Rules, Sections 1.399–1.429, 47 CFR 1.399–1.429. Filings should be styled as "Comments" and "Reply Comments," not as petitions to suspend or reject. In the event of any inconsistency, the specific procedures set out in this notice apply rather than the Commission's Rules.

Schedules and Requirements for Formal Comments

Comments and reply comments are to be filed on or before the following dates:

Phase II, Part I, concerning tariffs listed in Appendix A:
Comments—November 7, 1983
Reply comments—November 21, 1983
Phase I, concerning tariffs listed in Appendix B:
Comments—November 22, 1983
Reply Comments—December 22, 1983
Phase II, Part 2, concerning tariffs listed in Appendix C:
Comments—December 5, 1983
Reply Comments—January 6, 1984

Formal comments should include in the heading the title of the proceeding, docket number, phase and part. The

comments should also reference the specific tariff or tariffs to which comment is directed. *E.g.*,

In the Matter of:
Investigation of Access and Divestiture Related Tariffs; CC Docket No. 83-1145, Phase II, Part 1
Southcentral Bell Telephone Co., Tariff F.C.C. No. 5; Transmittal No. 106

Comments

An original and 7 copies shall be filed with the Secretary. In addition one copy shall be delivered to the Commission's commercial firm for copying, International Transcription Services, Inc., (ITS) at its office in Room 315, Brown Building, 1200 19th Street, N.W., Washington, D.C. Although we do not require it, commenters are also encouraged to file an additional 7 copies as personal copies for the Commissioners and the Commission staff.

Commenters should serve copies on the carriers or organizations whose tariffs are specifically addressed in the comments and, accordingly, are listed in the heading. Because we expect a large number of filings dealing in many cases with provisions in individual tariffs, we believe that service on all persons interested in the outcome of this proceeding would be burdensome and unnecessary. We will list the comments in a public notice and interested persons may obtain copies of the comments and reply comments from the Commission's contract copier (ITS). In addition, the comments and reply comments will be available in the Commission's docket library in Room 239, 1919 M Street, N.W.

Reply comments are limited to carriers and organizations whose tariffs are included in each pleading cycle. They shall be filed as described above and served by each carrier or organization on those parties from whom the carrier received service of copies. Comments and reply comments shall also comply with Sections 1.47–1.52 of the Commission's Rules, 47 CFR 1.47–1.52.

Informal Comments

Members of the general public who wish to express their views on the tariffs included in this investigation in an informal manner may do so by submitting one copy of their comments. There are no requirements as to form for such comments except that the docket number should be specified in the heading. Informal comments should be addressed to the Secretary, Federal Communications Commission, Washington, D.C. 20554. Although we do not require it, commenters are also encouraged to file an additional 7 copies as personal copies for the Commissioners and the Commission staff.

Ex Parte Rules

As the Commission explained in paragraph 14 of its October 19 order, *ex parte* contacts (*i.e.*, written or oral communication with a Commissioner or Commission staff members which address the merits of a proceeding, both procedural and substantive) are permitted in this proceeding until a public notice of scheduled Commission consideration of a final order or a final order itself is issued. Written *ex parte* contacts must be filed with the Secretary for inclusion in the public file. A written summary of oral *ex parte* presentations must be served on the Secretary and the Commission officials receiving each presentation. For other requirements see para. 14 of the October 19 order and, generally, Section 1.1231 of the Commission's Rules, 47 CFR 1.1231.

Local Exchange Carriers Who Have Not Filed Access Tariffs

An initial review of the access tariffs filed with us indicates that approximately 50 local exchange companies have neither filed their own tariffs nor participated in the access charge tariffs of other companies. This represents only a preliminary count based on lists filed by the Exchange Carrier Association with its access tariff. The Common Carrier Bureau is in the process of making contact with these carriers, confirming this list, and ensuring that these carriers implement our access charge orders correctly. We will publish a final list at a later date.

Public Information

Tariffs on file with the Commission, comments, and reply comments in this investigation may be examined by the public from 9:00–11:30 a.m. and 1:30–4:30 p.m., Monday through Friday in Room 513, 1919 M Street, N.W. Washington, D.C.

Copies of tariffs, comments, and other filings may be obtained from the FCC's contract copier, International Transcription Service, Inc. (202) 296–7322.

For further information, contact: Stan Wiggins, Tariff Division, Common Carrier Bureau (202) 632–6387.

William J. Tricarico,
Secretary, Federal Communications Commission.

Appendix A

Phase II Part 1 "Copycat" Tariffs
Comments: November 7, 1983
Replies: November 21, 1983

Company and subject	Trans. No.	Tariff No.
Bell Operating Companies		
Bell of Pennsylvania:		
DDS	685	43
MTS	686	39
PLC&A	685	44
PLS	685	40
C&P Telephone:		
DDS	121	8
MTS	119	4
PLC&A	121	9
PLS	121	7
Cincinnati Bell:		
DDS	338	38
MTS	339	40
PLS	337	37
PLTE	336	36
Illinois Bell:		
DDS	698	40
MTS	699	42
PLC&A(TDS)	698	41
PLS	698	39
RMTS	701	45
Indiana Bell:		
DDS	700	38
MTS	699	36
PLC&A(TDS)	700	39
PLS	700	37
RMTS	701	40
Michigan Bell:		
DDS	475	42
MTS	474	40
PLC&A(TDS)	475	43
PLS	475	41
South Central Bell:		
DDS	105	7
MTS	106	5
PLC&A	105	8
PLS	105	6
RMTS	101	10
Southern Bell:		
DDS	1249	60
MTS	1248	58
PLC&A	1249	64
PLS	1249	58
RMTS	1251	62
Southern New England:		
DDS	266	37
PLC&A	296	38
PLS	296	36
Southwestern Bell:		
DDS	1217	71
MTS	1218	67
PLC&A(TDS)	1217	70
PLS	1217	66
RMTS	1219	72
Wisconsin Telephone:		
MTS	510	36
PLS	510	37
Other Companies		
General Telephone System:		
MTS	2	2
PLS	2	3
PLTE	2	5
United Intermountain:		
MTS	11	6
PLS	12	7

Appendix B

Phase I Access Tariffs
Comments: November 22, 1983
Replies: December 22, 1983

Company	Access		Special construction	
	Trans. No.	Tariff No.	Trans. No.	Tariff No.
Exchange Carrier Association:				
Access Charges	1	1		
Wire Centers	1	2		
Special Construction			1	3
Bell Operating Companies				
Bell of Pennsylvania	689	41	689	42

Company	Access		Special construction	
	Trans. No.	Tariff No.	Trans. No.	Tariff No.
C&P Telephone	117	3	117	6
Cincinnati Bell	341	35	341	39
Illinois Bell	700	43	700	44
Indiana Bell	703	34	703	35
Michigan Bell	470a	36	470a	39
Mountain States	650	65	650	62
Nevada Bell	1	1		
New England Telephone	660	40	680	41
New Jersey Bell	388	38	388	36
New York Telephone	613	41	613	42
Northwestern Bell	924	52	924	51
Ohio Bell	629	38	629	42
Pacific Northwest Bell	89	8	89	6
Pacific Telephone and Telegraph	1027	128	1027	129
South Central Bell	102	4	102	9
Southern Bell	1250	61	1250	60
Southern New England	287	34	287	35
Southwestern Bell	1222	68	1222	69
Wisconsin Bell	511	38	511	39
Independent Telephone Companies				
Anchorage Telephone Utility	8	4		
Canby Telephone Association	1	1		
Carolina Telephone (United)	8	3		
Centel—Florida	1	1		
Centel—Illinois	1	1		
Centel—Minnesota	1	1		
Centel—Nevada	1	1		
Centel—North Carolina	1	1		
United Tel Northwest—Oregon	26	8		
United Tel Northwest—Washington	27	9		
United Tel—Ohio	8	3		
United System—Pennsylvania	1	1		
United System—New Jersey	2	2		
United Tel—Texas	5	2		
United of the West—Nebraska	7	5		
United of the West—Wyoming		8	6	
Urban Telephone Corporation	1	1		
Walnut Hill Telephone Co	1	1		
Wood County Telephone Co	1	1		
Wyoming Telephone Company	1	1		
Other Companies				
AT&T Communications	2	8		
B.S.O.C.:				
Cancel tariff	89	3		
Cancel tariff	89	4		
Cancel tariff	89	6		
Cancel tariff	89	9		
Cancel tariff	89	11		
California-Oregon Cancel COATS tariff	39	8		
Hawaiian Telephone Company:				
Cancel tariff	652	3		
Cancel tariff	652	18		
Cancel tariff	652	20		

Appendix C

Phase II Part 2 Interstate Tariffs—Divestiture [1]

[1] AT&T also proposes, in its Transmittal No. 2, to replace certain provisions in 19 Bell Operating Company Facilities for Other Common Carriers tariffs for a brief period. Its proposed Tariff F.C.C. No. 8 would then expire on April 3, 1984 and OCCs would obtain services and facilities from the access tariffs. Because this transmittal is related more closely to access issues than to divestiture, we have included it in Phase I, the access phase of this investigation. See Appendix B, page B3.

Comments: December 5, 1983
Replies: January 6, 1984

	Trans. No.	Tariff No.
AT&T Communications:		
MTS	1	1
WATS	1	2
Private Line	1	3
Switched Digital	1	4
Special Construction	1	5
Rate Centers	1	6
Satellite Services	1	7
Hawaiian Telephone Company	651	1

[FR Doc. 83-31133 Filed 11-18-83; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Revisions to Existing System of Records

AGENCY: Federal Emergency Management Agency.

ACTION: The purposes of this notice are to amend the system location, add another system location for a secondary system, revise the security classification section, include additional authorities for the maintenance of the system, and clarify the categories of records section in an existing system of records entitled, "FEMA/SEC–1, Security Management System." The primary Security Management System remains within the Office of Security and a secondary system for Special Access Programs will be located within the Office of Emergency Operations. The revisions are consistent with the purpose for which the system of records was established. These revisions do not constitute substantial changes and do not require filing a "Report on New Systems."

EFFECTIVE DATE: The revisions will become effective, without further notice, on December 21, 1983, unless comments dictate otherwise.

ADDRESS: Written comments may be sent or delivered to Rules Docket Clerk, Federal Emergency Management Agency (Room 835), 500 C Street, SW., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Linda M. Keener, FOIA/Privacy Specialist (202) 287–0313.

SUPPLEMENTARY INFORMATION: The reason for upgrading the security classification section of the existing system is because the justification for access to Special Access Programs information may include detailed information which may require classification. In addition, a secondary location is being added for the system to limit the availability of classified information to those employees who have a need to have the information within their official duties. Therefore, we believe that having the system location in two separate offices will provide greater security of the information and provide better protection of personal privacy interests to individuals regarding personal data they provide for justification to classified information. Other editorial changes are being made for clarification purposes. For the convenience of interested parties, we are publishing the complete text of the notice. The revisions or additions are marked in italics. The full text of the FEMA/SEC–1, Security Management System was last published in the **Federal Register** on November 26, 1982 (47 FR 53494).

Dated: November 9, 1983.

James L. Holton,

Director, Office of Public Affairs, Federal Emergency Management Agency.

FEMA/SEC–1

SYSTEM NAME:

Security Management System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Reivse to read:

Primary System: Federal Emergency Management Agency, *Office of Security,* Office of Executive Administration, Washington, D.C. 20472. *Secondary System: Federal Emergency Management Agency, Office of Emergency Operations, Washington, D.C. 20472.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Add the words, "consultant/" before the words, "contract employees." Revise to read:

FEMA employees, other Federal agency employees, State employees, and *consultant/*contract employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Add the words, "non-disclosure statements," after the word, "lists," and also add a new section at the end of this section which reads, "Secondary System will also include forms for requests for access to FEMA Special Access Program, Notification of disapproval for access to FEMA Special Access Program, inadvertent disclosure

agreements, and non-disclosure agreements." Revise to read:

Security records include: Statement of personal history, personal data (e.g. name, address, telephone number and social security number) contained on security clearance forms, rosters, lists, *non-disclosure statements*, and forms for record container combinations and other related records. Also this system contains records concerning Personnel Security Program for positions associated with computer systems (Chapter 732 of Federal Personnel Manual). Records do not contain investigatory materials. *Secondary System will also include forms for requests for access to FEMA Special Access Program, notification of disapproval for access to FEMA Special Access Program, inadvertent disclosure statements, and non-disclosure agreements.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete the period after 41943 and add a semi-colon and then insert the words, "Section 4–2a, Executive Order 12356; and Paragraph 1a, National Security Decision Directive 84, Safeguarding National Security Information. Revise to read:

Executive Order 12127, 44 FR 19367; Executive Order 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943; *Section 4–2a, Executive Order 12356; and Paragraph 1a, National Security Decision Directive 84, Safeguarding National Security Information.*

PURPOSES(S):

For the purpose of agency official use, based upon a need-to-know requirement in maintaining office security for sensitive data and facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

After the words, "security clearance" add the words, "and type of Special Access Program." Revise to read:

An employee's level of security clearance *and type of Special Access Program* may be reported to another agency for the purpose of interagency security administration.

Additional routine use may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-tape, drum, disc, paper, and index cards.

RETRIEVABILITY:

Delete the word, "and" and insert a comma after the word, "name" and remove the period after the words, "social security number" and add a comma and insert the following words, "organization, security clearance level and type of Special Access Program." Revise to read:

By name, social security number, *organization, security clearance level and type of Special Access Program.*

SAFEGUARDS:

After the words, "in a locked container" add the words, "or GSA approved security container and/or secured area" and after the words, "building guards" add the words, "and/or alarm systems." Revise to read:

Personnel screening; hardware and software computer security measures. Paper records are retained in a locked container *or GSA approved security container and/or secured area* and/or room. Records are maintained in areas that are secured by building guards *and/or alarm systems* during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

After the word, "employment" delete the period and add the words, "and/or duration of access to Special Access Program. Retention of non-disclosure agreements are permanent." Revise to read:

Retention of records shall be for duration of employment *and/or duration of access to Special Access Program. Retention of non-disclosure agreements are permanent.* Disposition of records shall be in accordance with FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Delete the words, "Special Assistant for Security Policy" and insert the words, "Director, Office of Security." Revise to read:

Director, Office of Security, Office of Executive Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquires should be addressed to the system manager. Written requests should be clealy marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-31236 Filed 11-18-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-53]

U.S. Atlantic & Gulf/Australia-New Zealand Conference (Agreement No. 6200-24—Application for U.S. Intermodal Authority; Order of Investigation and Hearing

Agreement No. 6200–24 (Amendment 24) has been filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814).[1] It would amend the scope of Agreement No. 6200 (Agreement) by adding authority to provide intermodal service from inland points in the United States via Atlantic and Gulf cost ports to ports in Australia, New Zealand and the South Sea Islands.[2] In addition, Amendment 24

[1] The current membership of Agreement No. 6200 consists of: Trader Navigation Co. Ltd. (Atlanttrafik Express Service); Columbus Line; Pacific America Container Express (PACE), a joint service consisting of the Australia National Line and Associated Container transportation (Australia) Ltd.; Bank and Savill/SCNZ, a joint service consisting of Bank & Savill Line, Ltd. and the Shipping Corporation of New Zealand Ltd.; and ABC Containerline, N.V.

[2] The precise scope of the Agreement covers the trade from: Atlantic and Gulf ports of the United States of America to ports in the Commonwealth of

Continued

would authorize Conference members to engage in activities ancillary to the handling of intermodal shipments and would allow a member offer to an intermodal service within the Agreement's scope, but not covered by a Conference tariff, upon 15 days advance notice to the Conference. Amendment 24 also updates the names of the South Sea Islands served by the Conference.

Notice of filing was published in the Federal Register (48 FR 8345, February 28, 1983). A protest and request for hearing was filed by Karlander Kangaroo Line (Karlander or KKL). Proponents filed a reply to the Karlander protest. Comments were filed by PPG Industries, Inc. (PPG),[3] and four other shippers.[4]

Positions of the Parties

A. Proponents

Proponents maintain that Amendment 24 meets the standards of approval under section 15. They contend that the lack of Conference intermodal authority has led to the diversion of cargo from Atlantic and Gulf ports, to the growth of excess capacity and overtonnaging among Conference carriers, to volatile and depressed port-to-port rates, and to destructive intra-conference competition. Without the requested authority, Proponents believe that the Conference cannot survive. In reply to Karlander's protest, Proponents further supplement their initial submission and contend that the purpose of the protest is to prevent the Conference from competing with Karlander for intermodal cargo.

In support of their request for approval, Proponents submitted a memorandum of justification (Proponents' Memorandum), an affidavit of the Conference Chairman (Conroy Affidavit), an affidavit of a transportation economist (Tucker Affidavit), an affidavit of an officer of a member of the Conference (Egan Affidavit), and a *pro forma* tariff. In addition, Proponents submitted a reply (Proponents' Reply Memorandum) and two affidavits (Conroy Rebuttal Affidavit and Tucker Rebuttal Affidavit) in rebuttal to the Karlander protest.

B. Protestant

Karlander maintains that Proponents' request for intermodal authority should be denied or, in the alternative, set for oral hearing. Karlander contends that the Proponents have not shown that denial of the requested intermodal authority would inevitably jeopardize continuation of the Conference's port-to-port service. Protestant asserts that Proponents have not demonstrated that Conference control of intermodal ratemaking will provide greater public benefits, or better meet a serious transportation need than intermodal services performed by individual Conference members. Protestant alleges that the purpose of the Conference in seeking expanded ratemaking authority is to eliminate the independent intermodal service of Karlander. Finally, Protestant claims that Amendment 24 is vague and ambiguous.

Karlander's protest is supported by a statement of position (Protestant's Memorandum), an affidavit of an officer of the U.S. marketing agent for Karlander (Adams Affidavit), and an affidavit of a transportation consultant (Donovan Affidavit).

Discussion

Amendment 24 would expand the geographic scope of the Agreement by adding authority to provide microbridge service from inland points throughout the 48 contiguous States.[5] This expansion of the Conference's ratemaking authority constitutes a further intrusion upon the federal antitrust laws and it must, therefore, be justified under the *Svenska* standard.[6] In connection with the Conference's earlier request for intermodal authority, the Commission developed specific guidelines for determining whether requested intermodal authority has been justified under *Svenska*.[7] Proponents address the *Agreement No. 6200–20* standards and contend that Amendment 24 meets each specific element. Protestant, on the other hand, contends, among other things, that the *Agreement No. 6200–20* criteria have not been satisfied. There is no dispute, however, between the parties as to the controlling legal standard under which Amendment 24 must be judged.

Where an agreement with anticompetitive potential involves disputed issues of material fact, the Commission is required to conduct an appropriate hearing.[8] The Commission has reviewed the submission of the Proponents, the protest by Karlander, and the comments, and has concluded that Protestant has brought before the Commission information which is sufficient to activate the hearing requirement of section 15. The Commission, therefore, shall institute an investigation and hearing to resolve disputed factual and legal issues, and to determine whether Amendment 24 should be approved, disapproved or modified.

Not all of the arguments and counter-arguments of the parties, however, raise issues which need be addressed in this proceeding. Some are irrelevant to the disposition of Amendment 24 or otherwise without merit. A full exploration of all of the issues raised by the parties which might arguably have some bearing in this application for intermodal authority would be unduly burdensome. Moreover, such an inquiry is unnecessary because, as more fully discussed below, the dispositive issue in this proceeding is whether Amendment 24 has satisfied the guidelines set forth in the Commission's order in *Agreement No. 6200–20*. That question subsumes

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Australia, (including Tasmania), the Dominion of New Zealand, Cook Islands, Fiji Island, New Caledonia, New Hebrides, Norfolk Island, British Samoa, Solomon Islands, Society Islands, Thursday Island, Tongs Islands, Gilbert Islands, Ellice Islands and Territories of Papua and New Guinea.

[3] PPG advises that it does not oppose Amendment 24 provided that: (1) The intermodal authority is not governed by a loyalty contract; (2) intermodal service is separated from port-to-port service; and (3) each member line has a right of independent action. Rule 14 of the *pro forma* tariff indicates that the Conference's contract rate system does not apply to the proposed intermodal service (Conroy Rebuttal Affidavit at 18). Moreover, the proposed intermodal service would be an alternative service available to shippers and would not preclude a shipper from making its own inland transportation arrangements and electing to use the Conference's all-water service. Finally, the Commission cannot require the Conference to include a provision within its Agreement, except upon a finding that the Agreement would otherwise contravene the standards of section 15. At this juncture, the Commission has no basis to impose such a condition. Although PPG's comment does not entitle it to participate as a party (46 CFR 527.7), PPG may petition for leave to intervene in this proceeding.

[4] The other persons filing timely comments were: Eton Corporation; Western Publishing Co., Inc.; Briggs & Stratton Corporation; and Baldwin Piano and Organ Co. These comments support Proponents' application.

[5] The U.S. Atlantic & Gulf/Australia-New Zealand Conference previously filed an application for U.S. inland intermodal authority of similar scope. At that time, the Commission found that the Conference had failed to submit sufficient evidence to justify the proposed authority. *See U.S. Atlantic & Gulf/Australia-New Zealand Conference (Agreement No. 6200–20—Intermodal Authority)*, 21 S.R.R. 89 (1981) *(Agreement No. 6200–20)*.

[6] The *Svenska* doctrine is the proposition affirmed in *Federal Maritime Commission v. Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968), whereby section 15 agreements which interfere with the policies of the antitrust laws will be disapproved as "contrary to the public interest" unless justified by evidence establishing that the agreement, if approved, will meet a serious transportation need, secure an important public benefit or further a valid regulatory purpose of the Shipping Act, 1916. The burden is on proponents of such agreements to come forward with the necessary evidence.

[7] *See Agreement No. 6200–20, supra*, 21 S.R.R. at 93.

[8] *See Marine Space Enclosures, Inc. v. Federal Maritime Commission*, 420 F. 2d 577 (D.C. Cir. 1969).

many of the other issues and concerns raised by the parties.

The Proponents of Amendment 24 have the burden of going forward with sufficient evidence to meet the *Agreement No. 6200–20* criteria. Satisfaction of the criteria would establish a *prima facie* showing that amendment 24 meets a serious transportation need, serves an important public benefit, or furthers a valid regulatory purpose. Once the Proponents have made such a showing sufficient to offset the presumption under *Svenska*, the burden of going forward shifts to the opponent of the Agreement. The Protestant may then be required to come forward with information to support the allegations made in its protest. The submissions of the parties filed in connection with Amendment 24 shall be made a part of the record in this proceeding and shall constitute the case-in-chief of the parties. Upon review of this record, the Presiding Officer may allocate the burden of going forward with further evidence on specific elements of the *Agreement No. 6200–20* standards. The Presiding Officer is strongly urged to use all appropriate procedures to encourage stipulations and resolution of disputes between the parties and to direct this proceeding to an expeditious conclusion. We anticipate that pre-discovery or pre-hearing conferences will promote the prompt compilation of a record for decision.

A. Agreement No. 6200–20 Standards

The dispositive issue in this proceeding is whether the *Agreement No. 6200–20* criteria have been satisfied. In *Agreement No. 6200–20* the commission set forth the following factors to be considered in determining whether Conference control of intermodal ratemaking is most likely to provide public benefits not available from intermodal service provided by individual carriers:

1. The intermodal cargo to be carried would naturally and efficiently move through ports already served by the conference or rate making group;
2. Operational economies and improvements would result;
3. There is a significant shipper demand for the intermodal services being proposed;
4. A more frequent and reliable service would be offered to a broad range of service points;
5. Regular service would be available for a broad range of commodities and not just selected high-rated items;
6. Commercially attractive rates would be assessed for the proposed intermodal service;
7. There is relevant competition for the cargo the ratemaking group proposes to carry; and
8. The competitive environment indicates that there is an absence of predatory intent on the part of conference seeking the authority.

The Commission further described the particular elements of an acceptable evidentiary showing as follows:

1. The intermodal points which would actually be served;
2. The commodities likely to be carried, the inland modes and routings (including ports through which the cargo moves) and the frequency of service contemplated by each member line;
3. The percentage of total liner traffic and the percentage of containerized traffic carried by the conference in the relevant trade (market share);
4. The percentage of conference cargo and total trade cargo that is containerized;
5. The percentage of conference containerized cargo that presently moves house-to-house from all inland origins and destinations, and from inland origins and destinations which would be served;
6. The level of existing intermodal and port-to-port rates in the trade for major moving commodities and the level of the proposed conference intermodal rates for these same commodities; and
7. The names and services descriptions of the proponents' competitors, with particular emphasis on their intermodal activities and capabilities.

Whenever the *Agreement No. 6200–20* critieria have been met is strongly disputed by the parties. Proponents address each factor and contend that an adequate evidentiary showing has been made. The Protestant challenges that showing with respect to each factor arguing that Proponents' showing is inadequate, or that certain data are erroneous, or that certain evidentiary elements are not addressed, or that material facts are in dispute.* Whether these standards have been met is the principal issue to be addressed in this proceeding.

B. The Impact of Denial of Conference Intermodal Authority Upon the Conference's Existing Port-to-Port Service

Other issues raised by the parties are either subsumed by this principal issue or are not necessary to the disposition of Amendment 24. For example, the Proponents argue that the lack of intermodal authority has adversely affected the Conference and express the belief that without the requested intermodal authority, the survival of the Conference structure is in doubt (Tucker Affidavit at 30). Proponents attribute cargo diversion, overtonnaging, depressed all-water rates and intense intra-conference competition to the lack of Conference intermodal authority.

Protestant counters this argument by stating that Proponents have not shown that a denial of the requested intermodal authority would inevitably jeopardize the continuation of the Conference's port-to-port service (Protestant's Memorandum at 6). Protestant states that a decline in tonnage carried does not show that member lines are economically threatened. Protestant alleges that there is no showing that needed vessel capacity is being withdrawn from the trade, that regular port-to-port service is being disrupted or that that the present port-to-port rates are non-compensatory or unremunerative. Moreover, Protestant asserts that no connection has been shown between the alleged adverse effects upon Conference members and the lack of intermodal authority.

This dispute over whether or not the Conference can or cannot survive without intermodal authority is not an issue that need be considered separate and apart from the question of whether the *Agreement No. 6200–20* standards have been met. Where these guidelines are met, the Conference will have demonstrated the existence of economic conditions necessary to support a broad based, commercially viable intermodal service to a significant number of shippers. When such a showing is made, intermodal authority will be granted. Moreover, such a showing would be an essential prerequisite to a justification of intermodal authority based on conference survival. For unless a proponent could demonstrate that conditions exist in the trade which would support a viable intermodal service and that the Conference has the capability to provide such service, a grant of intermodal authority would be a remedy without efficacy for problems of cargo diversion, excess capacity and the like. Once the *Agreement No. 6200–20* criteria are met, there is no need to go further and demonstrate conference instability.

* Karlander's protest enumerates four general issues and twenty-four specific sub-issues which it characterizes as disputed issues of material fact (Protestant's Memorandum at 23–24). The issues designated as 2a through 2g involve the *Agreement No. 6200–20* guidelines.

C. The Impact of Approval of Conference Intermodal Authority Upon Karlander's Existing Intermodal Service

Similarly there is no need apart from analysis under the Agreement No. 6200–20 critieria for a separate inquiry into the issue of predation. Karlander raises this issue with its assertion that the very purpose of the Conference's application for intermodal authority is to obtain antitrust immunity so that the Conference may engage in collection action to eliminate a leading intermodal competitor, Karlander.

Proponents counter that they seek to obtain intermodal authority solely for the purpose of enabling them to compete for intermodal cargo with independent carriers and with the Pacific/Australia-New Zealand Conference (PANCON), the Conference which serves the trades via Pacific coast ports. They state that they do not have the intent to eliminate Karlander as a competitor and that a grant of intermodal authority to the Conference would not destroy Karlander.

The question of possible predatory intent is a matter that is already incorporated within the *Agreement No. 6200–20* standards and should be addressed as part of the overall question of whether those standards have been met. Moreover, those standards direct attention to the proper focus of an inquiry into predation, namely an examination of the competitive environment. The question of predation, therefore, should be addressed in the context of this particular element of the guidelines.

D. Other Issues

Protestant contends that certain language in Amendment 24 is vague and ambiguous. Protestant states that the term "points in the United States" in the Preamble would appear to include Pacific ports and coastal areas. Protestant also calls attention to the fact that Article 2 refers to transportation from "inland points" (Protestant's Memorandum at 19–20). Proponents answer that Amendment 24 seeks only microbridge authority and that as long as the term "coastal points" is not used, the Amendment cannot apply to Pacific ports and coastal areas.

The Commission has defined the term "coastal point" as a community or area which receives through intermodal service and which is located on a U.S. coast different than that of the port of transshipment.[10] The term "inland point" or "interior point" embraces all non-coastal points. The more general term "point" includes both "coastal points" and "inland points."[11] Proponents state that they do not seek authority to serve either Pacific ports or coastal areas. Nevertheless, the use of the general term "points" in the Preamble does not conform to Commission usage. A technical amendment to the Preamble changing the term "point" to "inland points" would remove any possible ambiguity regarding the intended geographic scope of Amendment 24 and would also be consistent with the use of the term "inland points" in Article 2.

Protestant also argues that references to rationalization in the Proponents' supporting materials suggest that Amendment 24 may not embody the complete agreement contemplated by the parties (Protestant's Memorandum at 21). Protestant speculates that Proponents may also have in mind a sailing agreement and a shipper's rate agreement. Protestant's sole support for this contention is the fact that the word, rationalization, appears three times in one of the Proponents' affidavits (Conroy Affidavit at 5, 25, 33).

We do not believe that these references to rationalization can reasonably be construed to indicate that there are other understandings of the Proponents that are not embodied in Amendment 24. The Commission's Rules require a protestant to allege specific facts which support its contention that an agreement should be disapproved [46 CFR 522.7(b)(3)]. An unsupported allegation by a Protestant does not raise an issue which must be addressed in a hearing. Karlander has presented no facts to support its allegation that Amendment 24 does not embrace the complete agreement among the parties. This issue therefore shall not be considered in this proceeding.

One provision of Amendment 24, however, does present an issue which should be addressed by the Proponents in this proceeding. Proposed Article 2(c) would provide that Conference members must give the Conference 15 days' advance notice before offering an intermodal service that is within the scope of the Agreement but is not covered by a Conference tariff.[12] Proponents state that the purpose of the provision is to ensure that the benefits of intermodalism are achieved and to remove any possibility of predation (Proponents' Memorandum at 11). Protestant objects that the meaning of the phrase "at all times no less favorable to the promotion of intermodalism" is not clear [Protestant's Memorandum at 20].

The relevant question concerning this provision, however, is not touched on by either of the parties. The Commission has found that such advance notice provisions unduly restrict the development of intermodalism and has declared them to be contrary to Commission policy.[13] An individual conference member may not be required to provide any notice to the conference prior to offering an intermodal service which is within the scope of the agreement and which is not covered by a conference tariff. A conference that wishes to retain or establish such a clause must show why the particular trade calls for an exception to the *AWAFC* policy.[14] The burden of making this showing is upon the proponents of such a provision. Proponents of Amendment 24 have not addressed this issue in their submission. If they wish to retain a notice requirement in Amendment 24, Proponents should explain why some period of notice is necessary.[15]

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[10] *Modification of the Malaysia-Pacific Rate Agreement (Agreement No. 9836–11)*, 21 S.R.R. 1674, 1675 (1982).

[11] The term "port" is defined as a community or area receiving all-water service. *Philippines North America Conference (Agreement No. 5600–42)*, 21 S.R.R. 345, 346 (1981).

[12] Article 2(c) states that:

"(c) In the event a party desires to offer an intermodal service within the scope of this agreement not being offered by the Conference, it shall first present the matter to the Conference in writing for its consideration and possible action in concert. If the Conference is unable or unwilling within fifteen [15] days of such presentation to establish such service by collective action, then the proposing party, or any other party, shall be free to act unilaterally. In the event the Conference shall subsequently adopt and effectuate an intermodal tariff or tariffs covering the service embraced by a party's individual tariff, the party shall cancel its tariff coincidentally with the effectiveness of the Conference tariff, provided the Conference tariff is initially and at all times no less favorable to the promotion of intermodalism than the party's individual tariff."

[13] *See Application for Approval of an Amendment to the American West African Freight Conference Agreement No. 7660–36*, 18 S.R.R. 339 (1978) (*AWAFC*).

[14] *See Agreement No. 6200–20, supra*, 21 S.R.R. at 93; *Japan/Korea Atlantic and Gulf Conference Intermodal Agreement No. 3103–67*, 20 S.R.R. 1173, 1181 n. 24 (1981).

[15] Proponents were specifically advised by the Commission in connection with their previous application for intermodal authority that the need for such an advance notice provision must be demonstrated. *See Agreement No. 6200–20*, 21 S.R.R. at 93: "The Commission has previously held that advance notice in such circumstances needlessly hinders the development of intermodalism * * * and Proponents have failed to demonstrate why conditions in their trade require a deviation from this general rule." Proponents' previous request in Amendment 20 included a provision which would have required 60 days' advance notice to the Conference. In their present application, Proponents have trimmed the notice period to 15 days, but have not explained why some notice period is necessary.

Therefore, it is ordered, that pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), an investigation and hearing is instituted to determine whether Agreement No. 6200–24 should be approved, disapproved or modified. This investigation will address any material factual and legal issues including those discussed above; and

It is further ordered, that the U.S. Atlantic & Gulf/Australia-New Zealand Conference and its member lines are hereby made Proponents in this proceeding; and

It is further ordered, that Karlander Kangaroo Line is hereby made a Protestant in this proceeding; and

It is further ordered, that in accordance with the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Hearing Counsel is hereby made a party in this proceeding; and

It is further orderd, that the submissions of the parties to this proceeding filed in connection with Agreement No. 6200–24 are hereby made part of the record in this proceeding; and

It is further ordered, that this matter is assigned for hearing and decision to the Commission's Office of Administrative Law Judges, with a public hearing to be held at a date and place hereafter determined by the Presiding Administrative Law Judge but in no event later than the time limitation set forth in Rule 61 (46 CFR 502.61). This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that oral hearing and cross-examination are necessary to develop an adequate record; and

It is further ordered, that persons other than those named herein having an appropriate interest and desire to participate in this proceeding may petition for leave to intervene pursuant to section 502.72 of the Commission's Rules (46 CFR 502.72); and

It is further ordered, that this order be published in the **Federal Register** and a copy served upon all parties of record; and

It is further ordered, that all future notices, orders, or decisions issued in this proceeding, including notice of the time and place of hearing or prehearing conference, be mailed directly to all parties of record; and

It is further ordered, that all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-31278 Filed 11-18-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Company; Elmwood 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 factors that are considered in acting on this application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Elmwood Bancshares, Inc.*, Elmwood, Illinois; to become a bank holding company by acquiring at least 80 percent of the voting shares of Farmers State Bank, Elmwood, Illinois. Comments on this application must be received not later than December 14, 1983.

Board of Governors of the Federal Reserve System, November 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-31188 Filed 11-18-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Nova Nonbank Activities; Citicorp, 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 Regulatory Y (12 CFR 225.4(b)(1)), for permission to engage *de nova)*, (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 interest, 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 writting and received by the appropriate Federal Reserve Bank not later than the data indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York (consumer finance and credit-related insurance activities; Rhode Island): To establish a *de novo* office of Citicorp Person-to-Person Financial Center, Inc. and a *de novo* office of Citicorp Homeowners, Inc., at a shared location in Warwick, Rhode Island. The activities in which the *de novo* offices propose to engage are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for the *de novo* offices will

comprise the entire State of Rhode Island for all the aforementioned proposed activities. Comments on this application must be received not later than December 9, 1983.

2. *Franklin Bancorp*, Somerset, New Jersey (securities brokerage activities: New Jersey): To engage through its subsidiary, Franklin Brokerage Services Corp. in discount brokerage services. These activities would be performed in the northern half of the State of New Jersey especially in the counties of Mercer, Middlesex, Monmouth, Somerset and Union, from an office in Somerset, New Jersey. Comments on this application must be received not later than December 9, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Bancgroup-Alabama, Inc.*, Mobile, Alabama (insurance activities: Alabama): To engage, through its subsidiary, FBG Insurance Agency, Inc., in the following activities: acting as insurance agent or broker in the offices of The First National Bank of Russellville, a subsidiary of the holding company. The type of insurance offered will be property damage insurance, specifically, vehicular single interest insurance. All insurance sold will be directly related to extensions of credit. These activities are permissible under the authority of the Garn-St Germain Depository Institutions Act of 1982 (Public Law 97-320) Title VI, Sec. 601(D). These activities will be performed in Russellville, Alabama, serving Franklin County, Alabama. Comments on this application must be received not later than December 9, 1983.

2. *Pickens County Bancshares, Inc.*, Jasper, Georgia (insurance activities: Georgia): To engage in the sale of general insurance in a town with a population not exceeding 5,000 as authorized by Title VI of the Garn-St Germain Act. These activities would be performed in Jasper, Georgia and the surrounding area, encompassing Pickens County. Comments on this application must be received not later than December 9, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Bancshares of Hayti, Inc.*, Hayti, Missouri (insurance activities: Missouri): To engage in the sale of general insurance in a town with a population not exceeding 5,000. These activities would be performed in the city of Hayti, Missouri and the surrounding rural area. Comments on this application must be received not later than December 9, 1983.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Hugo Bankshares, Inc.*, Hugo, Oklahoma (lending activities: Oklahoma): To engage directly in making or acquiring for its own account, loans and other extensions of credit on a secured or unsecured basis, such as may be made by a bank, mortgage company or finance company, including loans secured by mortgages, inventory, accounts receivable or other assets. These loans may include participations in commercial and consumer loans from Applicant's subsidiary bank, Security First National Bank, Hugo, Oklahoma. These activities would be conducted from offices in Hugo, Oklahoma, serving the State of Oklahoma. Comments on this application must be received not later than December 9, 1983.

Board of Governors of the Federal Reserve System, November 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-31181 Filed 11-18-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed Acquisition of Manufacturers Hanover Futures, Inc.; Manufacturers Hanover Corp.

Manufacturers Hanover Corporation, New Yor, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Manufacturers Hanover Futures, Inc., New York, New York.

Applicant states that the proposed subsidiary would engage in the activities of acting as a futures commission merchant for nonaffiliated persons in the execution and clearance of futures contracts for United States Government securities, negotiable United States money market instruments, foreign exchange, and certain other money market instruments, and in the execution and clearance of options on futures contracts for United States Government securities. Manufacturers Hanover Futures, Inc. will also provide futures advisory services to customers, including general research and advice on the use of financial futures for hedging strategies and the development and marketing of computer software designed to assist customers in implementing such strategies. Manufacturers Hanover Futures, Inc. will also offer certain advisory services on a fee basis to nonbrokerage customers.

These activities would be performed from offices of Applicant's subsidiary in New York and Chicago and the geographic areas to be served are the United States and abroad.

Although such activities have not been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, the Board has approved by order individual proposals to engage in these activities.

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 New York.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than December 12, 1983.

Board of Governors of the Federal Reserve System, November 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-31189 Filed 11-18-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Fidelcor, 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 § 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 Philiadelphia** (Thomas K. Desch, Vice President) 100, North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Fidelcor, Inc.*, Rosemont, Pennsylvania (foreign currency options brokerage activities, Philadelphia, Pennsylvania): To engage in foreign currency options borkerager activities on the Philadelphia Stock Exchange through its subsidiary, Fidelcor Trading Inc. Its customers will be located throughout the United States and abroad. These activities will be conducted from offices in Philadelphia, Pennsylvania. Applicant contends that these activities are within the scope of § 225.4(a)(15) of Regulation Y, as amended 48 FR 37003 (August 16, 1983). Comments on this application must be received not later than December 7, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Colonial Bankshares Corporation*, Chicago, Illinois (data processing activities; Illinois): To engage through its subsidiary BankersTech, Inc., Chicago, Illinois, in bookkeeping and data processing services, including processing of information for internal and bank operations, provide remote data capture facilities and services, provide ATM data processing, and electronic data-base services to banking institutions. These activities would be conducted in the State of Illinois. Comments on this application must be received not later than December 7, 1983.

c. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Broadway Bancshares Inc.*, San Antonio, Texas (insurance underwriting activities: Texas): To engage through its subsidiary, Broadway National Life Insurance Company, in the underwriting of credit life insurance and credit accident and health insurance, which is directly related to extensions of credit by its subsidiaries. The activities would be conducted in the State of Texas. Comments on this application must be received not later than December 15, 1983.

Board of Governors of the Federal Reserve System, November 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc 83-31190 Filed 11-18-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83N-0297]

Interstate Shipment of Interferon for Investigational Use in Laboratory Research Animals or Tests in Vitro

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its interpretation of a regulation concerning interstate shipment of interferon or products containing interferon that are intended solely for investigational use in laboratory research animals or tests in vitro. This notice informs interested persons of FDA's interpretation of the regulations that require manufacturers to exercise due diligence to ensure that interferon intended for laboratory research purposes is not used to treat humans.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, National Center for Drugs and Biologics (HFN-813), Food and Drug Administration, 8800 Rockville Pike, Rockville, MD 20857; 301-443-1306.

SUPPLEMENTARY INFORMATION: Interferon is a biologic drug composed of proteins of variable molecular weights which, when produced naturally or through genetic engineering techniques, has been shown to have anti-viral and anti-proliferative properties. While results are preliminary, interferon has received widespread media attention as a "miracle cure."

Under Section 351 of the Public Health Service Act (42 U.S.C. 262), a biological product may not be shipped interstate for sale, barter, or exchange unless it has been prepared at an establishment holding an unsuspended and unrevoked federal license for the product. Shipment of an investigational biologic drug that is not yet licensed, such as interferon, is governed by § 601.21 (21 CFR 601.21) and Part 312 (21 CFR Part 312) of FDA's regulations. These regulations provide a mechanism through which researchers may obtain an investigational biologic drug for tests in humans and in laboratory research animals or tests in vitro (in a test tube). If an investigational biologic drug is intended only for use in laboratory animals or in vitro, § 312.9(a)(1) of the regulations requires that the product be labeled:

Caution: Contains a new drug for investigational use only in laboratory research animals, or tests in vitro. Not for use in humans.

Section 312.9(a)(1) further requires that the person or firm shipping a biologic drug intended for tests in laboratory animals or tests in virto use due diligence to assure that the consignee is regularly engaged in conducting such tests and that the shipment of the biologic drug will actually be used for tests in animals or in vitro. If FDA finds that the sponsor of an investigation has failed to comply with any of the conditions of the exemption, FDA may terminate the exemption, as prescribed in § 312.9(c).

Because early reports of success with interferon received extensive media coverage as a potential "miracle cure" in treatment of cancer and viral infections, there is a substantial risk that interferon intended solely for research use may be diverted from nonhuman to human use. The use in the treatment of humans of interferon that has been shipped in interstate commerce and is intended for nonhuman use under § 312.9(a)(1) violates section 351 of the Public Health Service Act and is subject to criminal penalties. The agency believes that further clarification of the "due diligence" requirements is necessary to ensure that interferon shipped under § 312.9(a)(1) is not diverted for use in treating humans. FDA is, therefore, publishing its interpretation of the procedures a manufacturer of interferon should follow to comply with the "due diligence" requirements in § 312.9(a)(2). FDA has concluded that § 312.9(a)(1) requires that the persons or firm shipping interferon obtain the

following three kinds of data from each consignee:

1. Prior to shipment of any interferon product for investigational use in laboratory animals or tests in vitro, a written, signed statement outlining the general nature of the investigation(s) to be conducted, including a description of how the interferon will be used and a statement of the expected volume or amount of interferon required to complete each study.

2. Verification to confirm that the prospective consignee is engaged in conducting research with laboratory animals or tests in vitro. Examples of such verification include copies of recent articles published in recognized scientific journals, and copies of annual reports to shareholders, or other forms of documentation that confirm the ability of the consignee to perform the research activities. Interferon may not be shipped to brokers.

3. Subsequent to shipment of any interferon product for investigational use in laboratory animals or tests in vitro, some written, signed confirmation from the consignee of the actual use of the interferon. In addition, a person or firm shipping interferon should also investigate any information suggesting that a consignee is using interferon for purposes other than research in laboratory animals or tests in vitro and report any such instances to FDA.

Dated: November 14, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83-31200 Filed 11-18-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0370]

Storz Instrument Co.; Prmarket Approval of Lincoff Balloon

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: FDA is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Lincoff Balloon sponsored by Storz Instrument Co., St. Louis, MO. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by December 21, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301-427-7445.

SUPPLEMENTARY INFORMATION: On February 22, 1982, Storz Instrument Co., St. Louis, MO, submitted to FDA an application for premarket approval of the Lincoff Balloon for use as a temporary implant to buckle the sclera to facilitate retinal reattachments where multiple or single breaks in the anterior two-thirds of the globe do not subtend a retinal arc of more than 6 millimeters. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On October 25, 1983, FDA approved the application by letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above), and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petiton and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before December 21, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-31202 Filed 11-18-83; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

National Cancer Advisory Board Subcommittee on Environmental Carcinogenesis, Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Enironmental Carcinogenesis, National Cancer Institute, December 6, 1983, at The O'Hare Hilton, Conference Room 5109, O'Hare International Airport, Chicago, Illinois 60666. The meeting will be open to the public on December 6 from 9:00 a.m. to adjournment to discuss the status of the National Cancer Institute's occupational cancer program. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committeee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708), will

provide summaries of the meeting and rosters of committee members upon request.

Dr. Richard H. Adamson, Executive Secretary, National Cancer Advisory Board Subcommittee on Environmental Carcinogenesis, National Cancer Institute, Building 31, Room 11A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–6618), will furnish substantive program information.

Dated: November 14, 1983.

Betty J. Beveridge,

Committee Management Officer NIH.

[FR Doc. 83-31219 Filed 11-18-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Meeting of the Bureau of Indian Affairs Advisory Committee for Exceptional Children; to the Unmet Needs of Handicapped Indian Children

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary of Indian Affairs by 209 DM 8.

In accordance with section 612(7) of Pub. L. 91–230 as amended by section 5(a) of Pub. L. 94–142, Education of the Handicapped Act, the Bureau of Indian Affairs' Advisory Committee will meet on December 1, 2, 3, at the Roadway Inn at 10402 Branch Canyon, Phoenix, Arizona from 8:30 A.M. to 4:30 P.M. each day.

The purpose of the meeting will be to investigate the unmet needs of handicapped Indian children, to elect officers and to discuss the special education State Plan for the Bureau of Indian Affairs.

The meeting is open to the public. Any member of the public can file a written statement concerning the matters discussed with the Division of Exceptional Education, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Code 507, Washington, D.C. 20245, within 30 days after the meeting.

Any additional information about the meeting may be obtained from Ms. Marie Emery, Bureau of Indian Affairs, Main Interior, room 4653, telephone number (202) 343–4071.

Dated: November 8, 1983.

John W. Fritz,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-31213 Filed 11-18-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[N-257, N-257B, N-1575, N-1575A]

Nevada; Classification Vacated; Correction

Correction

In FR Doc. 83–29298, beginning on page 49932 in the issue of Friday, October 28, 1983, the tenth and eleventh lines in column one on page 49933 should read:

S½NW¼, N½SW¼, N½SW¼SW¼, SW¼SW¼SW¼, SE¼SW¼;

BILLING CODE 1505-01-M

Las Vegas District and Battle Mountain District, Nevada; Change of District and Resource Area Boundaries

AGENCY: Bureau of Land Management, Interior.

ACTION: Notion of change of district and resource area boundaries; Las Vegas District and Battle Mountain District, Nevada.

SUMMARY: Notice is hereby given that effective November 1, 1983, jurisdiction for management of the following areas is transferred from the Stateline-Esmeralda Resource Area in the Las Vegas District to the Tonopah Resource Area in the Battle Mountain District.

1. All of Esmeralda County, Nevada.

2. That portion of Nye County, Nevada lying outside the Nellis Air Force Test Range and within townships: T. 1–10 S., R. 43 E.; T. 5 and 7–10 S., R. 44 E.; T. 8–10 S., R. 45 E.; T. 9–12 S., R. 46 E.; T. 9–12 S., R. 47 E.; T. 10–12 S., R. 48 E.

FOR FURTHER INFORMATION CONTACT: Melvin R. Bunch, Bureau of Land Management, Nevada State Office, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Dated: November 14, 1983.

James M. Parker,

Acting Director, Bureau of Land Management.

[FR Doc. 83-31164 Filed 11-18-83; 8:45 am]

BILLING CODE 4310-84-M

[M-59099]

Montana; Realty Action—Modified Competitive Sale of Public Land in McCone County, Montana

AGENCY: Bureau of Land Management, Miles City District Office, Department of the Interior.

ACTION: Notice of Realty Action M–59099, Modified Competitive Sale of Public Land in McCone County, Montana.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than the fair market value ($3,800):

Principal Montana Meridian

T. 22 N., R. 49 E.,
Sec. 20: SW1/4SW1/4.
40.00 acres.

The land will be offered for sale by sealed bid, utilizing modified competitive bidding procedures on February 1, 1984.

The subject land is located approximately 16 miles north of Circle, Montana. This public land is isolated, difficult and uneconomical to manage as part of the public lands and is not suitable for management by another federal agency. This action is consistent with the Bureau's planning efforts, and the McCone County Commissioners were consulted and concur with the sale. The Commissioners were contacted on August 3, 1983, and did not anticipate any adverse impacts on McCone County.

This 40 acres is rolling native grassland without any water, trees or improvements. Physical access is across country trails during dry weather only. There is no legal access to this 40 acres.

Terms and Conditions: The terms and conditions applicable to this sale are as follows:

1. All minerals with the right to explore, prospect for, and remove shall be reserved to the United States.

2. A right-of-way for ditches and/or canals will be reserved to the United States as per 43 U.S.C. 945.

3. This sale is subject to all valid existing rights of record.

4. Mr. Roy Sorley, the authorized grazing permittee, shall be the designated bidder and has the right to meet any high bid.

Comments: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manger, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. Any adverse comments will be evaluated by the Montana State Director, who may vacate or modify this action and issue a final decision. In the absence of any action by the State Director, this realty action shall become the final decision of the Department of the Interior.

Further Information: Information relating to this sale, including the land

report/environmental assessment, is available for public review at the Miles City District Office, West of Miles City, Montana.

SUPPLEMENTARY INFORMATION:

Bidder Qualifications: The bidder must be a U.S. citizen, or in the case of a corporation, subject to the laws of any state or the U.S. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying land or interests therein under the laws of the State of Montana. Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised fair market value of $3,800, and must include all of the land identified in this notice.

Method of Bidding: The land will be sold by sealed bid. Each bid must be accompanied by a certified check, postal money order, bank draft or cashier's check made payable to the Bureau of Land Management for not less than one-fifth the amount bid.

The sealed bid envelope must be marked in the lower left hand corner as follows:

Public Sale M-59099
February 1, 1984

The sealed bid must be received at the following address prior to February 1, 1984:

Bureau of Land Management,
Montana State Office,
P.O. Box 36800,
Billings, Montana 59107

If two or more envelopes containing valid bids of the same amount are received, the determination of which is the high bid shall be by drawing, immediately after opening all the bids. The highest qualifying sealed bid shall then be declared.

Modified Bidding: For a period of 30 days following the date of the sale, Roy Sorley of Vida, Montana, the designated bidder, will be offered the right to meet the highest qualifying bid. The designated bidder must submit a bid of at least the fair market value prior to the sale date to be considered under the modified bidding provisions. If he meets the high bid, the land will be sold to him and the high bid will be returned. His refusal to meet the high bid or to submit any bid at all prior to the sale date shall constitute a waiver of such bidding provisions.

Final Details: Once a bid is accepted, the successful bidder shall submit the remainder of the full bid price within 30 days. Failure to submit the required amount within the 30-day time period will result in forfeiture of the deposit, and the lands will be offered to the next qualifying bidder. If these lands are not sold on the sale date, they may remain available for sale on a continuing basis until sold.

Dated: November 10, 1983.

Ray Brubaker,

District Manager.

[FR Doc. 83-31217 Filed 11-18-83; 8:45 am]

BILLING CODE 4310-84-M

[M-59098]

Montana; Realty Action—Modified Competitive Sale of Public Land in McCone County, Montana

AGENCY: Bureau of Land Management, Miles City District Office, U.S. Department of the Interior.

ACTION: Notice of Realty Action M-59098, modified competitive sale of public land in McCone, Montana.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than the fair maket value ($3,200):

Principal Montana Meridian

T. 26 N., R. 49 E.,
Sec. 27: NE¼SW¼.

40.00 acres.

The land will be offered for sale by sealed bid utilizing modified competitive bidding procedures on February 1, 1984.

The subject land is located approximately 40 miles north of Circle, Montana. This public land is isolated, difficult and uneconomical to manage as part of the public lands and is not suitable for management by another federal agency. This action is not consistent with the Bureau's planning efforts, and the McCone County Commissioners were consulted and concur with the sale. The Commissioners were contacted on August 3, 1983, and did not anticipate any adverse impacts on McCone County.

This 40 acres is rolling native grasslands without any water, trees or improvements. Physical access is across country trails during dry weather only. There is no legal access to this 40 acres.

Terms and Conditions: The terms and conditions applicable to this sale are as follows:

1. All minerals with the right to explore, prospect for, mine and remove shall be reserved to the United States.

2. A right-of-way for ditches and/or canals will be reserved to the United States as per 43 U.S.C. 945.

3. This sale is subject to all valid existing rights of record.

4. Mr. Dwight Heser, the authorized grazing permittee, shall be the designated bidder and has the right to meet any high bid.

Comments: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. Any adverse comments will be evaluated by the Montana State Director, who may vacate or modify this action and issue a final decision. In any absence of any action by the State Director, this realty action shall become the final decision of the Department of the Interior.

Further Information: Information relating to this sale, including the land report/environmental assessment, is available for public review at the Miles City District Office, West of Miles City, Montana.

SUPPLEMENTARY INFORMATION:

Bidder Qualifications: The bidder must be a U.S. citizen, or in the case of a corporation, subject to the laws of any state or the U.S. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying land or interests therein under the laws of the State of Montana. Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised fair market value of $3,200, and must include all of the land identified in this notice.

Method of Bidding: The land will be sold by sealed bid. Each bid must be accompanied by a certified check, postal money order, bank draft or cashier's check made payable to the Bureau of Land Management for not less than one-fifth the amount bid.

The sealed bid envelope must be marked in the lower left hand corner as follows:

Public Sale M-59098
February 1, 1984

The sealed bid must be received at the following address prior to February 1, 1984:

Bureau of Land Management,
Montana State Office,
P.O. Box 36800,
Billings, Montana 59107

If two or more envelopes containing valid bids of the same amount are received, the determination of which is the high bid shall be by drawing. The drawing shall be held immediately following the opening of the bids. The

highest qualifying sealed bid shall then be declared.

Modified Bidding: For a period of 30 days following the date of the sale, Dwight Heser of Vida, Montana, the designated bidder, will be offered the right to meet the highest qualifying bid. The designated bidder must submit a bid of at least the fair market value prior to the sale date to be considered under the modified bidding provisions. If he meets the highest bid, the land will be sold to him and the other bid returned. His refusal to meet the highest bid or to submit any bid at all prior to the sale date shall constitute a waiver of such bidding provisions.

Final Details: One a bid is accepted, the successful bidder shall submit the remainder of the full bid price within 30 days. Failure to submit the required amount within the 30-day time period will result in forfeiture of the deposit, and the lands will be offered to the next qualifying bidder. If these lands are not sold on the sale date, they may remain available for sale on a continuing basis until sold.

Dated: November 10, 1983.

Ray Brubaker,

District Manager.

[FR Doc. 83-31218 Filed 11-18-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 19468]

Oregon Proposed Continuation of Withdrawal

The Forest Service proposes that the existing land withdrawal made by Executive Order of September 8, 1910, be continued in its entirety for an indefinite period pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714.

The land involved is located one half mile southwest of Silver Lake, and contains 160 acres within T. 28 S., R. 14 E., Willamette Meridian, Lake County, Oregon.

The purpose of the withdrawal is to protect the Silver Lake Ranger Station. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal continuation. All interested persons who desire a public meeting for the purpose of being heard must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. If the State Director, Bureau of Land Management, determines that a public meeting will be held, the time and place will be announced.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with the proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P. O. Box 2965, Portland, Oregon 97208.

Dated: November 14, 1983.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-31208 Filed 11-18-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 20261]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Reclamation proposes that the existing land withdrawal made by the Secretarial Order of April 2, 1940, be continued in part for a period of 50 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 State 2751; 43 U.S.C. 1714.

The land involved is located approximately four miles east of Lorella, and contains 1.30 acres within T. 40 S., R. 14 E., Willamette Meridian, Klamath County, Oregon.

The purpose of the withdrawal is to protect the Klamath Project. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the minteral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal continuation. All interested persons who desire a public meeting for the purpose of being heard must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. If the State Director, Bureau of Land Management, determines that a public meeting will be held, the time and place will be announced.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with the proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: November 14, 1983.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-31209 Filed 11-18-83; 8:45 am]

BILLING CODE 4310-84-M

[ORE 014990, OR 22218]

Oregon; Proposed Continuation of Withdrawals

The Bureau of Reclamation proposes that the existing land withdrawals made by Public Land Order No. 3566 of March 9, 1965 be continued in its entirety and the Secretarial Order of February 25, 1922, be continued in part for a term of 50 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714.

The lands involved consist of two parcels, one containing 960 acres located approximately 12 miles

southwest of Baker in T. 10 S., R. 38 E., and the other containing 121.04 acres located approximately 15 miles north of Baker in T. 6. S., R. 40 E., Baker County, Oregon.

The purpose of the withdrawals is to protect the Baker Project. The withdrawals segregate the lands from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal continuations. All interested persons who desire a public meeting for the purpose of being heard must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. If the State Director, Bureau of Land Management, determines that a public meeting will be held, the time and place will be announced.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

All communications in connection with the proposed withdrawal continuations should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Orgeon 97208.

Dated: November 14, 1983.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-31210 Filed 11-18-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Information Collection Submitted to OMB for Review

The proposal for the collection for information listed below has been submitted to the Office of Management and Budget (OMB) 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 Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202-395-7340.

Title: Youth Conservation Corps (YCC) Application, used by the Departments of the Interior (U.S. Fish and Wildlife Service and National Park Service) and Agriculture (U.S. Forest Service) to determine eligibility for employment in the YCC program. Qualifed applicants are placed in a "pool" and randomly selected for participation.
Bureau Form Number: Forest Service (FS) 1800-18
Frequency: Annually
Description of Respondents: Individuals 15-18 years of age
Annual Responses: 6,000 (U.S. Fish and Wildlife Service)
Total Annual Responses: 18,000 (all agencies)
Annual Burden Hours: 266 (U.S. Fish and Wildlife Service)
Total Annual Burden Hours: 798 (all agencies)
Service Clearance Officer: Arthur J. Ferguson, 202-653-7499

Ronald E. Lambertson,

Associate Director—Wildlife Resources.

November 15, 1983.

[FR Doc. 83-31240 Filed 11-18-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Outer Continental Shelf (OCS); North Atlantic Oil and Gas Lease Sale 52

Offshore oil and gas lease Sale 52, announced in 48 FR 8236 (February 25, 1983), has been cancelled. Blocks that would have been available for bidding in Sale 52 are under consideration for offering in the next North Atlantic lease offering scheduled in the 5-year program for February 1984. It has been determined that this does not constitute a significant revision to the 5-year leasing program. Information on this cancellation and analysis of the significance of this change to the 5-year program may be obtained on written request to the Minerals Management Service (MMS), Attention Mail Stop 645, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

Supplementary Information

Sale 52 was scheduled to be held on March 29, 1983. In response to lawsuits filed by the Commonwealth of Massachusetts, Conservation Law Foundation of New England, Inc., and other parties, the U.S. District Court for the District of Massachusetts on March 28, 1983, issued a preliminary injunction against the lease sales. *Conservation Law Foundation of New England, Inc. v. Watt*, Civ. Action No. 83-0506-MA (D. Mass. 1983). On September 16, 1983, the U.S. Court of Appeals for the First Circuit affirmed the district court's preliminary injunction. *Massachusetts v. Watt*, No. 83-1258 (1st Cir. Sept. 16, 1983). As a result of the court opinions, the MMS has concluded that lengthy further steps would be required before Sale 52 could be held.

Under the Department of the Interior's 5-year OCS Oil and Gas Leasing Program, another lease offering is scheduled for the North Atlantic in February 1984. That offering is an areawide lease offering that includes all blocks that would have been offered in Sale 52. The MMS has prepared a final environmental impact statement (EIS) in connetion with the 1984 North Atlantic lease offering, taking into account the opinions of both the district court and the court of appeals.

Because the final EIS for the 1984 North Atlantic lease offering examines the possible environmental effects of leasing all blocks covered by the Sale 52 litigation, MMS has determined that there would be no benefit to planning simultaneously to conduct oil and gas lease offerings under both Sale 52 and the 1984 North Atlantic lease offering. Because the 1984 areawide offering encompasses all of proposed Sale 52, the Secretary has decided to cancel Sale 52 and proceed exclusively with the planning for the 1984 North Atlantic lease offering. The MMS notes that this decision is consistent with several comments received in response to the draft EIS for the 1984 offering which objected to holding two lease offerings in the North Atlantic within a short timeframe.

Dated: November 8, 1983.

David C. Russell,

Acting Director Minerals Management Service.

Dated: November 14, 1983.

William Pendley,

Deputy Assistant Secretary—Energy and Minerals.

[FR Doc. 83-31262 Filed 11-18-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than December 1, 1983. Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Officer, Ms. Melita E. Yearwood, (202) 632-3378, IRM/MMP, Room 708B, SA-12, Washington, D.C. 20523.

Date Submitted: November 14, 1983

Submitting Agency: Agency for International Development

OMB Number: 0412-0007

Form Number: None

Type of Submission: Extension

Title: Report of Loss, Damage or Misuse of Commodities Donated Under Public Law 480, Title II Activities

Purpose: This report is used to monitor, manage, and report on the misuse, damage, diversion and theft of PL 480, Title II commodities. These commodities are donated to the less developed countries overseas, and distributed through U.S. non-profit voluntary agencies and foreign host governments (cooperating sponsors).

Reviewer: Francine Picoult (202) 395-7231, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

Dated: November 14, 1983.

Richard F. Calhoun,

Chief, Mandated Management Programs.

[FR Doc. 83-31216 Filed 11-18-83; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-146 and 147 (Preliminary)

Certain Flat-Rolled Carbon Steel Products From Belgium and the Federal Republic of Germany

Determinations

On the basis of the record[1] developed in the subject investigations, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Belgium (investigation No. 731-TA-146 (Preliminary)) and the Federal Republic of Germany (investigation No. 731-TA-147 (Preliminary)) of hot-rolled carbon steel plate, provided for in item 607.6615 of the Tariff Schedules of the United States Annotated (TSUSA), which allegedly are being, or are likely to be, sold in the United States at less than fair value.[2]

The Commission also determines that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Belgium and the Federal Republic of Germany of certain coiled hot-rolled carbon steel products provided for in TSUSA item 607.6610, which allegedly are being, or are likely to be, sold in the United States at less than fair value.[2]

Background

On September 29, 1983, a petition was filed with the Commission and the Department of Commerce by counsel on behalf of the Gilmore Steel Corp. alleging that imports of certain flat-rolled carbon steel products from Belgium and the Federal Republic of Germany are being, or are likely to be, sold in the United States at LTFV within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673). Accordingly, effective September 29, 1983, the Commission instituted preliminary antidumping investigations under section 733(a) of the Act to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

Notice of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on October 14, 1983 (FR 46865). The conference was held in Washington, D.C., on October 26, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on these investigations to the Secretary of Commerce on November 14, 1983. A public version of the Commission's report, Certain Flat-Rolled Carbon Steel Products from Belgium and the Federal Republic of Germany (investigations Nos. 731-TA-146 and 147 (Preliminary), USITC Publication 1451, November 1983) contains the views of the Commission and information developed during the investigations.

Issued: November 14, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-31279 Filed 11-18-83; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern determines that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of allegedly LTFV imports of such merchandise from Belgium and the Federal Republic of Germany.

INTERSTATE COMMERCE COMMISSION

[Revised I.C.C. Order No. 4]

Rerouting Traffic; Chesapeake and Ohio Railway et al.

On August 19, 1983, the Commission issued I.C.C. Order No. 4. That order permitted the carriers named above to divert traffic, routed via the car ferry between St. Ignace and Mackinaw City, Michigan, and the Detroit & Mackinac Railway Company (DM) or Michigan Northern Railway Company (MN), over any available route for a period of ninety (90) days, and required them to maintain rates on that traffic consistent with its original routing.

MN now advises the Commission that the period originally requested for rerouting authority was insufficient for completion of the necessary repairs on the vessel. MN was joined in its initial request by Detroit & Mackinac Railway Company, Soo Line Railroad Company, Straits Corporation (Lumber Company and Wood Preserver), Georgia Pacific Corporation (Lumber and Building Products Manufacturer), Hager Distribution Company, and Schultz,

Snyder and Steele Lumber Company. Those requests generally emphasized and the need for continuity of the cross-lake rates and routes, and the substantially higher rates applicable to alternative routings.

It is the opinion of the Commission that the MN (operator of the car ferry) and DM are presently unable to transport or accept traffic for movement via the car ferry between St. Ignace and Mackinaw City, Michigan, due to the out-of-service condition of the ferry; that interests of the affected shippers, connecting railroads, and the State of Michigan require continuation of this authority; that continuation of this authority until January 22, 1984, will not constitute an undue burden for any originating carrier; and, that this matter is considered to be outside the scope of a single railroad, as provided by *Ex Parte No. 376, Rerouting of Traffic*, 364 I.C.C. 827, thereby making this action by the Commission necessary.

It is ordered:

(a) *Rerouting traffic.* The Detroit & Mackinac Railway Company and Michigan Northern Railway Company being unable to transport promptly all traffic offered for movement via the car ferry between St. Ignace and Mackinaw City, Michigan, because the car ferry is out of service, those named lines are authorized to reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. All traffic accepted for movement via this routing must be rerouted in accordance with this order and will not be subject to diversion or other charges beyond those covered by paragraph (d) of this order. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Notification to shippers.* Each originating carrier accepting traffic to be rerouted in accordance with this order, shall notify each shipper at the time each shipment is accepted and, to the best of its ability, shall furnish to such shipper the new routing provided for under this order.

(c) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with ths order must receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(d) *Applicable rates.* Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted shall be rates which were applicable at the time of shipment as originally routed.

(e) In executing the directions of the Commission provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements may now exist between then with reference to the divisions of the rates of transportation applicable to the traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., November 22, 1983.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 22, 1984, unless otherwise modified, amended or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 11124.

This order shall be served upon the Association of American Railroads, Transportation Divison, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 14, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Chairman Taylor was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-31228 Filed 11-18-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12; Sub-No. 70X]

Southern Pacific Transportation Company; Abandonment; in St. Mary Parish, LA; Exemption

Southern Pacific Transportation Company (SP) has filed a notice of exemption for an abandonment under 49 CFR Part 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is SP's T-shaped Sterling Branch in St. Mary Parish, LA, between milepost 0.0 and milepost 1.59 and between milepost 101.7 and milepost 103.7, a total distance of 3.59 miles.

SP has certified (1) that no local traffic has moved over the line for at least 2 years, and that there is no overhead traffic on the line, and (2) that no formal complaint filed by a user of rail service on the line regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Louisiana has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on December 21, 1983 [unless stayed pending reconsideration]. Petitions to stay the effective date of the exemption must be filed by December 1, 1983, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by December 12, 1983, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to SP's representative: G.A. Laakso, One Market Plaza, Southern Pacific Building, San Francisco, CA 94105.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: November 9, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-31345 Filed 11-18-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 82-12]

Mohamed Ghassan Taleb-Agha, M.D.; Revocation of Registration; Controlled Substances

On March 12, 1982, the Acting Administrator of the Drug Enforcement Administration (DEA) issued to Mohamed Ghassan Taleb-Agha, M.D.

(Respondent), an Order to Show Cause proposing to revoke Respondent's DEA certificate of Registration AT986202. On April 7, 1982, Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause.

A hearing was held in Atlanta, Georgia on July 28, 1982 before Administrative Law Judge Francis L. Young. After the hearing, Judge Young gave both sides the opportunity to present further evidence regarding certain proposed findings. Both sides did so but the record was still inconclusive. Neither counsel desired to present further evidence nor to submit proposed findings and conclusions specifically referring to the posthearing evidence already submitted. Therefore, Judge Young did not consider this evidence in making his recommendation.

Meanwhile, counsel apprised the judge that there had been proceedings before the Georgia Composite State Board of Medical Examiners which had resulted in the preparation of a proposed consent order. On August 20, 1983, the Administrative Law Judge determined that further activity in the proceedings should be stayed pending execution of the Georgia Consent Order.

After four months the Administrative Law Judge was informed that Respondent had left the country and was no longer in contact with his counsel. Therefore, on August 19, 1983, Judge Young issue his opinion and recommended findings of fact, conclusions of law, ruling and decision. On September 1, 1983, Judge Young issued a supplemental opinion stating that the Consent Order of the Georgia Composite State Board was now fully signed and executed. No exceptions were filed and on September 28, 1983, Judge Young transmitted the record of these proceedings to the Administrator. The Administrator has considered the record in its entirety and, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

Respondent was born in Damascus, Syria. He received his medical training in Alexandria, Egypt. In 1979, six months after he completed his medical training in the United States, Respondent began a practice in Buchanan, Georgia. Respondent possessed a valid DEA registration for Schedule II drugs.

In March 1981, based on certain complaints that Respondent might be too liberal in his prescription habits, the composite State Board of Medical Examiners of Georgia initiated an "undercover" investigation of his practice. On May 28, 1981, Agent Renee Cheri Baglin, a senior regulatory agent in the Investigative Division of the Office of the Secretary of the State of Georgia first visited Respondent's office. Agent Baglin told Respondent that she had hurt her shoulder and she asked for a prescription for 15 Percodan. She also asked for something for weight control. After rotating her arm, Respondent gave Agent Baglin a prescription for Percodan and one for 30 Ionamin. She was given no other physical examination. Respondent's Medical chart on Ms. Baglin shows nothing more than that she received a prescription for Ionamin on May 28, 1981.

On June 2, 1981, Agent Baglin returned to Respondent's office. Basically, the same scenario occurred on this visit as had taken place on May 28. This time Agent Baglin received a prescription for 15 Percodan and, in lieu of Ionamin, 30 Prelu–2 (phendimetrazine timed release capsules). Agent Baglin paid twenty dollars for each of these visits.

On July 23, 1981, Agent Baglin went to Respondent's office with Agent Rick Allen of the Georgia Drugs and Narcotics Agency who posed as Ms. Baglin's boyfriend. Agent Allen's purpose was to portray himself as an addict who needed a new supplier. Respondent conducted no physical examination of Agent Allen. Nonetheless, Respondent wrote Agent Allen a prescription for 15 Percodan and charged him $20 for the office visit.

Agents Allen and Baglin returned to Respondent's office together on July 28, 1981. Neither were examined by Respondent. Agent Allen received a prescription for 15 Percodan. Agent Baglin received a prescription for 15 Percodan and one for 30 Valium. It was understood that Agent Baglin's prescription for 15 Percodan was really for Agent Allen's use since Respondent could not prescribe more than 15 Percodan for one person on one occasion.

On August 6, 1981, Agent Baglin returned to Respondent's office. She asked for a prescription for her boyfriend as well as one for herself. Agent Baglin gave no medical complaint. She received two prescriptions for Agent Allen, one dated August 6, 1981, for 15 Percodan and one dated August 15, 1981, for 15 Percodan. Agent Baglin received for herself a prescription for 15 Percodan and 30 Valium. Agent Allen did not see Respondent on August 6, 1981 or August 15, 1981, the dates on which Respondent issued the Percodan prescriptions to him.

Late August 1981, in the Superior Court for Haralson County, Georgia, the grand jury returned a multicount indictment charging Respondent with violations of the Georgia Controlled Substances Act. On or about November 30, 1981, Respondent entered pleas of nolo contendere in that court to three counts of the indictment. These counts were based on the prescriptions written for Agent Allen on July 28 and August 6, including the one written on August 6 but dated August 15. On November 30, 1981, Respondent was convicted of three felony offenses relating to a Schedule II controlled substance, Percodan. Therefore, there is a lawful basis for revocation of Respondent's registration. 21 U.S.C. 824(a)(2).

Judge Young noted in his opinion that Respondent had difficulty with the English language. This might be so, but it is clear that Respondent knew that what he was doing was contrary to normal medical practice. This is evidenced by Respondent's postdating one of the August 6 prescriptions to August 15. Respondent was Buchanan's first physician in some 15 years. He had difficulty in being accepted in the small community. This does not justify Respondent's illegal practices, possibly engaged in to gain acceptance.

Respondent violated the law. He prescribed controlled substances without a legitimate medical purpose. He has now left the country. The Consent Order of the Georgia Composite State Board provides for suspension of Respondent's Georgia medical practice license for one year from August 19, 1983—but periods of residence outside of Georgia will not be included in the probationary period. Therefore, Respondent has no need for his DEA registration while he is in Syria and, even if he returns to this country, he has no use for it since he cannot practice medicine in Georgia for one year. The Administrative Law Judge has recommended that Respondent's DEA Certificate of Registration be revoked. The Administrator adopts the recommended rulings, findings of fact, conclusions of law and decision of the Administrative Law Judge in their entirety.

Having concluded that there is a lawful basis for the revocation of the Respondent's registration and having further concluded that under the facts and circumstances presented in this case the registration should be revoked, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR § 0.100(b), hereby orders that DEA Certificate of Registration AT8751910, previously issued to Mohamed Ghassan Taleb-Agha, M.D. under the Controlled

Substances Act, be, and it hereby is, revoked.

Dated: November 14, 1983.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 83-31239 Filed 11-18-83; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 83-28]

Leonard Pomper, M.D., Chicago, Illinois; Hearing; Registration Applications; Controlled Substances

Notice is hereby given that on September 2, 1983, the Drug Enforcement Administration, Department of Justice, issued to Leonard Pomper, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AP1430494, and deny his application for renewal executed on March 12, 1983.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, November 29, 1983, in the Third Floor Courtroom, East Building, The John Marshall Law School, 315 South Plymouth Court, Chicago, Illinois.

Dated: November 14, 1983.

Francis M. Mullen, Jr.,

Administrator, Drug Enforcement Administration.

[FR Doc. 83-31251 Filed 11-18-83; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section (7) (b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on December 6, 1983 in Room N-5437 Frances Perkins Department of Labor Building, Washington, D.C. The meeting is open to the public and will begin at 9:30 a.m.

The agenda for this meeting will include a review of a draft proposal on asbestos, a discussion of fall protection, a report on targeting inspections and a general discussion of construction safety and health matters.

Written data, views of comments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submission received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting.

Anyone wising to make an oral presentation should notify the Division of Consumer Affair before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Oral presentations will be scheduled at the discretion of the Chairman depending on the extent to which time permits. Communications may be mailed to: Kenneth Hunt, Committee Management Officer, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 202-523-7177.

Materials provided to members of the Committee are available for inspection and copying at the above address.

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

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 83-31206 Filed 11-18-83; 8:45 a.m.]

BILLING CODE 4510-26-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

November 16, 1983.

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Monday, Tuesday, and Wednesday, December 5-7, 1983. The meetings on all three days will be held in Rooms 416 and B-100 at 2001 Wisconsin Avenue, NW., Washington, D.C. The committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organization, and State and local government, was established by Congress by Public Law 95-63, on July 5, 1977. Its duties are to: (1) Undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the National's marine and atmospheric activities, and submit other reports as may from time to time be requested by the President or Congress.

The Tentative Agenda is as follow:

December 5, 1983

2001 Wisconsin Avenue, NW., Page Building #1, Rooms 416 & B-100, Washington, D.C. 20235

9:00 a.m.-12:30 p.m.
Plenary

9:00 a.m.-9:30 a.m.
- Announcements Room 416

9:30 a.m.-12:30 p.m.
- Wetlands Room 416

Topic: Section 404, Clean Water Act

Speakers: Robert Dawson, Deputy Assistant for Civil Works, Department of the Army; Environmental Protection Agency (Invited); Dr. William Brown, Senior Scientist, Environmental Defense Fund; David Litvin, Assistant Director of Federal Government Affairs, Standard Oil of Ohio; Mark Rey, Director, Water Quality Programs National Forest Products Association.

12:30 p.m.-1:30 p.m.
Lunch

1:30 p.m.-5:00 p.m.
Panel Meeting
- Wetlands, Chairman: Sharron Stewart Room 416

Topic: Section 404, Clean Water Act

Speakers: None

5:00 p.m.
Recess

December 6, 1983

2001 Wisconsin Avenue, NW., Page Building #1, Rooms 416 & B-100, Washington, D.C. 20235

8:30 a.m.-11:30 a.m.
Panel Meetings
- Weather Services, Chairman: Warren Washington Room 416

Topic: Panel Work Session

Speakers: None
- Shipbuilding, Chairman: Don Walsh Room B-100

Topic: Panel Work Session

Speakers: None

11:30 a.m.-12:30 p.m.
Lunch

12:30 p.m.-2:30
Plenary

Room 416
- Action Items

Position Statement on Underwater Technology

Weather Services Panel

Wetlands Panel
- Panel Reports

2:30 p.m.
Adjourn Regular Meeting

2:30 p.m.-5:30 p.m.
Panel Meeting

- Exclusive Economic Zone, Chairman: Don Walsh

Room 416
Topic: Panel Work Session
Speakers: Background Briefing by NACOA Staff
5:30 p.m.
Recess

December 7, 1983

2001 Wisconsin Avenue, NW., Page Building #1, Room 416, Washington, D.C. 20235
8:30 a.m.–12:00 Noon
Panel Meeting

- Exclusive Economic Zone, Chairman: Don Walsh

Room 416
Topic: Overview
Speakers: Marty Belsky, Center for Governmental Responsibility, University of Florida; Thomas Clingan (Invited), Professor of Law, University of Miami; Robert Knecht (Invited), Woods Hole Oceanographic Institution; John Norton Moore (Invited), Center for Oceans Law, Law and Policy, University of Virginia; Others TBA
12:00 Noon–1:00 p.m.
Lunch
1:00 p.m.–3:00 p.m.
Panel Meeting

- Exclusive Economic Zone, Chairman: Don Walsh

Room 416
Topic: National Security and Navigational Freedom
Speakers: TBA
3:00 p.m.
Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235.

Dated: November 16, 1983.

James A. Almazan,

Staff Physical Scientist.

[FR Doc. 83-31256 Filed 11-18-83; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Artists in Education Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Artists in Education Advisory Panel to the National Council on the Arts will be held on December 7–9, 1983, from 8:15 a.m.–7:00 p.m. in room M–07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

This meeting will be open to the public on a space available basis. The topic for discussion will be State application review and policy.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: November 14, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-31206 Filed 11-18-83; 8:45 am]

BILLING CODE 7537-01-M

Literature Advisory Panel; Meeting

Pursuant to Section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Literary Publishing Section) to the National Endowment on the Arts will be held on December 8, 1983, from 9:00 a.m.–6:00 p.m., and on December 9, 1983, from 9:00 a.m.–5:30 p.m. in Room 715 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on December 9, 1983 from 4:00 p.m.–5:30 p.m. for Policy Discussion.

The remaining sessions of this meeting on December 8 from 9:00 a.m.–6:00 p.m. and December 9 from 9:00 a.m.–4:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: November 10, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-31212 Filed 11-18-83; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Folk Arts Section) to the National Council on the Arts will be held on December 7–10, 1983, from 9:00 a.m.–5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

A portion of this meeting will be open to the public on December 9, 1983, from 1:30 p.m.–3:00 p.m. to discuss guidelines and policy.

The remaining sessions of this meeting on December 7, 8, and 10, 1983, from 9:00 a.m.–5:30 p.m. and on December 9, from 9:00 a.m.–1:30 p.m. and December 9, from 3:00 p.m.–5:30 p.m. are for the purpose of panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: November 14, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-31207 Filed 11-18-83; 8:45 am]

BILLING CODE 7537-01-M

National Museum Services Board; Meeting

AGENCY: Institute of Museum Services, NFAH.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the agenda of a forthcoming meeting of the National Museum Services Board. This

notice also describes the functions of the Board. Notice of this meeting is required under the Government in the Sunshine Act (Pub. L. No. 94–409) and regulations of the Institute of Museum Services 34 CFR 64.74.

DATE: December 9, 1983..

ADDRESS: The Old Post Office Building, 1100 Pennsylvania Avenue, N.W., Room M14, Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Michele N. Rossi, Executive Assistant to the National Museum Services Board, Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506, (202) 786–053.

SUPPLEMENTARY INFORMATION: The National Museum Services Board is established under the Museum Services Act which is the Arts, Humanities, and Cultural Affairs Act of 1976, Pub. L. 94–462. The Board has the responsibility for general policies with respect to the powers, duties and authority vested in the Institute under this title. Grants are awarded by the Institute of Museum Services after review by the Board.

The meeting of the Board is open to the public on December 9, 1983 from 11:00 a.m. to 4:30 p.m. The agenda for the meeting on December 9, 1983 will be as follows:

I. Approval of the NMSB minutes of October 14, 1983
II. Director's Report
III. Approval of the SP Application Package
IV. Report of Conservation Committee/ Conservation Program Guidelines
V. Committee Report/Section 504 Regulations
VI. Other Business

Susan E. Phillips,

Director.

[FR Doc. 83-31240 Filed 11-10-83; 8:45 am]

BILLING CODE 7036-01-M

NUCLEAR REGULATORY COMMISSION

Monthly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

Correction

In FR Doc. 83–28856 beginning on page 49574 in the issue of Wednesday, October 26, 1983, make the following correction:

On page 49593, first column, first complete paragraph from the bottom, third line, "449'1"" should read "749'1"".

BILLING CODE 1505-01-M

Abnormal Occurrence; Overexposure to a Radiographer's Hand

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). Example I.A.1 ("For All Licensees") notes that exposure to the feet, ankles, hands, or forearms of any individual to 375 rems or more of radiation can be considered an abnormal occurrence. The following description of the incident also contains information on the remedial actions planned and taken.

Date and Place—On June 15, 1983, NRC Region 1 was notified by Automation Industries, Inc., of Phoenixville, Pennsylvania, that a ring dosimeter worn by one of its radiographers showed an exposure which exceeded the extremity dose limit of 18.75 rems for any calendar quarter as specified by NRC regulations in 10 CFR 20.101. The NRC estimates that the exposure was 650–1100 rems to the index finger and thumb of one hand. At the time of the exposure, the Automation Industries' radiographer was performing consulting services for U.S. Testing Company, Inc., of Reading, Pennsylvania, at a temporary field site in Hoboken, New Jersey.

Nature and Probable Consequences—A radiography crew, employed by U.S. Testing Company, arrived at the work site at approximately 4:00 pm on June 9, 1983. The radiographers set up equipment and darkroom as necessary for the work assignment. The area was posted, barriers were established, surveys were conducted, and other pre-radiography procedures were followed. While cranking the source from the radiographic exposure device to the unshielded position, the source apparently disconnected from the drive cable and jammed in the guide tube which prevented the radiographer from retracting the source to a shielded position. The radiographers attempted to dislodge the source and move it toward the camera end of the guide tube by elevating and shaking the guide tube with the assistance of a makeshift, remote handling device fabricated from a pair of pliers attached to broomstick handles.

During the source retrieval attempt, pocket dosimeters were checked frequently, dose readings recorded, and dosimeters rezeroed prior to entry into the restricted area. When the radiographers' pocket dosimeter readings totaled approximately 450 millirems, the radiographers discontinued their attempts to retrieve the source, reported the incident to licensee management, and secured the area until the licensee's consultant (a radiographer, employed by Automation Industries) could arrive onsite to perform the source retrieval.

Upon arrival, the consultant reviewed the events that had transpired and was told by the radiographers that the source was located in the guide tube approximately two feet from the radiographic exposure device; the radiographers were unable to verify this, however, since their survey meter had gone off scale. The consultant did not conduct his own surveys to verify this information or determine independently the position of the source. Available survey instruments were not capable of recording radiation levels in excess of 1R/hr. Upon disconnecting the guide tube from the device, the consultant discovered that the source was partially lodged in the camera with only the source capsule extending from the exit portal. Remote tongs were used to retrieve the source from the exposure device to transfer the source to a source changer.

The consultant's personnel dosimetry consisted of one pocket dosimeter with a range of 0–200 millirem; another pocket dosimeter with a range of 0–1,000 millirem; a digital read-out, alarming dosimeter; a whole body dosimeter; and a ring dosimeter for each hand. The total whole body exposure reported by the digital dosimeter for the source retrieval was 185 millirems.

At the time, the consultant estimated he had received a hand exposure of 8–9 rems, and a whole body dose of about 185 millirems. When the consultant returned to his company and had his ring dosimeters processed, however, the doses indicated by these dosimeters labeled for the left and right hands were about 59 rems and 12 rems, respectively. However, it cannot be determined which hand actually received the higher exposure since the consultant could not verify that he had worn the ring dosimeters on the hands for which the dosimeters were labeled; also, he could not recall which hand he had used to disconnect the guide tube. The consultant's whole body film badge indicated 185 millirems, the same as indicated by the digital dosimeter described above.

U.S. Testing Company evaluated the extremity exposures but failed to realize

that the 59 rem dose indicated by one of the ring dosimeters would not accurately reflect the actual dose received. The consultant's ring dosimeters were worn on the third finger of each hand; however, he had contacted the guide tube with his thumb and index finger. Since the radiation level falls off sharply from the distance to the source, the dose indicated by the ring dosimeter would be several orders of magnitude less than the actual dose received at the points of contact with the guide tube.

NRC evaluations of the maximum exposure to the consultant's hand indicated that his thumb and index finger received an estimated 650–1100 rems. The NRC calculations were based upon previous thermoluminescent dosimeter measurements of the gamma and secondary electron dose rates from an iridium-192 source in an identical source guide tube. A reenactment of the inident provided on estimate of the time period required to disconnect the source guide tube from the radiographic exposure device. The ring dosimeter readings actually reported are in agreement with NRC calculations if the differences in distance from the third finger (where the ring dosimeter was worn) to the edge of the index finger and thumb in contact with the guide tube are considered.

It is estimated that the other hand received 12 rems as was indicated by the ring dosimeter.

The consultant's hands have been examined by a physician experienced in treatment of radiation injuries. No visible effects were observed or expected considering the estimated dose range. A blood sample was taken and showed no abnormalities. The physician does not expect any long term health effects. An NRC medical consultant has reviewed the case and agrees.

Cause or Causes—The direct cause of the overexposure was the failure to perform an adequate radiation survey to determine the actual location of the source prior to the attempt to recover it.

The cause of the source disconnect is under investigation by Region I. After the source was secured by the consultant in the source changer, the radiographic exposure device, guide tube, drive cable, and pigtail end of the source were examined by the consultant and representatives of U.S. Testing Company for defects. No defects or abnormalities were visually identified. The consultant connected a dummy source to the drive camera to check the functional operation of the radiographic exposure device system and found no functional abnormalities.

Actions Taken to Prevent Recurrence

License (U.S. Testing Company)—Emergency procedures have been expanded to specifically include a description of emergency procedures for source disconnects. The radiographers involved in this particular incident have been instructed in appropriate actions that should have been taken. Management agreed that this particular incident would be written up and distributed to all radiographers during upcoming training or refresher training sessions for radiographers of all levels of qualification throughout the company.

NRC—The NRC conducted an investigation on June 22 and 23, 1983, to review the circumstances associated with the event. The NRC performed calculations to better characterize the actual exposure received by the consultant's hands. An NRC medical consultant was requested to review the possible health effects of the overexposure. The investigation of the reasons for the source disconnect is continuing.

The NRC inspection report was sent to U.S. Testing Company on July 29, 1983. Five violations were noted: overexposure of an individual's hand; failure to perform an accurate radiation survey; failure to adequately evaluate the actual exposure received in the source recovery; failure to adequately train an individual who performed a source recovery; and failure to follow required emergency procedures. U.S. Testing Company is responsible for the violations since Automation Industries, Inc. was acting as their consultant. Automation Industries is not licensed to perform field work.

An enforcement conference was held with representatives of U.S. Testing Company at the Region I office on August 3, 1983, to discuss the violations and the licensee's proposed corrective actions. On October 7, 1983, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of eight thousand dollars. In addition, preparation of an Inspection and Enforcement Notice to inform all licensees performing radiography of this event is under consideration.

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

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-31291 Filed 11-18-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-348 and 50-364]

Alabama Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed no Significant Hazards Consideration Determination

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-2 and NPF-8 issued to Alabama Power Company (the licensee) for operation of the Joseph M. Farley Nuclear Plant, Units 1 and 2 located in Houston County, Alabama.

The amendment would modify surveillance requirements now included only in Unit 2 Technical Specification 4.3.4.1 to substitute the Farley Nuclear Plant "Turbine Overspeed Reliability Assurance Program". The amendment would add a limiting condition for operation and the identical surveillance requirements as Technical Specification 3.3.4 and 4.3.4.1, respectively, on Unit 1. These revisions to the technical specifications would be made in response to the licensee's application for amendment dated October 6, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance for the application of these criteria by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). The proposed change for Unit 1 is consistent with Commission example "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement." Unit 1 will contain a new limitation for operation as Technical Specification 3.3.4 and new, more stringent

surveillance requirements as Technical Specification 4.3.4. Both requirements are nonexistent on Unit 1 before this action. The proposed change for Unit 2 is consistent with Commission example "(vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: For example, a change resulting from the application of a small refinement of a previously used calculational model or design method." The change would modify surveillance requirements of Technical Specification 4.3.4 to substitute the Farley Nuclear Plant "Turbine Overspeed Reliability Program" for the existing standard technical specification surveillance requirements. We consider that the Farley program is equal to or exceeds the Commission staff requirements. The program has the added objective of maintaining the high reliability of the Turbine Overspeed Protection System. Therefore, based on these considerations and the three criteria given above, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By December 21, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the resutts of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the preceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message address to Mr. S. A. Varga: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esquire, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the

Commission, the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Dated at Bethesda, Maryland this 14th day of November 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-31284 Filed 11-18-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–23 issued to Carolina Power and Light Company (the licensee), for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 located in Darlington County, South Carolina.

The amendment would change Technical Specification requirements as follows:

1. One change would incorporate Section 4.05 of the Westinghouse Standard Technical Specification requirements regarding testing requirements of Section XI of the ASME code and deleting the detailed requirements covered by Section XI.

2. One change would change nomenclature to be consistent with HBR–2 FSAR and plant conditions with regard to turbine trip setpoints.

3. One change adds limitations not currently included in the Technical Specifications but included in Section 7.2.1.1.1 of the FSAR with regard to Steam Flow/Feedwater Flow Mismatch.

4. One change would reinstate the frequency for testing prior to startup which was contained in the Technical Specification prior to Amendment 65.

5. One change would revise Technical Specification Table 4.1–3 to achieve consistency within the specification.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed changes 1, 2 and 5 are administrative in nature, i.e., corrections of typographical errors, changes to achieve consistency throughout the Technical Specifications, title changes and reference corrections. The amendment request is similar to example (i) of the examples of amendments that are considered not likely to involve a significant hazards consideration (see example (i) in 48 FR 14870, April 6, 1983).

Another example of actions involving no significant hazards considerations relates to changes that constitute an additional limitation, restriction, or control not presently included in the Technical Specifications. Changes 3 and 4 specifically add additional licensing limitations and restrictions not currently included in the Technical Specifications.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By December 21, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and the Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affectd by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisifies these requirements with respect to at least one contention will not be premitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The

final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to invervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Steven A. Varga, Chief, Operating Reactors Branch, Division of Licensing; Petitioner's name and telephone number; date petiton was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

Nontimely filing of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Dated at Bethesda, Maryland this 14th day of November 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-31285 Filed 11-18-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352 and 50-353]

Philadelphia Electric Co., (Limerick Generating Station, Units 1 and 2); Memorandum and Order Scheduling Evidentiary Hearing

November 15, 1983.

As set forth in the accompanying Notice of Hearing, the evidentiary hearing on Contentions V–3a & 3b and V–4 will be held the week of December 12, 1983. The Board previously had adjusted the NRC Staff's proposal to begin the hearing on December 12 to December 17, 1983. This was done to improve the possibility of completing the hearing on the then-scheduled four contentions by December 16, 1983.

Since then, the fact that there are now only three contentions to litigate due to the summary disposition of Contentions I–62, and the unexpected occurrence of exigent circumstances making the Board unavailable for a hearing on December 7–9, 1983, have led to the adjustment back to the originally proposed starting date of December 12, 1983.

Bethesda, Maryland, November 15, 1983.

It is so ordered.

For the Atomic Safety and Licensing Board.

Lawrence Brenner,

Chairman, Administrative Judge.

[FR Doc. 83-31286 Filed 11-18-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352 and 50-353]

Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2); Hearing

November 15, 1983.

Please take notice the Atomic Safety and Licensing Board will convene an evidentiary hearing in this operating license proceeding on December 12, 1983, at 1:30 p.m. at: Commonwealth of Pennsylvania Courtroom No. 5, Old Federal Courthouse, Ninth and Market Streets, Philadelphia, Pennsylvania 19107. The hearing is expected to continue through December 16, 1983.

The issues to be litigated at this hearing session are Friends of the Earth in the Delaware Valley Contentions V–3a & 3b (effect of postulated petroleum or natural gas pipeline rupture), and Air and Water Pollution Patrol Contention V–4 (effect of cooling tower plumes on aircraft carburetor icing).

The public is invited to attend, but there will be no opportunity for members of the public to participate during this evidentiary hearing session.

Bethesda, Maryland, November 15, 1983.

It is so ordered.

For the Atomic Safety and Licensing Board.

Lawrence Brenner,

Chairman, Administrative Judge.

[FR Doc. 83-31287 Filed 11-18-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co. et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–1, issued to Portland General Electric Company, Pacific Power and Light Company, and The City of Eugene, Oregon (the licensee), for operation of the Trojan Nuclear Plant located in Columbia County, Oregon.

The amendment would make some changes to the on-site and off-site organization for the Trojan facility as follows:

1. The position of Manager, Nuclear Maintenance and Construction would be changed to Manager of Plant Modifications, and this position would report to the General Manager, Trojan Nuclear Plant, instead of to the Assistant Vice President, Nuclear.

2. The position of Vice President, Power Operations and the organization reporting to that position would report to the president instead of to the Vice Chairman of the Board.

3. The title of the position of Manager, Nuclear Projects Engineering would be changed to Manager, Nuclear Plant Engineering.

4.The title of the position of Manager, Nuclear Projects Quality Assurance would be changed to Manager, Nuclear Division Quality Assurance.

5. The title of the position of Manager, Generation Licensing and Analysis would be changed to Manager, Nuclear Safety and Regulation.

6. The Nuclear Projects Administration Branch would be eliminated due to the cancellation of the Company's Pebble Springs nuclear project.

7. The position of Assistant Vice President, Nuclear would be eliminated. The General Manager, Trojan Nuclear Plant would then report to the Vice President, Nuclear instead of to the Assistant Vice President, Nuclear.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed changes as described above involve only minor changes to the off-site and on-site organization within PGE, and do not involve significant changes in the company's technical support or quality assurance program for operation of the Trojan facility. Therefore, the NRC staff proposes to determine that the standards for determining that a license amendment involves no significant hazards consideration are satisfied, and that operation of the facility in accordance with the proposed amendment would not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By December 21, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the preceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intevene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to James R. Miller: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to J. W. Durham, Senior Vice President, Portland General Electric Company, 121 SW., Salmon Street, Portland, Oregon 97204, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 4, 1983 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 SW. 10th Avenue, Portland, Oregon 97205.

Dated at Bethesda, Maryland this 14th day of November, 1983.

For the Nuclear Regulatory Commission.

E. G. Tourigny,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-31288 Filed 11-18-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-112]

University of Oklahoma; Renewal of Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. R-53 to the University of Oklahoma (the licensee) that renews the license for operation of the AGN-211P reactor (the facility) located on the campus of University of Oklahoma in Norman, Oklahoma. This amendment also authorizes an increase in steady state power level from the 15 watts the reactor has been operating at to 100 watts (thermal).

The amendment extends the duration of Facility License No. R-53 for twenty years from the date of issuance of this amendment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. Those findings are set forth in the license amendment. Notice of the proposed issuance of this action was published in the **Federal Register** on November 15, 1978 at 43 FR 53078 and February 8, 1979 at 44 FR 8043. No request for a hearing or petition for leave to intervene was filed following notice of the proposed actions.

The Commission has prepared an environmental impact appraisal for the renewal of the Facility Operating License and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see: (1) The application for license renewal dated October 6, 1978, as supplemented, (2) Amendment No. 10 to License R-53, and (3) the Commission's related Safety Evaluation Report (NUREG-0996) and Environmental Impact Appraisal. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

The Safety Evaluation Report (Document No. NUREG-0996) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 14th day of November 1983.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 83-31290 Filed 11-18-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station); Revision to Order Dated March 14, 1983

I

Sacramento Municipal Utility District (the licensee) is the holder of Facility Operating License No. DPR-54 which authorizes the operation of the Rancho Seco Nuclear Generating Station (the facility) at steady-state power levels not in excess of 2772 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Sacramento County, California.

II

On March 14, 1983, the Nuclear Regulatory Commission (the Commission) issued an Order published in the **Federal Register** on March 28, 1983 (48 FR 12873), confirming licensee commitments to take actions on post-TMI requirements set forth in NUREG-0737 "Clarification of TMI Action Plan Requirements." Subsequent to the Order, by letters dated April 28, 1983, June 17, 1983, and July 20, 1983, the licensee revised its commitment date for the Safety Grade Anticipatory Reactor Trip (ARTS), Item II.K.2.10. In addition, subsequent to issuance of the Order, it came to the attention of the Commission's staff that item III.D.3.4, "Control Room Habitability," was incorrectly identified as a completed item in Attachment 1 to the March 14, 1983 Order. The Order should have identified the completion date as startup from the refueling outage estimated to begin in November 1984.

The Commission's evaluation of the licensee's revised commitment date for Item II.K.2.10 is as follows:

The initial safety grade design of the ARTS utilized safety grade pressure switches on the steam inlet valve hydraulic system to the steam turbines for the turbo-generator and the main feedwater pump to initiate the loss of turbine and loss of main feedwater trip. The licensee subsequently concluded that the safety grade pressure switches could not be obtained. The design was then revised to utilize one pressure transmitter and four associated electronic comparators for each trip

function. The licensee identified the delivery of the electronic comparators as the problem which was delaying installation of the ARTS until the February 1983 refueling outage (RO). Subsequently, during a review of the design documents, the licensee discovered that the revised design could not be tested during reactor operation. To make the system testable during operations, three additional pressure transmitters for each trip function were incorporated into the design. The licensee stated that approximately 60 weeks would be required to obtain the qualified pressure transmitters. The licensee then proposed to utilize in the interim the existing non-qualified pressure switches and to upgrade the remainder of the loss of feedwater and turbine trip to safety grade during the February 1983 RO. The installation of the qualified pressure transmitters for the turbine trip position of the system would be subsequently completed during the November 1984 RO. At the same time, the licensee proposed revising the loss of feedwater flow portion of the anticipatory trip to utilize new inputs from safety grade main feedwater flow transmitter channels which would be compared to reactor power, power to flow trip, instead of utilizing safety grade pressure transmitters on the steam inlet valves to the main feedwater pump turbines. This system has the advantage of providing a faster trip signal. The flow signal will also be used as part of the Emergency Feedwater Initiation and Control (EFIC) System to initiate auxiliary feedwater flow from the Reactor Protection System (RPS). The licensee committed to have the safety grade ARTS including the revised loss of main feedwater flow portion completed during the November 1984 RO.

Subsequently, by letters dated April 28, 1983, June 17, 1983, and July 20, 1983, the licensee requested a delay in schedule for completion of the safety grade loss of main feedwater flow trip portion of the ARTS.

The licensee stated that the time required to design the system, prepare specifications, procure and receive the qualified equipment and to design, procure and receive the associated conduit and cables will preclude implementation of this portion of the ARTS during the November 1984 RO. Therefore, the licensee proposed to complete installation of the safety grade loss of main feedwater flow portion of the ARTS the following refueling outage (estimated to start April 1986). The safety grade loss of turbine trip portion of the system is still scheduled to be completed during the November 1984 RO.

The licensee stated that during the February 1983 RO it upgraded all portions of the ARTS to safety grade except for the nonqualified pressure switches for signal inputs. The resulting installation is fail safe, single failure proof and properly isolated from other channels and non-IE components. During the November 1984 RO, the nonsafety grade pressure switches for the turbine trip signal will be replaced, leaving only the trip signal for loss of main feedwater to be upgraded the following RO (April 1986).

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (unexpected design complexity, equipment availability problems, and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

III

Accordingly, pursuant to Sections 103, 161i, and 161*o* of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that:

Attachment 1 of the Commission's March 14, 1983 Order is revised to (1) extend the completion date for Item II.K.2.10 from startup from the refueling outage estimated to begin in November 1984 to the following refueling outage estimated to begin in April 1986, and (2) to correct the implementation date for Item III.D.3.4.

The Order of March 14, 1983, except as revised herein, remains in effect in accordance with its terms.

IV

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555. A copy of the request shall be sent to the Executive Legal Director at the same address.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether this Order should be sustained.

This Order shall become effective upon the licensee's consent or upon expiration of the period within which the licensee may request a hearing or, if a hearing is requested by the licensee, on the date specified in an Order issued following further proceedings on this Order.

Dated at Bethesda, Maryland this November 10, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Feb. 1983. [1]
II.B.3	Post-Accident Sampling	do	Install upgrade post accident sampling capability	Do. [1]
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete.
II.E.1.2	Aux. Feedwater Initiation & Flow Indication.	July 1, 1981	Modify instrumentation to level of safety grade	Feb. 1983. [1]
II.E.4.2	Containment Isolation Dependability.	do	Part 5-lower containment pressure setpoint of level compatible w/normal operation.	Complete.
		do	Part 7-isolate purge & vent valves on radiation signal	Feb. 1983. [1]
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Feb. 1983. [1]
		do	(2) Provide capability for effluent monitoring of iodine	Do. [1]
		do	(3) Install incontainment radiation-level monitors	Do. [1]
		do	(4) Provide continuous indication of containment pressure.	Do. [1]
		do	(5) Provide continuous indication of containment water level.	Do. [1]

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do.[1]
II.K.2.10	Safety Grade Trips	July 1, 1981	Install anticipatory reactor trips	Apr. 1986.[1]

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	Oct. 1, 1982, per Gen. Ltr. 82-12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dtd. June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	Superseded by Proposed Rule dtd. Aug. 30, 1982.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief & safety valve program.	Mar. 1983.
II.D.1.3	Block Valve Test Program	July 1, 1982	Submit report on results of test program	Complete.
II.K.3.30 & .31	SBLOCA Analysis [2]	Jan. 1, 1983, or 1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations.[2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be Determined.
III.A.1.2	Upgrade Emergency Support Facilities.[2]	do	do	Do.
III.A.2.2	Meteorological Data	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Nov. 1984.[1]

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83-31280 Filed 11-18-83; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Combined Subcommittees on Reactor Radiological Effects, Air Systems and Waste Management Program; Meeting

The ACRS Combined Subcommittees on Reactor Radiological Effects, Air Systems and Waste Management Program will hold a meeting on December 1, 2 and 3, 1983 in Room 1046, 1717 H Street, NW, Washington, DC. The Subcomittees will review: (1) NRC research programs in radiological effects, waste management, and air systems for preparation of pertinent chapters of the ACRS report to Congress on the FY 1985–1986 NRC Safety Research Program, (2) occupational doses associated with TMI–2 cleanup, and (3) other related topics. Notice of this meeting was published Wednesday, October 26, 1983 (48 FR 49563).

In accordance with the procedures outlined in the **Federal Register** on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, December 1, 1983–8:30 a.m. until the conclusion of business
Friday, December 2, 1983–8:30 a.m. until the conclusion of business
Saturday, December 3, 1983–8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, industry and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Ms. R. C. Tang (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: November 15, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-31230 Filed 11-18-83; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Fluid Dynamics; Meeting

The ACRS Subcommittee on Fluid Dymanics will hold a meeting on December 8, 1983, Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will discuss recent flow-related incidents at the Palo Verde, St. Lucie Unit 1 and Millstone Unit 2 reactors that resulted in equipment damage to the plants' primary systems.

In accordance with the procedures outlined in the **Federal Register** on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be premitted ony during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring

to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, December 8, 1983—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the affected utilities, the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in acordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: November 15, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-31294 Filed 11-18-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on December 7, 1983, Room 1046, 1717 H Street, NW, Washington, DC.

In accordance with the procedures outlined in the **Federal Register** on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, December 7, 1983—8:30 a.m. until the conclusion of business

The purpose of the meeting will be threefold. First, the NRC Staff will highlight the status of ongoing activities described in NUREG–0985, "U.S. Nuclear Regulatory Commission Human Factors Program Plan". Secondly, the Staff will describe their existing human reliability data base as well as its uses. Human reliability data base development and potential for improved data will be discussed. Finally, the Subcommittee will review the NRC's human factors research program and budget for FY 1985 and 1986.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, David Fischer (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: November 15, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-31295 Filed 11-18-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–44]

Air Courier Conference of America; Initiation of an Investigation Under Section 301

On September 21, 1983, the Air Courier Conference of America filed a petition under Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411 *et seq.*) alleging that the Government of Argentina has granted exclusive control over the international air transportation of time-sensitive commercial documents to the Argentine postal system. The petitioner further alleges that this practice is unjustifiable, unreasonable, and discriminatory and a burden on U.S. comerce.

On November 7, 1983, the United States Trade Representative decided to initiate an investigation on the basis of this petition pursuant to 19 U.S.C. 2412(a).

Interested parties are invited to submit written comments with respect to issues raised by the petition. Such comments should be filed in accordance with 15 CFR 2006.8 on or before December 14. Comments should be submitted to Chairman, Section 301 Committee, Office of the United States Trade Representative, Room 223, 600 17th NW., Washington, D.C. 20506. Copies of the petition are available at the above address.

Jeanne S. Archibald,

Chairman, Section 301 Committee.

[FR Doc. 83-31265 Filed 11-18-83; 8:45 am]

BILLING CODE 3190-01-M

Determination Regarding the Application of Certain International Agreements

This notice modifies the determination published in the **Federal Register** of January 4, 1980 (45 FR 1181), as amended by determinations published at 45 FR 18547, 45 FR 36569, 45 FR 63402, 45 FR 85239, 46 FR 24059, 46 FR 40624, 46 FR 46263, 46 FR 48391, 46 FR 48807 and 47 FR 16697.

Under section 1–103(b) of Executive Order 12188 of January 2, 1980, the functions of the President under section 2(b) of the Trade Agreements Act of 1979 (the Act) and section 701(b) of the Tariff Act of 1930 as amended, are delegated to the United States Trade Representative (the Trade Representative), who shall exercise such authority with the advice of the Trade Policy Committee.

Now, therefore, I, William E. Brock, United States Trade Representative, in conformance with the provisions of section 2(b) of the Act, section 701(b) of the Tariff Act of 1930 as amended, and section 1-103(b) of Executive Order 12188, do hereby determine, effective on the date of signature of this notice,[1] that:

With respect to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the Subsidies Code), Egypt has accepted the obligations of the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement.

With respect to the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, Egypt has accepted the obligations of the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement.

In accordance with section 701(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1671(b)), as of September 28, 1981, Egypt is a "country under the Agreement."

With respect to the Agreement on Technical Barriers to Trade, Egypt has accepted the obligations of the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement.

With respect to the Agreement on Import Licensing, Egypt has accepted the obligations of the Arrangement with respect to the United States and should not otherwise be denied the benefits of the Arrangement.

With respect to the Arrangement on Bovine Meat, Egypt has accepted the obligations of the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement.

William E. Brock,

United States Trade Representative.

[FR Doc. 83-31287 Filed 11-18-83; 8:45 am]

BILLING CODE 3190-01-M

Trade Policy Staff Committee; Hearing

Notice is hereby given that the Trade Policy Staff Committee (TPSC) has scheduled a public hearing to elicit comments from interested parties in the case of the request to remove films, strips and sheets of cellulose plastic material not over 0.003 inches in the thickness classified under TSUS 771.30 of the Tariff Schedules of the United Stastes Annotated, when imported from Mexico, from the list of products eligible for duty-free treatment under the U.S. Generalized System of Preferences (19 U.S.C. 2461-2465). The hearing has been scheduled for 10:00 AM on December 14, 1983 and will take place in Room 403 in the Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington D.C. All interested parties who wish to appear at the hearing should notify the Chairman, GSP Subcommittee, Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, D.C. 20506 by December 1. Written briefs or statements should be received no later than close of business December 7. Post-hearing briefs or statements should be received no later than close of business January 6. Rebuttal briefs or statements addressing issues raised in the post-hearing submissions must be received no later than close of business January 13.

Announcement of the initiation of the review of this case was made in the **Federal Register** on October 21, 1983. Written submissions should conform to the regulations outlined in the announcement.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 83-31286 Filed 11-18-83; 8:45 am]

BILLING CODE 3190-01-M

POSTAL RATE COMMISSION

[Docket No. RM 83-6; Order No. 534]

Contents of Formal Request for Changes in Postal Rates—Supplemental Cost Segment Presentations; Order Allowing for Informal Conference in Response to Renewed Application for a Legisaitive-Type Hearing

Issued: November 10, 1983.

On October 4, 1983, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM83-6. In that notice the Commission proposed amending its rules of practice to require the Postal Service to provide advance notice of changes in its data collection and reporting systems which would preclude the Commission from attributing and assigning costs consistent with methodological precedent developed in prior Commission proceedings. Upon receipt of notice of proposed changes, the proposed rule would allow the Commission to hold hearings to consider and possibly reject the proposed changes. Rejection of proposed changes, under the proposed rule, results in requiring the Postal Service to provide cost segment presentations consistent with methodological precedent.

The rationale underlying the proposed rule is that the Postal Service frequently changes the way it collects, processes, or reports costs. These changes may cause data critical to the allocation of costs pursuant to methodological precedent to become unavailable. Whether these changes indeed improve cost analysis is not ascertainable until they are reviewed by the Commission in a section 3624 proceeding. However, these changes frequently are implemented substantially before the next section 3624 proceeding. As a result critical data may become unavailable, and thus the Commission would be without recourse if it desires to continue applying methodological precedent. To avoid this situation, the Commission proposed a rule which requires notice of proposed changes before they are implemented. The proposed rule allows the Commission to require that the Service continue to provide all data necessary for the Commission to attribute and assign costs consistent with the most recent omnibus rate case.

Prior to issuance of our October 4, 1983 Notice of Proposed Rulemaking, the Postal Service had moved for a legislative-type hearing. This legislative-type hearing would have been a vehicle for the Postal Service to present its views as to the practical feasibility of Commission participation in the process of changing data collection systems. This notice was in response to an initial proposal of the Commission on October 25, 1982. On February 22, 1983, the Postal Service filed exhaustive testimony detailing difficulties with the October 25, 1982 proposal. The Commission carefully studied this testimony and implicitly decided, by issuing the October 4, 1983 Notice, to move ahead with a substantially modified rule rather than hold a legislative-type hearing. Although the Commission believed that the substantially modified rule would correct many of the problems associated with the original proposal, the Postal Service represents to us that the Commission still does not comprehend the situation. It is for this reason that on November 3, 1983, the Postal Service renewed its motion for a legislative-type hearing.

The Postal Service states in its renewed motion for a legislative-type hearing that it wishes to "cooperate fully with the Commission in fashioning a rule that both meets the Commission's needs and is fully workable in the context of postal data systems." The Commission strongly endorses the spirit

[1] Inquiries concerning this notice should be addressed to Mark Orr, Office of GATT Affairs, Office of the U.S. Trade Representative, Washington, D.C. 20506 (202) 395-3063

of cooperation and shares the Postal Service's interest in a thorough ventilation of any difficulties that the Postal Service would have with adoption of the proposed rule.

The Postal Service states that through a legislative-type hearing it will be possible to explore why the proposed rule is unworkable. In this connection, our experience in Docket No. MC76–5 aand in other proceedings indicates that it is desirable to sharpen issues to the fullest extent possible before embarking upon conference procedures in their various forms. Such procedures are often expensive and extremely time-consuming. Thus, we are asking the Service to file comments in response to our October 4 notice, specifying in them the deficiencies it perceives in the proposed rule.[1] Also we request that the Service supplement its response by advancing an alternative proposal which in its view fulfills to the maximum extent possible the Commission's objectives while at the same time not unduly burdening the postal data collection and reporting activities.

Rather than a legislative-type hearing, in order to provide a forum most conducive to a free exchange of ideas, it is our intent to hold an informal conference shortly after receipt of comments in response to this notice. After receipt of these comments, we will give notice of this informal conference. During this informal conference the Commission, Postal Service and interested persons may discuss the proposed rule. While this conference will be informal, it is the Commission's intent to follow an agenda and have a Commissioner act as moderator. It is further envisioned that the Service will begin the conference by making an initial presentation and then the conference will move forward to discuss salient points raised by the Service and other parties. The Service and interested parties may submit proposed agenda through December 9, 1983.

In this connection, we would briefly like to address the one example presented in the Renewed Motion as being an infirmity with the proposed rule. At p. 3 of its Renewed Motion the Postal Service indicates that by the time a rate case is filed there will have been changes in data collection systems that will make it impossible to replicate exactly the cost presentation upon which the Postal Service's filing and the Commission's subsequent opinion in the previous rate case were based. The Commission is keenly aware of the problems that arise when the Postal Service changes its data systems while an omnibus rate case is pending. In our Notice of Proposed Rulemaking, the Commission recognized that the existing data system may not be producing data allowing replication of methodological precedent. The Commission proposed as an interim measure that after the next omnibus rate case the Service file a report identifying areas where the then existing data systems do not generate the data critical to following methodological precedent established in the Commission's most recent Opinion and Recommended Decision. From this starting point, the notice provisions of the proposed rule will become operative. To the extent changes occur during future omnibus rate cases, the notice provisions of the proposed rule would be operative, thereby establishing the necessary foundation for Postal Service and Commission cooperation. We emphasize, it is our intent to avoid unnecessary duplication of activities in the Sercice's data systems while preserving our ability to follow the methods to attribute and assign costs adopted by the Commission in prior rate cases.

Finally, in the Renewed Motion at p. 4 the Service indicates that it does "not understand how the phrases 'changes * * * that would *preclude* the Commission' and 'to attribute and assign * * * *by the method* [or] *consistent with the method* used by the Commission' (emphasis added) would apply to particular instances." These phrases refer simply to changes in data collection and reporting systems which result in the Commisson being unable to follow the same methods, procedures and formulae to attribute and assign costs as it did in the last omnibus rate case. To illustrate, in Docket No. R80–1 and prior rate proceedings, administrative clerk costs (Cost Segment 3) were disaggregated into several functions (*e.g.*, accounting and auditing, data collection and processing, general office and clerical). Each function was analyzed separately to determine its cost variability with mail volume. In R80–1 IOCS data for an appropriate recent time period were used to estimate the total accrued costs of each of these administrative clerk functions. Now, hypothetically, if it were decided to collect administrative clerk costs in the aggregate, rather than by individual function, the proposed rule would require the Service to file notice of such a change with the Commission.

It is ordered:

1. In response to the Postal service's Renewed Motion of November 3, 1983, the Commission will hold an informal conference.

2. Interested persons may submit proposed agenda for said informal conference through December 9, 1983.

3. To the extent the Service or other parties do not support the proposed rule, or believe that serious practical difficulties are inherent in it, they are requested to provide alternative proposals.

4. Comments in response to the October 4, 1983 Notice of Proposed Rulemaking and in response to this Order may be filed through December 9, 1983.

By the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 83-31263 Filed 11-18-83; 8:45 am]

BILLING CODE 7715-01-M

[1] It is anticipated that additional time may be necessary to provide the type of comments anticipated in response to this Order. Thius, the Commission is extending the due date for comments from November 28, 1983, to December 9, 1983.

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s):

(1) Collection title: Medical Reports
(2) Form(s) submitted: G–3EMP, G–250, RL–11b
(3) Type of request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection
(4) Frequency of use: On occasion
(5) Respondents: Business or other for-profit, non-profit institutions, small business or organizations
(6) Annual responses: 28,000
(7) Annual reporting hours: 11,042
(8) Collection description: The Railroad Retirement Act provides disability annuities for qualified railroad employees whose physical or mental condition renders them incapable of working in their regular occupation (occupational disability) or any occupation (total disability). The medical reports will obtain information needed for determining the impairment.

Additional Information or Comments

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312–751–4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhauf (202–395–6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,

Director of Planning and Information Management.

[FR Doc. 83-30620 Filed 11-18-83; 8:45 am]

BILLING CODE 7905-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements for OMB Review

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before December 28, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

Copies: Copies of the proposed forms, the requests for clearance (S.F. 83), supporting statements, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20415, Telephone: (202) 653–8538

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395–4814

Forms submitted for review

Title: Disaster Business Loan Application
Form Nos.: SBA 5, 739A, and 1368
Frequency: On occasion
Description of Respondents: Business applicants for disaster assistance
Annual Responses: 5850
Annual Burden Hours: 16300
Type of Request: Extension (Burden Adjustment)

Title: Nomination for the Small Business Subcontractor of the Year Award
Form No.: 883
Frequency: Annually
Description of Respondent: Prime Contractors
Annual Responses: 209
Annual Burden Hours: 836
Type of Request: Extension

Dated: November 15, 1983.

Elizabeth M. Zaic,

Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 83-31272 Filed 11-18-83; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 09/09–5333]

MPI Financial Investment Corp.; Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR § 107.102 (1983)), for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

Applicant: MPI Financial Investment Corporation

Address: First Interstate Bank Building, 2001 Gateway Place, suite 400 West, San Jose, California 95110

The proposed officers, directors and stockholders of the Applicant are as follows:

Luu Trankiem, 401 Roma Vista Newport Beach, CA 92660; President, Chief Financial Officer and Director

Shun-Fei Mack, 1355 Lombard street, San Francisco, CA 94109; Chairman of the Board, Director, 100%

Alice Duc-Hien Mack, 1355 Lombard Street, San Francisco, CA 94109; Secretary

Robert Quang Lam, 1410 Graywood Drive, San Jose, CA 95129; Vice President, Managing Officer, and Director

The Applicant, a California corporation, with its principal place of business at First Interstate bank Building, 2001 Gateway Place, Suite 400 West, San Jose, California 95110, will begin operations with $530,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of California.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice should be published in a newspaper of general circulation in the San Jose, California area.

(Catalog of Federal Domestic assistance Program No. 59.011, Small Business Investment Companies.)

Dated: October 31, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-31271 Filed 11-18-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/687]

Department of State Advisory Committee on Oceans and International Environmental and Scientific Affairs; Open Meeting

The Department of State's Advisory Committee on Oceans and International Environmental and Scientific Affairs will meet at 9:00 AM on Monday, December 5, 1983 in Room 150 of the National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C. This meeting, with a break for lunch, is expected to end at approximately 3:30 PM.

At the meeting, responsible officials of the Department of State and members of the Advisory Committee will discuss the following subjects:

—American policy for commercialization of U.S. Government outer space activities;
—The acid rain dilemma;
—Population policy developments;
—The Non-Proliferation Treaty Review Conference; and
—The Reciprocating States Agreement on seabeds mining.

This meeting is to be open to the public. Members of the public will be admitted to the limits of the meeting room's seating capacity and will be given the opportunity to participate in the discussions according to the instructions of the Chairman.

People wishing further information on this meeting should direct their inquiries to Stephen Johnson of the Office of Science and Technology Support of the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs. Mr. Johnson may be reached by telephone on (202) 632–4068.

Dated: November 14, 1983.

James L. Malone,

Chairman.

[FR Doc. 83-31195 Filed 11-18-83; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice CM-8/685]

Study Group 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on December 7, 1983 in Room 330, 1200 19th Street, NW., Washington, D.C., from 9:30 a.m. until 12:30 p.m.

Study Group 11 deals with questions relating to television broadcasting. The agenda for the meeting is as follows:

1. Review of actions of the interim international meeting held in September, 1983;

2. Contributions for the final international meeting, scheduled for 1985;

3. Liaison appointments for Interim Working Parties relating to digital transmissions.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman. Request for further information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520; telephone (202) 632–2592.

Dated: November 8, 1983.

Earl S. Barbely,

Director, Office of International Communications Policy.

[FR Doc. 83-31193 Filed 11-18-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/686]

Study Group 10 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 10 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on December 7, 1983 in Room 330, 1200 19th Street, NW., Washington, D.C., from 2:00 p.m. until 4:00 p.m.

Study Group 10 deals with questions relating to sound broadcasting. The agenda for the meeting is as follows:

1. Review of actions of the interim international meeting held in September 1983;

2. Contributions for the final international meeting, scheduled for 1985;

3. Review of Interim Working Party activities.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman. Request for futher information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520; telephone (202) 632–2592.

Dated: November 8, 1983.

Earl S. Barbely,

Director, Office of International Communications Policy.

[FR Doc. 83-31194 Filed 11-18-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM—8/684]

Shipping Coordinating Committee; Committee on Ocean Dumping; Meeting.

The Committee on Ocean Dumping, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on tueseday, December 6, 1983, in conference room 3906–3908 (Mall), Waterside Mall, Environmental Protection Agency, 401 M Street, SW., Washington, D.C.

The purpose of the meeting is to review the outcome of the seventh meeting or the Scientific Group on Dumping, a Marine Pollution by Dumping of Wastes and Other Matter (known as the London Dumping Convention), held in London on October 24–28, 1983. The agenda will also include review and discussion of draft U.S. position documents for the Ad Hoc Group of Legal Experts on Dumping, which will meet in London on December 12–14, 1983.

For further information, contact Ms. Norma Hughes, Executive Secretary, Committee on Ocean Dumping (WH-585), Environmental Protection Agency, Washington, D.C. 20460. Telephone: (202) 755–2927.

The Chairman will entertain comments from the public as time permits.

Dated: November 15, 1983.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 83-31192 Filed 11-18-83; 8:45 am]

BILLING CODE 4710-07-M

Office of the Secretary

[Public Notice CM-8/688]

National Bipartisan Commission on Central America; Closed Meetings

The National Bipartisan Commission on Central America will meet in closed sessions on Monday, November 21, and Tuesday, November 22, 1983. The meetings will commence at 10 a.m. and will be held in Room 1105, Department of State, Washington, D.C.

These sessions will be closed to the public pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b (c)(1) and (c)(9). The disclosure of classified material and revelation of considerations contributing to policy development could adversely affect U.S. foreign relations and would substantially undermine the conduct of U.S. foreign policy and the ability of the Commission to provide advice to the

President, the Secretary of State and the Congress. These additional meetings have been scheduled to supplement those previously announced (48 FR 40338, 48 FR 43755, and 48 FR 49720) to permit additional briefings and discussion. The meeting previously announced for December 3, 1983 has been cancelled.

In light of the requirement that the Commission report to the President in the near future, and the consequent need for the Commission to continue its deliberations without delay, it has been impossible to provide earlier notice of the meetings or to reschedule them to a later date.

Requests for further information should be directed to Sharon Mussomeli, Room 1004, Department of State. She may be reached by telephone on (202) 632–7804.

Dated: November 15, 1983.

Harry W. Shlaudeman,

Executive Director.

[FR Doc. 83-31406 Filed 11-18-83; 8:45 am]

BILLING CODE 4710-29-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. S-747]

Lykes Bros. Steamship Co., Inc.; Application

Notice is hereby given that Lykes Bros. Steamship Company, Inc. (Lykes), a wholly-owned subsidiary of Interocean Steamship Corporation, has filed an application, dated October 26, 1983, for early termination of Lykes' Operating-Differential Subsidy Agreement (ODSA), Contract No. MA/MSB–451. Lykes has 44 vessels eligible for subsidy and currently provides service to Northern Europe on Trade Route 21; the Mediterranean on Trade Route 13 and Trade Area 4; Africa on Trade Route 15–B; South America on Trade Route 31; and the Far East on Trade Routes 29, 17 and 22. ODSA No. MA/MSB–451 is currently due to expire on December 31, 1998.

Lykes has proposed to forego what it estimates to be $3.5 to $4.5 billion in subsidy over the remaining 17 years of its contract, in exchange for eight annual installments of $137 million each. Lykes would agree to continue as a U.S.-flag operator and to provide service between U.S. ports and overseas areas with U.S.-flag vessels for a period of time to be agreed upon. Lykes also expects to maintain or upgrade its services through a fleet modernization program commencing in about 1986 with the delivery of up to six container vessels of 2,500 TEU capacity for its Far East service and three to four container/bulk vessels for its Mediterranean service. Service improvements could come earlier if suitable existing vessels can be found. Lykes also proposes to construct a portion of the vessels under the modernization program in domestic shipyards, provided MARAD agrees to provide additional subsidy termination payments, within contract limitations, until the additional expenses incurred by U.S. construction have been recouped by Lykes.

Lykes indicates that, following the implementation of the vessel modernization program presently contemplated, its anticipated vessel deployment and service frequency will be as follow:

Service	Estimated number of vessels	Maximum annual sailings
Far East	5/6	50/55
Mediterranean	3/4	24/28
Africa	4	24/28
South America	3	24/28
Northern Europe	3	26/30

The application may be inspected during normal business hours in the Office of the Secretary, Maritime Subsidy Board/Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. Interested parties who desire to comment on Lykes' application may submit their views in writing to the Secretary, Maritime Subsidy Board at the address above, in triplicate, at or before 5:00 P.M. on December 7, 1983. Any request for a hearing shall identify the issues and basis for such hearing with as much specificity as possible. All timely responses will be considered in the evaluation of Lykes' application. After such consideration MARAD will take such actions as may be deemed appropriate with respect thereto, which may or may not include a hearing.

(Catalog of Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS))

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: November 16, 1983.

Georgia P. Stamas,

Secretary.

[FR Doc. 83-31269 Filed 11-18-83; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

On November 9, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535–6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue, N.W., Washington, D.C. 20220.

Bureau of Public Debt

OMB Number: 1535–0056
Form Number: PD 1461
Type of Review: Extension
Title: Application for Recognition of a Voluntary Guardian of the Incompetent Owner of Registered Securities and for Disposition of the Securities and Interest Therein.

OMB Number: 1535–0053
Form Number: PD 1014
Type of Review: Existing Regulation
Title: Certification of Incumbency of Corporate or Organizational Officers.

OMB Number: 1535–0049
Form Number: PD 1006
Type of Review: Extension
Title: Specific Power of Substitution Under Power of Attorney Granted to an Individual to Dispose of Registered Securities.

OMB Number: 1535–0050
Form Number: PD 1003
Type of Review: Extension
Title: Power of Attorney by a Corporation or Unincorporated Association Authorizing Disposition of Registered Transferable Securities.

OMB Number: 1535–0054
Form Number: PD 1048–1
Type of Review: Extension
Title: Supplemental Statement in Support of an Application for Relief on Account of Loss, Theft, or Destruction of U.S. Savings and Retirement Securities.

OMB Number: 1535–0051
Form Number: PD 1001
Type of Review: Extension

Title: Power of Attorney for Individual Authorizing Disposition of Registered Transferable Securities.

OMB Number: 1535–0042
Form Number: PD 2216
Type of Review: Extension
Title: Application for Preferred Creditor for Disposition Without Administration Where Deceased Owner's Estate Includes Registered Securities
OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Cathy Thomas,

Departmental Reports Management Office.

November 9, 1983.

[FR Doc. 83-31226 Filed 11-18-83; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: November 15, 1983.

On November 15, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535–6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue, N.W., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0115
Form Number: 1099–MISC
Type of Review: Revision
Title: Statement for Recipients of Miscellaneous Income

OMB Number: 1545–0199
Form Number: 5306–SEP
Type of Review: Revision
Title: Application of Approval of Prototype Simplified Employee Pension-SEP

OMB Number: 1545–0120
Form Number: 1099–G
Type of Review: Revision
Title: Statement for Recipients of Certain Government Payments

OMB Number: 1545–0169
Form Number: 4461 and 4461–A
Type of Review: Revision
Title: Application for Approval of Master of Prototype Defined Benefit Plan. Application Approval of Master of Prototype Defined Contribution Plan
OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Bureau of Government Financial Operations

OMB Number: 1510–0045
Form Number: TFS–150
Type of Review: Extension
Title: Trace Request for EFT Payment

OMB Number: 1510–0046
Form Number: TFS–5088
Type of Review: Extension
Title: Form Letter to an Individual Requesting Clarifying Information for a Remittance Sent to Treasury

OMB Number: None
Form Number: TFS–3796
Type of Review: Existing Collection
Title: Form Letter Requesting Additional Information
OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Cathy Thomas,

Departmental Reports, Management Office.

[FR Doc. 83-31227 Filed 11-18-83; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 225
Monday, November 21, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

AFRICAN DEVELOPMENT FOUNDATION

November 15, 1983.

TIME AND DATE: 9 a.m., November 29, 1983.

PLACE: Conference Room, Foreign Service Club, 2101 E. Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Organization and Operation of the African Development Foundation (ADF). This is the third meeting of the Board of Directors of the ADF.

CONTRACT PERSON FOR MORE INFORMATION: Douglas Robbins, ADF Liaison Office (703) 235–1882.

Dated: November 15, 1983.

Douglas D. Robertson,

Acting General Counsel of the African Development Foundation.

[S–1614–83 Filed 11–17–83; 10:51 am]

BILLING CODE 6116–01–M

2

AFRICAN DEVELOPMENT FOUNDATION

November 15, 1983.

TIME AND DATE: 7 p.m., November 28, 1983.

PLACE: State Plaza Hotel, 2117 E. Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Organization and Operation of the African Development Foundation (ADF). This is the second meeting of the Board of Directors of the ADF.

CONTACT PERSON FOR MORE INFORMATION: Douglas Robbins, ADF Liaison Office (703) 235–1882.

Dated: November 15, 1983.

Douglas Robertson,

Acting General Counsel of the African Development Foundation.

[S–1615–83 Filed 11–17–83; 10:51 am]

BILLING CODE 6116–01–M

3

COMMISSION ON CIVIL RIGHTS

PLACE: Room 800, 1121 Vermont Avenue NW., Washington, D.C.

DATE AND TIME: 2 p.m., Thursday, November 17, 1983.

STATUS OF MEETING: Conference call (open to public).

MATTERS TO BE CONSIDERED:

I. Federal Civil Rights Enforcement Budget Report Fiscal Year 1983
II. Final Report of the United States Commission on Civil Rights

PERSON TO CONTACT FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division, (202) 376–8312.

[S–1611–83 Filed 11–17–83; 8:49 am]

BILLING CODE 6335–01–M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., November 21, 1983.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Silver Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S.S–1613–83 Filed 11–17–83; 9:47 am]

BILLING CODE 6351–01–M

5

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, November 22, 1983.

PLACE: Commission Conference Room No. 200-C, Second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Vote/s.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83–8–FOIA–127–SL, concerning documents contained in an open charge file.
4. Freedom of Information Act Appeal No. 83–8–FOIA–51–BA, concerning a copy of a closed file alleging a violation of Title VII and the Age Discrimination in Employment Act.
5. Freedom of Information Act Appeal No. 83–9–FOIA–28–BI, concerning documents from a Title VII case file.
6. Freedom of Information Act Appeal No. 83–9–FOIA–128–ME, concerning portions of an investigative memorandum contained in a closed ADEA complaint file.
7. Proposed Amendment of the Privacy Act Systems of Records.
8. Proposed modification to Administrative Charge Process.
9. Proposed National Litigation Plan.

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 PERSONS FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634–6748.

Issued: November 15, 1983.

[S–1619–83 Filed 11–17–83; 11:48 am]

BILLING CODE 6750–06–M

6

FEDERAL COMMUNICATIONS COMMISSION

Closed Commission Meeting, Wednesday, November 23, 1983

November 16, 1983.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Wednesday, November 23, 1983 following the Open Meeting, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NE., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Applications for Review in the Ponce, Puerto Rico, FM radio comparative proceeding (BC Docket Nos. 81-808-10.

Hearing—2—Application for Review of Designation Order in the Concord, New Hampshire, comparative AM proceeding (MM Docket Nos. 83-505 and 83-506).

These items are closed to the public because they concern Adjudicatory Matters (See 47 CFR 0.603(j)).

The following persons are expected to attend:

Commissioners and their Assistants
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff.

Action by the Commission October 21, 1983. Commissioners Fowler, Chairman; Quello, Dawson and Rivera voting to consider these items in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: November 16, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1619-83 Filed 11-17-83; 10:53 am]

BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Wednesday, November 23, 1983

November 16, 1983.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, November 23, 1983, which is scheduled to commence at 9:30 AM., in Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item No. and Subject

General—1—*Title:* Future Private Land Mobile Telecommunications Requirements. *Summary:* Private Radio Bureau presents an information item to the Commission which discusses the future spectrum needs of the Private Land Mobile Radio Services. The memorandum summarizes the analyses in the Bureau's staff report *Future Private Land Mobile Telecommunications Requirements.*

General—2—*Title:* Spectrum Management Alternatives. *Summary:* The Chief, Office of plans and Policy presents an information item to the Commission which discusses alternative spectrum management techinques. The memorandum summarizes the analyses contained in two ORP *Staff Reports.*

General—3—*Title:* Technical Analysis of LM/TV Sharing Possibilities. *Summary:* This information item reports to the Commission on the study it requested in March 1982 on possibilities for further geographic sharing of UHF-TV channels by land mobile.

Private Radio—1—*Title:* Amendment of Subpart K of Part 90 of the Rules to permit the use of omnidirectional antennas with operational-fixed stations operating on assignments in the 450-470 MHz band, PR Docket 83-486, RM-4230. *Summary:* The FCC will consider whether to adopt a Report and Order allowing 450-470 MHz operational fixed stations to utilize unity gain omnidirectional antennas if they communicate with at least three receiving locations over at least 160° in azimuth.

Private Radio—2—*Title:* Report and Order in the Matter of the amendment of Subparts M and S of the Commission's Rules to revise the standards for assignment of frequencies in the 806-821 and 851-866 MHz bands for co-channel trunked systems in Northern California. *Summary:* The FCC will consider the issues raised in a petition from the California Trunking Interference Association concerning co-channel separation standards in Northern California.

Private Radio—3—*Title:* Report and Order in the matter of amendment of Part 90 of the Commission's rules regarding the allocation and assignment of radio frequency channels for a self-powered vehicle detector. *Summary:* The Commission will consider whether to allow the use of self-powered vehicle detectors on twenty Highway Maintenance Radio Service frequencies in the 47 MHz band on a secondary, non-interference basis.

Common Carrier—1—*Title:* Elimination of Annual Report of Miscellaneous Common Carriers (FCC Form P). *Summary:* Notice of Proposed Rulemaking proposing to eliminate the annual report of miscellaneous common carriers, FCC Form P.

Common Carrier—2—*Title:* Report and Order in Docket No. 82-37. *Summary:* The Commission will consider revisions in Sections 21.11(a) and 22.11(a) of its Rules, which govern ownership filing requirements of permittees and licensees in the Domestic Public Fixed Radio Service and the Public Mobile Radio Service. It will also consider revisions in FCC Form 430 (Common Carrier and Satellite Radio Licensee Qualification Report).

Common Carrier—3—*Title:* American Television Relay, Inc. (Refunds resulting from the findings and conclusions in Docket No. 19609). *Summary:* The Commission will consider an order further explaining the approach taken to calculate refunds ordered in *American Television Relay, Inc.* (ATR I), 63 FCC 2d 911 (1977), *recon.* responds to the judicial remand of the earlier Commission decision, *Las Cruces TV Cable v FCC*, 645 F. 2d 1041 (D.C. Cir. 1981).

Common Carrier—4—*Title:* Petitions for reconsideration of Memorandum Opinion and Order and Further Notice of Proposed Rulemaking in Docket No. 21499 (Group/Supergroup Order). *Summary:* Commission will consider AT&T's request that the Commission reconsider its requirement of a common rate schedule for all services using group and supergroup interexchange channels. The Commission will also consider Western Union's request for clarification as to whether the Order forecloses entities other than AT&T from providing local distribution facilities for group and supergroup interexchange channels.

Common Carrier—5—*Title:* Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry). *Summary:* This Report and Order institutes requirements and procedures relating to the detariffing of the Bell System's embedded CPE. Specifically, the Commission will consider: (1) Whether the embedded base should be detariffed at the time of the Bell System divestiture; (2) what terms and conditions should be established regarding the sale and lease of embedded equipment; (3) how the embedded CPE should be valued for purposes of sale offerings and removal from regulated service; and (4) whether intrasystem wiring should be transferred to AT&T—Information Systems.

Common Carrier—6—*Title:* Policy and Rules Concerning the Furnishing of Customer Premises Equipment, Enhanced Services and Cellular Communications Services and North American Telephone Association's Petition for Declaratory Ruling on the Requirement for Sale of Customer Premises Equipment by the Bell Operating Companies. *Summary:* The Commission will consider whether to impose the structural separation conditions of Computer II on the divested Bell Operating Companies' offer of customer premises equipment and enhanced services and whether to continue the structural separation conditions of the Cellular Rules on the divested Bell Operating Companies' offer of cellular services.

Audio—1—*Title:* License Renewal Applications of KPRS Broadcasting Corporation (KPRS) for Stations KPRT(AM) and KPRS-FM, Kansas City, Missouri. *Summary:* The Commission considers a petition to deny filed by Evelyn M. Gunn, Dennis Jackson, Linda Ford-Tellis, and the Kansas City Black Media Coalition, by and throught its Chairperson, Keith Hines, alleging that KPRS is providing only "minimal" public affairs programming and inadequate local news directed at the Black community. The petitioners also attack the content and length of the commercials presented by two of KPRS's advertisers. Finally, the petitioners claim that KPRS has not placed a programs/issues lists in the public file of either station as required by Section 73.3526(a)(14) of the Commission's Rules.

Video—1—*Title:* Amendment of Part 76, Subpart B of the Commission's Rules. *Summary:* Proposal to delete the requirement for cable operators to file registration statements, pursuant to Section

76.12 of the Commission's Rules, if they add television signals.

Video—2—*Title:* Application of the Best Broadcasting Company, Inc. For a new commercial television station to operate on Channel 18 in Farwell, Texas. *Summary:* The Commission will determine whether common ownership of AM, FM, and TV stations in Farwell would be in the public interest.

Video—3—*Title:* Application for Review filed by Buffalo Broadcasting Company, Inc., licensee of Station WIVB–TV, Buffalo, New York. *Summary:* The Commission will consider the application by CBS, Inc. for authority to deliver programming to Canadian broadcast stations.

Policy—1—*Title:* Substitution of UHF television Channel 29 for Channel 15 at Sacramento, California. *Summary:* The Commission will consider a request filed by Koplar Communications of California, Inc. seeking Commission review of a Bureau decision which assigned Channel 29 to Sacramento, California.

Enforcement—1—*Title:* License Renewal Application of Metroplex Communications of Florida, Inc. for Station WHYI(FM), Fort Lauderdale, Florida. *Summary:* Linda Silverstein filed a petition to deny alleging that the licensee misclassified female employees and engaged in discriminatory employment practices. The Commission considers petitioner's allegations.

Enforcement—2—*Title:* Equal Employment Opportunity (EEO) Program of Perry Cable TV Corporation employment unit, Riviera Beach, Florida. *Summary:* The Commission considers the extent to which Perry Cable has complied with the Commission's cable television EEO rules.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: November 16, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–1617–83 Filed 11–21–83; 8:45 am]

BILLING CODE 6712–01–M

8

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:53 p.m. on Tuesday, November 15, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the application of Union Bank and Trust Company, Lincoln, Nebraska, an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in Northeast Savings & Investment Company, Lincoln, Nebraska, a state-chartered, noninsured financial institution, and to establish the sole office of Northeast Saving & Investment Company as a branch of Union Bank and Trust Company.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: November 16, 1983.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S–1620–83 Filed 11–17–83; 1:34 pm]

BILLING CODE 6714–01–M

9

FEDERAL ENERGY REGULATORY COMMISSION

November 15, 1983.

TIME AND DATE: 10 a.m., November 22, 1983.

PLACE: Room 9306, 825 North Capitol Street N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTRACT PERSON FOR MORE INFROMATION: Kenneth F. Plumb, Secretary, telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; However, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—781st Meeting—November 22, 1983, Regular Meeting (10:00 a.m.)

CAP–1. Project No. 7010–001, Xenophon Enterprises

CAP–2. Project No. 7328–000, China Flat Co.

CAP–3. Project No. 4729–002, Marin Municipal Water District

CAP–4. Project No. 7225–000, Little Salmon River Estates, Inc.

CAP–5. Project No. 5206–003, David H. Scott and Andrea K. Scott

CAP–6. Project No. 7187–001, Pankratz Lumber Co.

CAP–7. Project Nos. 935–004, 005 and 006, et al., Pacific Power & Light Co.; Project Nos. 2791–004, 005 and 006, et al., Clark-Cowlitz Joint Operating Agency

CAP–8. Project Nos. 77–004 and 77–005, Pacific Gas & Electric Co.

CAP–9. Project No. 3503, James B. Howell

CAP–10. Project No. 6513–000, The Village of Winnetka, Illinois; Project No. 6892–002, The Village of Channahon, Illinois

CAP–11. Project No. 3195–005, Joseph Keating

CAP–12. Project No. 2845–002, Idaho Power Co.

CAP–13. Project No. 3118–000, Public Service Co. of New Hampshire; Project No. 3170–001, Franklin Falls Hydro Electric Corp.

CAP–14. Project Nos. 6442–000, 001 and 002, Lester Kelley, Vernon Ravenscroft; Project No. 6230–002, Helen Chenoweth; Project Nos. 7184–001, 002 and 003, Richard A. and Carole K. Sorensen; Project Nos. 6810–000, 001, 002, and 6811–000, 001, 002; Project No. 6702–001, Superior Oil Co.; Project No. 6591–002, Hi-Tech

CAP–15. Omitted

CAP–16. Project No. 7123–001, W. B. Deoreo and J. R. McLaughlin

CAP–17. Project No. 5867–003, Long Lake Energy Corp.; Project No. 4696–001, New York State Electric & Gas Corp.; Project No. 5665–001, Essex County Industrial Development Agency

CAP–18. Project No. 7570–002, Calaveras Public Utility District

CAP–19. Project No. 6982–001, Capital Development Co.

CAP–20. Project Nos. 2975–002, and 2005–000, Oakdale and South San Joaquin Irrigation District

CAP–21. Project No. 2113–006, Wisconsin Valley Improvement Co.

CAP–22. Docket No. HB55–74–1–002, Puget Sound Power & Light Co.

CAP–23. Docket Nos. ER80–259–001, 002, 004, ER80–793–000, 001 002, ER81–355–000, 001, ER81–356–000, 001, ER81–357–000, 001, Kansas Gas & Electric Co.

CAP–24. Docket Nos. ER76–304–008, ER76–317–000 and ER76–498–000, New England Power Co.

CAP–25. Docket No. ER78–414–009, Delmarva Power & Light Co.

CAP–26. Docket Nos. ER77–614–003 and ER77–614–004, Union Electric Co.

CAP–27. Docket Nos. ER80–363–003 and ER80–363–004, Delmarva Power & Light Co.

CAP–28. Docket No. EL83–24–000, Seminole Electric Cooperative, Inc.; Docket No. ER82–793–000, Florida Power & Light Co.

CAP–29. Docket No. ER83–765–000, Carolina Power & Light Co.

CAP–30. Docket No. ER83–766–000, New England Power Pool

CAP–31. Docket Nos. ER84–9–000 and ER84–10–000, Philadelphia Electric Co.

CAP–32. Docket No. ER84–8–000, Pennsylvania Power & Light Co.

CAP–33. Omitted

CAP–34. Docket Nos. ER82–412–001, ER83–348–000, ER83–349–000 and ER83–350–000, Kansas Gas & Electric Co.

CAP-35. Docket Nos. ER83-333-000,001 and ER83-351-000, 001, Dayton Power & Light Co.
CAP-36. Docket No. ER82-803-000, New York State Electric & Gas Corp.
CAP-37. Docket Nos. ER83-112-000 and ER83-136-000, Montaup Electric Co.
CAP-38. Docket No. QF83-261-000, Riverbay Corp.
CAP-39. Docket No. QF83-96-000, UOP Energy Recovery Corp. of Pinellas
CAP-40. Docket No. QF83-295-000, The Lawrence Park Heat, Light & Power Co.
CAP-41. Project No. 6167-003, Ronald Rulofson

Consent Miscellaneous Agenda

CAM-1. Eastern Edison Co.
CAM-2. Docket No. RM81-38-013, construction work in progress for public utilities
CAM-3. Omitted.
CAM-4. Docket Nos. RM80-73-004, 005, 006, 007, 008 and 009, delivery allowances under section 110 of the Natural Gas Policy Act of 1978; Docket Nos. RM80-74-004, 005, 006, 007, 008, and 009, gathering allowances under Sections 110 of the Natural Gas Policy Act of 1978
CAM-5. Docket Nos. RM79-76-214 (Wyoming-14) and RM79-76-215 (Wyoming-15), high-cost gas produced from tight formations
CAM-6. Docket No. RM79-76-209 (Wyoming—17), high-cost gas produced from tight formations
CAM-7. Docket No. GP82-46-001, Getty Oil Co.
CAM-8. Docket No. GP84-9-000, United States Department of Interior, Bureau of Land Management, NGPA Section 108 Determination, Getty Oil Co., Mexico Federal "M" No. 1 Well JD 83-47420, Jicarilla "C" No. 10 Well JD 83-47421
CAM-9. Docket No. GP83-39-000, Kansas Corp. Commission, Section 108 NGPA Determinations, Pan Eastern Exploration Co., Weese 1-1 Well, et al. [*See* Appendix A]. JD Nos. 83-17367, et al., State Docket Nos. K-82-0249, et al.
CAM-10. Docket No. GP83-38-000, State of Oklahoma, Section 103 NGPA Determination, Robert A. Mason, McGuire #1 Well, JD No. 83-05766, Jimmy W. Gray, Maness #1-19 Well JD No. 83-13758, Landers & Musgrove, Andrews #1 Well, JD No. 83-13768, Woods Petroleum, McDaniel #15-2 Well, JD No. 83-14791, Roy Edwards and Co., Edwards A. #5 Well, JD No. 14820, Western States Oil and Gas, Cermak #1 Well, JD No. 83-21823, Tuthill and Barbee, Simpson Walker #1-31 Well, JD No. 83-21793
CAM-11. Omitted

Consent Gas Agenda

CAG-1. Docket No. RP84-15-000, MIGC, Inc.
CAG-2. Docket Nos. RP84-16-000 and RP84-21-000, Locust Ridge Gas Co.
CAG-3. Docket No. RP84-17-000, Tennessee Gas Pipeline Co. a Division of Tenneco Inc.
CAG-4. Docket No. RP84-18-000, South Georgia Natural Gas Co.
CAG-5. Docket No. TA84-1-53-000 (PGA84-1), Kansas Nebraska Natural Gas Co.
CAG-6. Docket No. TA84-1-55-000 (PGA84-1), Mountain Fuel Resources, Inc.
CAG-7. Docket No. TA84-1-56-000 (PGA84-1), Valero Interstate Transmission Co.
CAG-8. Docket No. TA84-1-58-000 (PGA84-1), Texas Gas Pipe Line Corp.
CAG-9. Docket No. TA84-1-37-001 (PGA84-1) and (IPR84-1), Northwest Pipeline Corp.
CAG-10. Docket No. RP83-102-001, Robert Abrams, as Attorney General of the State of New York v. Texas Eastern Transmission Corp.
CAG-11. Docket No. TA84-1-33-004, El Paso Natural Gas Co.
CAG-12. Docket No. RP83-106-001, Transwestern Pipeline Co.; Docket No. RP81-130-006, et al., Transwestern Pipeline Co.; Docket No. RP83-113-001, Pacific Gas Transmission Co.; Docket No. RP83-135-001, Pacific Interstate Transmission Co.; Docket No. RP83-136-001, Pacific Offshore Production Co.
CAG-13. Docket Nos. RP77-62-023, RP80-97-013, RP80-97-031, RP80-97-32, RP81-54-015, RP81-54-016, RP81-54-017 RP82-10-003, and RP82-12-004 (Consolidated), Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-14. Docket Nos. RP79-10-002 and RP80-134-007, Great Lakes Gas Transmission Co.
CAG-15. Docket No. RP83-116-001, Colorado Interstate Gas Co. v. MIGC, Inc.; Docket No. TA83-2-47-001, MIGC, Inc.
CAG-16. Docket No. TA84-1-32-001 (PGA84-1), Colorado Interstate Gas Co.
CAG-17. Docket No. RP74-41-027 (RP78-87 and RP81-109), Texas Eastern Transmission Corp.
CAG-18. Docket No. RP82-14-000, Northwest Central Pipeline Corp.
CAG-19. Omitted
CAG-20. Docket No. RP73-63-001, Natural Gas Pipeline Co. of America and Napeco, Inc.
CAG-21. Docket No. TA84-1-47-000 and TA84-1-47-001, MIGC, Inc.
CAG-22. Docket Nos. RP82-46-004 and RP83-54-002, South Georgia Natural Gas Co.
CAG-23. Docket Nos. RP81-17-004 and RP82-117-005, Midwestern Gas Transmission Co.
CAG-24. Docket No. RP83-34-000, Great Lakes Gas Transmission Co.
CAG-25. Docket Nos. RP81-130-004, RP83-25-006, TA82-2-42-010, and TA83-1-42-002, Transwestern Pipeline Co.
CAG-26. Docket No. ST83-513-000, Producer's Gas Co.
CAG-27. Docket No. ST82-127-001, Liberty Natural Gas Co.
CAG-28. Docket No. ST83-544-000, Oklahoma Natural Gas Co. and ONG Western, Inc.
CAG-29. Docket No. CI83-32-001, NT Corp.; Docket No. CI83-385-001, Elf, Aquitaine, Inc.; Docket No. CI83-406-001, Arco Oil & Gas Co., Division of Atlantic Richfield Co.
CAG-30. Docket No. CS83-102-004, Graham Energy Ltd.
CAG-31. Docket Nos. CI81-178-005 and CI83-350-001, Exxon Corp.
CAG-32. Docket No. CS78-815-002, Intercity Management Corp. [Driscoll Production Co.]
CAG-33. Docket Nos. G-3653-005, et al., Sun Exploration &. Production Co., et al.; Docket Nos. G-3711-002, et al., Breton Resources Co., et al., Docket Nos. CI83-271-000, CI83-337-000, and CI83-350-000, Exxon Corp.
CAG-34. Docket Nos. CI70-1014-000 and RI75-66-000, Production Operators, Inc.
CAG-35. Docket No. CP81-155-003, City of Florence, Alabama v. Tennessee Gas Pipeline Co., a Division of Tenneco Inc., and Alabama-Tennessee Natural Gas Co.; Docket Nos. RP80-2-007 (Part I) and RP83-24-006, (Service Agreement Issue), Alabama-Tennessee Natural Gas Co.
CAG-36. Docket Nos. CP75-140-013 and 014, Pacific Alaska LNG Co., et al.; Docket Nos. CP74-160-011 and 012, Pacific Indonesia LNG Co., et al.; Docket Nos. CI78-453-002 and 003, Pacific Lighting Gas Development Co.; Docket Nos. CI78-452-002 and 003, Pacific Simpco Partnership
CAG-37. Docket Nos. CP83-374-001 and CP83-378-001, Texas Gas Transmission Corp.
CAG-38. Docket No. CP83-175-003, Tennessee Gas Pipe Line Co., a Division of Tenneco Inc.
CAG-39. Docket No. CP83-298-003, Columbia Gulf Transmission Co.
CAG-40. Docket No. CP77-402-008, Transcontinental Gas Pipe Line Corp.
CAG-41. Docket No. CP83-180-001, Montana-Dakota Utilities Co., complainant v. Colorado Interstate Gas Co., respondent
CAG-42. Docket Nos. CP83-64-001, CP83-64-002, CP83-175-002, CP83-304-001, CP83-190-001, and CP83-191-001, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-43. Docket No. CP76-362-004, et al., Texas Eastern Transmission Corp., et al.; Docket Nos. CP82-255-001 and 002, Transcontinental Gas Pipe Line Corp.
CAG-44. Docket No. CP80-581-000, and 001, Pataya Storage Co.; Docket No. CP81-308-000, El Paso Natural Gas Co.; Docket No. CP83-468-000, Mohave Gas Trust; Docket No. CP83-504-000, Southwest Gas Corp.
CAG-45. Docket No. CP83-14-014, Northern Natural Gas Co.
CAG-46. Docket No. CP83-462-000, Montana-Dakota Utilities Company
CAG-47. Docket No. CP83-458-000, Valley Gas Transmission, Inc. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-48. Docket No. CP83-408-000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-49. Docket No. CP83-406-000, United Gas Pipe Line Co.
CAG-50. Docket No. CP82-520-000, Trunkline Gas Co.; Docket No. CP82-123-000, Northern Natural Gas Co., Division of Internorth, Inc.
CAG-51. Docket No. CP83-60-000, Arkansas Louisiana Gas Co.
CAG-52. Docket No. CP64-208-000, Lone Star Gas Co., a Division of Enserch Corp.
CAG-53. Docket No. CP83-396-000, Texas Gas Transmission Corp.

Power Agenda

I. Licensed Project Matters

P-1. Omitted
P-2. Omitted
P-3. Project No. 2245-001, City of Vanceburg, Kentucky

P-4. Project No. 5207-000, City of Gillette, Wyoming; Project No. 6113-000, Wyoming Municipal Power Agency
P-5. Project No. 3564-000, City of Duchesne, Utah; Project Nos. 5059-000, and 4424-000, Central Utah Water Conservancy District; Project No. 4497-000, Water Power Co.; Project No. 5354-000, Utah Power & Light Co.
P-6. Omitted
P-7. Project No. 6167-001, Ronald and Janice Rulofson; Project Nos. 67-000, and 2085-000, Southern California Edison Co.; Project No. 2904-000, Cities of Anaheim and Riverside, California; Project No. 5570-000, T. Owen, F. Castagna and R. Bean; Project Nos. 5263-000, 5277-000, and 5280-000, Eastern Sierra Energy Development; Project Nos. 5688-000, 5380-000, 5381-000, 5382-000, 5384-000, 5385-000, 5386-000, 4936-000, and 5049-000, Modesto Irrigation District; Project No. 5910-000, City of Los Angeles and Department of Water and Power; Project No. 5914-000, Glacier Lodge; Project No. 6188-001, Camille E. Held, Walton B. Held, A. W. Stuart Trust, W. Titus Nelson and Dale E. Grenoble; Project Nos. 7230-000, and 7343-000, Birch Creek Hydro, Inc.; Project No. 4037-001, Richard C. Young and George R. Young; Project Nos. 4363-000, and 4379-000, Consolidated Hydroelectric, Inc.; Project No. 4662-000, J. Mark Nielsen; Project No. 4704-000, Joseph A. Mckinley; Project Nos. 4915-000, 4917-000, 5054-000, 5294-000, and 7090-000 Plumas County Flood Control Water Conservation District; Project Nos. 4929-000, 4838-000, and 4984-000, City of Rohnert Park, California; Project No. 5311-000, J. Mark Nielsen; Project Nos. 6281-000, and 7077-000, Frontier Land and Power Co.; Project No. 6791-000, Stony Creek Hydro; Project Nos. 7121-000, Lawrence Leland Johnson;
P-7. Project No. 4157-000, 4367-000, and 4396-000, Consolidated Hydroelectric, Inc.; Project Nos. 7326-000, 7249-000, and 7407-000, China Flat Co.; Project No. 7010-000, Xenophon Enterprises; Project No. 6783-000, Enviro Hydro, Inc.; Project No. 7146-000, Butte County; Project No. 6793-000, Stony Creek Hydro; Project No. 6148-000, Western Hydro Electric, Inc.; Project No. 6186-000, Birch Creek Hydro; Project No. 4739-000, Mac Hydro-Power Co., Inc.; Project No. 6144-000, Castle Power Association; Project No. 5864-000, West Slope Power Co.

II. Electric Rate Matters

ER-1. (a) Docket Nos. ER79-182-006 and ER80-106-003, Commonwealth Edison Co. (b) Docket No. ER79-150-008, Southern California Edison Co.
ER-2. Docket Nos. EF80-5011-005, and EF83-5011-000, Western Area Power Administration

Miscellaneous Agenda

M-1. Docket No. RM83-9-000, exemption from, and revisions to procedures governing collection and reporting of information concerning cost of providing retail electric service
M-2. Omitted
M-3. Docket No. RM80-31-001, water power projects and project works safety
M-4. Docket No. RM83-62-000, treatment of purchased power in the fuel cost adjustment clause for electric utilities
M-5. Reserved
M-6. Docket No. RM83-68-000, rules of practice and procedure: Revision of contested settlement procedures
M-7. Docket No. RM83-72-000, first sales of pipeline production under section 2(21) of the Natural Gas Policy Act of 1978; Docket No. RM82-16-000, first sales by affiliates
M-8. (a) Docket No. RM80-10-001, rule required under section 202 of the Natural Gas Policy Act of 1978; (b) Docket No. RM80-10-002, rule required under section 202 of the Natural Gas Policy Act of 1978
M-9. Docket No. RM83-3-001, reduction in filing requirements for well category applications under Section 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978

Gas Agenda

I. Pipeline Rate Matters

RP-1. Docket No. RP80-136-000, Southern Natural Gas Co.
RP-2. Docket No. TA82-2-9-009, et al. Tennessee Gas Pipeline Co.
RP-3. Docket No. RP83-22-000, El Paso Natural Gas Co.

II. Producers Matters

CI-1. Reserved

III. Pipeline Certificate Matters

CP-1Docket No. CP74-314-005, El Paso Natural Gas Co.; Docket No. CP76-327-000, Northwest Pipeline Co.; Docket No. CI77-526-000, Sun Oil Co., et al.
CP-2. Docket No. CP83-438-000, East Tennessee Natural Gas Co.
CP-3. Docket No. CP83-502-000, Tennessee Gas Pipe Line Co., a Division of Tenneco Inc.

Kenneth F. Plumb,

Secretary.

[S-1609-83 Filed 11-16-83; 4:23 pm]

BILLING CODE 6717-01-M

10

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Previously Held Emergency Meeting

TIME AND DATE: 3 p.m., Wednesday, November 16, 1983.

PLACE: 6th Floor, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTER CONSIDERED:

1. Notice of Suspension of Charter and Intent to Place Federal Credit Union into Involuntary Liquidation.

The Board voted that the Agency business required that a meeting be held with less the seven days advance notice.

The Board voted to close the meeting under exemptions (8), (9)(A)(ii) and (9)(B). The General Counsel certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

Rosemary Brady,

Secretary of the Board.

[S-1621-83 Filed 11-17-83; 2:30 pm]

BILLING CODE 7535-01-M

11

NEIGHBORHOOD REINVESTMENT CORPORATION REGULAR MEETING

TIME AND DATE: 2 p.m., Wednesday, November 23, 1983.

PLACE: Neighborhood Reinvestment Corporation, 1850 K Street NW., Washington, D.C. 20006.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATIOIN: Timothy S. McCarthy, Associate Director, Communications, 202-653-2705.

Agenda

I. Call to Order and Remarks of the Chairman
II. Approval of Minutes, September 30, 1983
III. Resolution: Regular Meetings of the Board, 1984
IV. Resolution: Sixth Annual Meeting
V. Executive Director's Report
VI. Treasurer's Report

[No. 31, November 16, 1983]

Deborah W. Smith,

Assistant Secretary.

[S-1612-83 Filed 11-17-83; 9:45 am]

BILLING CODE 0000-00-M

12

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of November 21, 1983, at 450 5th Street NW., Washington, D.C.

An open meeting will be held on Tuesday, November 22, 1983, at 9 a.m. in Room 1C30, followed by a closed meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(A) (4), (8), (9)(i) and (10).

Commissioners Evans, Longstreth and Treadway voted to consider the items

listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, November 22, 1983, at 9 a.m., will be:

1. Consideration of whether to rescind or amend certain rules under the Securities Exchange Act of 1934 to conform those rules with the elimination of the Commission's SECO program (i.e., direct regulation of broker-dealers who are not members of a SRO) effective December 6, 1983. For further information, please contact Katherine England at (202) 272–2411.

2. Consideration of what response to make to a petition for rulemaking under the Investment Company Act of 1940 relating to flexible premium variable life insurance, to request comments on the issues arising under the Act relating to this new type of insurance product and to publish petitioner's suggested exemptive rule while expressly taking no position with respect to that rule. For further information, please contact Thomas P. Lemke at (202) 272–2061.

3. Consideration of a rulemaking petition filed by the Association of data Processing Service organizations that the Commissin propose for comment a rule which would provide that an accounting firm would not be independent if it provided computer products or services to its audit clients. For further information, please contact Linda Griggs at (202) 272–2130.

The subject matter of the closed meeting scheduled for Tuesday, November 22, 1983, following the 9:00 a.m. open meeting, will be:

Formal orders of investigation
Institution of administrative proceedings of an enforcement nature
Institution of injunctive actions

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Robert Lipsher at (202) 272–3195.

November 15, 1983.

[S-1610-83 Filed 11-17-83; 8:50 am]

BILLING CODE 8010-01-M

13

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: 48 FR 50811, November 3, 1983.

STATUS: Closed meeting.

PLACE: 450 5th Street NW., Washington.

DATE PREVIOUSLY ANNOUNCED: Monday, October 31, 1983.

CHANGE IN THE MEETING: Additional item. The following item was considered at a closed meeting scheduled for Tuesday, November 8, 1983, at 9:30 a.m.:

Trading suspension.

Chairman Shad and Commissioners Evans, Thomas and Longstreth determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

November 16, 1983.

[S-1618-83 Filed 11-17-83; 11:56 am]

BILLING CODE 8010-01-M

federal register

Monday
November 21, 1983

Part II

Department of Transportation

Office of the Secretary
Federal Highway Administration

Minimum Levels of Financial Responsibility for Motor Carriers of Passengers; Delegations of Authority; Final Rule

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-187]

Organization and Delegation of Powers and Duties; Federal-Aid Highway Act of 1982 and Bus Regulatory Reform Act of 1982

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: This amendment delegates to the Federal Highway Administrator and the Urban Mass Transportation Administrator functions vested in the Secretary by the Federal-Aid Highway Act of 1982, and to the Federal Highway Administrator functions vested in the Secretary by sections 18 and 25(c) of the Bus Regulatory Reform Act of 1982.

DATES: The effective date of this amendment is May 20, 1983 for 49 CFR 1.48(c)(18), and October 18, 1982 for 49 CFR 1.48(z).

FOR FURTHER INFORMATION CONTACT: Robert L Ross, Office of the General Counsel, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

The Federal-Aid Highway Act of 1982 (October 15, 1982; Pub. L. 97-327) vests certain authority in the Secretary of Transportation related to the construction and financing of highways. It also amends section 401(a) of the Surface Transportation Assistance Act of 1978 to extend the applicability of the "Buy America" provision of that statute.

To carry out her responsibilities under the Act, the Secretary is delegating to the Federal Highway Administrator all functions vested in the Secretary by the Act, except those which relate to the "Buy America" restriction imposed upon the programs of the Urban Mass Transportation Administration.

The Bus Regulatory Reform Act of 1982 (Pub. L. 97-261; September 20, 1982) vests in the Secretary of Transportation two responsibilities—under section 18 to develop minimum levels of financial responsibility for motor carriers of passengers and under section 25(c) to conduct a rulemaking to determine the propriety of the use of citizens band radio by motor common carriers of passengers regulated by the Interstate Commerce Commission. Both of these functions are being delegated to the Federal Highway Administration, which includes the Bureau of Motor Carrier Safety.

List of Subjects in 49 CFR Part 1

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

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

1. In § 1.48(c)(1), ", as amended," is inserted immediately after "Title IV".

2. In § 1.48, a new paragraph (18) is added at the end of paragraph (c), and a new paragraph (z) is added at the end of the section, to read as follows:

§ 1.48 Delegations to Federal Highway Administrator.

The Federal Highway Administrator is delegated authority to—

* * * * *

(c) Administer the following laws relating generally to highways:

* * * * *

(18) The Federal-Aid Highway Act of 1982 (Pub. L. 97-327), except section 6 as it relates to matters within the primary responsibility of the Urban Mass Transportation Administrator.

* * * * *

(z) Carry out the functions vested in the Secretary by sections 18 and 25(c) of the Bus Regulatory Reform Act of 1982 (Pub. L. 97-261; September 20, 1982).

§ 1.51 [Amended]

3. In § 1.51(l), ", as amended," is inserted immediately after "Title IV".

Authority: 49 U.S.C. 322.

Issued in Washington, DC, on November 16, 1983.

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 83-31368 Filed 11-18-83; 9:07 am]

BILLING CODE 4910-62-M

Federal Highway Administration

49 CFR Part 301

Delegation of Authority Relating to Motor Carrier Safety

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The authority to prescribe minimum levels of financial responsibility for motor carriers of passengers was vested in the Secretary of Transportation by the Bus Regulatory Reform Act of 1982 (Pub. L. 97-261) effective September 20, 1982. Elsewhere in today's **Federal Register**, is a final rule published by the Office of the Secretary of Transportation delegating to the Federal Highway Administrator the authority to carry out the functions vested in the Secretary by Section 18 of the Bus Regulatory Reform Act of 1982 (Pub. L. 97-261), relating to establishment of minimum levels of financial responsibility for motor carriers of passengers (49 CFR 1.48(z)). By this document, this authority is being further delegated from the Federal Highway Administrator to the Associate Administrator for Safety, Traffic Engineering, and Motor Carriers and then from the Associate Administrator to the Director of the Bureau of Motor Carrier Safety. The Bureau of Motor Carrier Safety is the entity within the Federal Highway Administration primarily responsible for all other programs dealing with motor carriers of passengers.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practices, notice and public comment on it are not required and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

The Federal Highway Administration has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation.

No new or additional economic impacts are expected from this rule. Accordingly the preparation of a regulatory evaluation is not required. For the above reasons and under the criteria of the Regulatory Flexibility Act, it is hereby certified that this action will not have a significant economic impact on a substantial number of small entities.

PART 301—[AMENDED]

In consideration of the foregoing, and under the authority of Section 18, Pub. L. 97-261, 94 Stat. 793, 49 U.S.C. 1655, and 49 CFR 1.48, 49 CFR 301.60 is amended by revising paragraphs (d)(1)(i) and (e)(1) to read as follows:

§ 301.60 Delegations of authority relating to motor carrier safety.

* * * * *

(d) * * *
(1) * * *
(i) Perform the functions, powers, and duties enumerated in § 1.48, paragraphs (a), (d), (e), (f), (g), (h), (k), (p), (u), (v), (w), and (z) in Part 1 of this title.
* * * * *
(e) * * *
(1) Perform the functions, powers, and duties enumerated in § 1.48, paragraphs (a), (d), (e), (f), (g), (h), (k), (p), (u), (v), (w), and (z) in Part 1 of this title except the powers to call a matter for a hearing, appoint a hearing officer, and issue a final decision under Part 386 of this chapter.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

List of Subjects in 49 CFR Part 301

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

Issued on: November 17, 1983.

R. A. Barnhart,

Administrator, FHWA.

[FR Doc. 83-31367 Filed 11-18-83; 9:07 am]

BILLING CODE 4910-22-M

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49 CFR Part 387

[BMCS Docket No. MC-107; Amdt. No. 81-13]

Minimum Levels of Financial Responsibility for Motor Carriers of Passengers

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This document amends 49 CFR Part 387 by adding a new Subpart B to establish minimum levels of financial responsibility for for-hire motor carriers of passengers involved in interstate or foreign transportation. This document further provides for the implementation and enforcement of the regulations. This action is in accord with the provisions of Section 18 of the Bus Regulatory Reform Act of 1982.

EFFECTIVE DATE: November 19, 1983 except that the endorsement requirement of § 387.39 will not be enforced until 90 days after publication or approval by the Office of Management and Budget, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426-9767; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426-0346; Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA has determined that this document does not contain a major rule under Executive Order 12291. It has further been determined that it contains a significant regulation under the regulatory policies of the Department of Transportation.

A regulatory evaluation and a regulatory flexibility analysis is available for review in the public docket. A copy may be obtained by contacting Mr. Neill L. Thomas at the address provided above under the heading **"FOR FURTHER INFORMATION CONTACT."**

The statute requires the new minimum levels of financial responsibility to take effect on November 19, 1983. This document establishes the required limits of liability which will satisfy the statutory requirements and provides for the implementation and enforcement of the requirements. The highest levels provided for in the Bus Regulatory Reform Act will take effect on November 19, if publication of this document should be delayed beyond that date. Such delay would be likely to cause substantial disruption for both the insurance and motor carrier industries.

In light of the statutory deadlines, the FHWA finds good cause to publish this document without a 30-day delay in effective date.

Background

On September 20, 1982, the President signed the Bus Regulatory Reform Act of 1982, Pub. L. 97-261 (the Act). Section 18 of the Act establishes minimum levels of financial responsibility covering public liability and property damage for the transportation of passengers by for-hire motor vehicles in interstate or foreign commerce.

The Act establishes minimum levels of financial responsibility that must be met by affected persons as of November 19, 1983 unless the Secretary of Transportation issues regulations that require higher or lower levels. The Secretary may promulgate those regulations to require higher levels and the Secretary's authority to reduce these levels is limited. The statute precludes the Secretary from reducing the minimum levels below specified levels and provides that the authority to impose reduced levels applies only to a period of up to 2 years beginning either on: (1) The effective date of the rule provided that the rule is made effective by November 19, 1983, or (2) the 366th day after the effective date of Section 18 of the Act provided a rule is made effective 1 year after enactment or later.

The purpose of the financial responsibility provision of the Bus Regulatory Reform Act of 1982 is to create additional incentives to motor carriers to operate their buses in a safe manner and to assure that they maintain adequate levels of financial responsibility sufficient to satisfy claims covering public liability and property damage. The legislative history of Section 18 indicates a congressional belief that the establishment of minimum levels of financial responsibility to enhance safety will also ensure that adequate sources of compensation are available to compensate those who may be injured while traveling by bus. It is also believed, given the interstate nature of many motor carrier operations, a single Federal standard for financial responsibility coverage will be more efficient for carriers and more equitable and certain for consumers.

The FHWA published a notice of proposed rulemaking (NPRM) in the **Federal Register** on Tuesday, May 31, 1983 (48 FR 24147), concerning the minimum levels of financial responsibility for motor carriers of passengers. The NPRM requested comments and information concerning what limits would best meet the requirements of the Act.

A total of 10 comments were received in response to the NPRM from bus and insurance companies and one State as shown below.

1. American Insurance Association,
2. Professional Insurance Agents,
3. American Bus Association,
4. Greyhound Lines, Inc.,
5. United Bus Owners of America,
6. R. W. Harmon & Sons, Inc.,
7. New Ulm Bus Lines,
8. Bill Rohrbaugh's Charter Service Inc.,
9. Charter Bus Unlimited, and
10. State of Michigan's Department of Transportation. The following is a discussion of the final rule.

Purpose, Scope and Applicability (§§ 387.25 and 387.27—Subpart B)

The minimum levels of financial responsibility requirements, covering public liability and property damage, apply to for-hire motor carriers of passengers involved in interstate or foreign commerce.

Section 18(f) of the Act specifically exempts the following:

1. A motor vehicle transporting only school children and teachers to or from school;

2. A motor vehicle providing taxicab service and having a seating capacity of less than 7 passengers and not operated

on a regular route or between specified points; and

3. A motor vehicle carrying less than 16 individuals in a single, daily round trip to commute to and from work.

It should be noted that the language of the Act clearly indicates that motor vehicles for-hire, carrying 16 or more individuals, even in a single, daily round trip to commute to and from work, are subject to these rules.

The legislative history of Section 18 indicates that the purpose of requiring increased levels of financial responsibility is to enhance safety. The NPRM quoted the congressional belief that "the public will be better served by the proposed limits, especially considering that motor carriers would have greater incentives to create and maintain more effective safety programs to help keep their premiums lower." (48 FR 24147).

In its comments, the American Insurance Association (AIA) discounts the belief that increased insurance will enhance safety. It states "The principal function of insurance is not safety. No amount of insurance will curtail driver error which is the dominant factor in a vast majority of motor vehicle accidents." Further it states that the residual market mechanism is available to provide insurance to any motor carrier, regardless of its accident experience, and that Congress is in error to expect higher insurance levels to enhance safety.

The comments of the AIA, the Professional Insurance Agents (PIA), and New Ulm Bus Lines, share the belief that the higher limits will have an adverse effect on safety. They stated that the increased levels would place economic pressure on small carriers since many operate on a tight budget. New Ulm Bus Lines points out that "More money will have to be spent for insurance and those dollars will have to come from other areas such as maintenance and vehicle replacement." The PIA also suggests that this substantial financial burden cannot easily be passed on in increased bus fares because many buses are presently competing with lower cost van pools. The AIA asserts that while large carriers can offset increased premiums, small carriers will cut into optional cost items such as safety programs.

Other comments were received which support the intent and purpose of Section 18. Greyhound Lines, Inc., for example, stated its belief that higher premiums for unsafe carriers would encourage safe operations. Likewise, some commenters expressed the belief that increased insurance will act as a sort of safety net in the marketplace which has grown since the onset of deregulatory efforts. Charter Bus Unlimited (CBU) expressed concern for safety in light of eased entry and commented on what it referred to as many new carriers operating dilapidated buses with obvious safety defects with the statement "With larger dollar amounts of exposure, insurance companies would be likely to establish standards for the carriers they insure." It also feels that "carriers would have greater financial incentive to spend money and devote more effort to safety in an attempt to keep higher premiums from going higher."

The United Bus Owners of America (UBOA) expressed concerns similar to those of the CBU. UBOA offered its safety patrol's appraisal that "regulatory reform has generated no dramatic increase in human occupancy of mobile deathtraps; but that there has been a frightening increase in the number of such vehicles which bear imprimaturs of ICC certification."

Another commenter, Bill Rohrbaugh's Charter Service, Inc., expressed agreement with the purpose of Section 18. Its comments focus on the belief that the industry is being flooded with new operators who are buying outdated and obsolete equipment and who buy the minimum amount of insurance. This, it says, keeps their costs as low as possible as well as their charges to the general public.

The FHWA agrees with the commenters who focus on the need for the increased levels of financial responsibility in light of the eased entry generated by the Bus Regulatory Reform Act of 1982. The Act is intended to establish levels which are adequate to protect the public rather than, as some commenters assume, establish levels which are adequate to cover the carriers' assets and still provide for competitive rates.

The FHWA does not view this rulemaking as an opportunity to squeeze out the small carrier who has little operating capital or to mandate levels which will ease competition for those carriers whose fares are being undercut. The principal question which the FHWA has addressed is what levels provide "adequate protection" for the public without creating undue economic burden or disruption in the transportation and/or insurance industries. It should be noted that not only does Section 18 require the Secretary to focus on safety without creating undue economic burdens on the affected industries, but so does Executive Order 12291, dated February 17, 1981. Further, the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, September 19, 1980; 5 U.S.C. 601; et seq.) requires more flexible regulatory approaches for small business entities.

In accordance with these requirements, a regulatory evaluation/regulatory flexibility analysis has been prepared. The finding contained in this document will be discussed in the section of this preamble entitled "Financial Responsibility, Minimum Levels" (§ 387.33).

Definitions (§ 387.29)

The NPRM stated the FHWA's intent to use definitions for this subpart, particularly those referencing terminology commonly used in the insurance industry, identical to those found in 49 CFR 387.5. It was explained that these definitions were developed with the assistance of the insurance and motor carrier industries during an earlier rulemaking action concerning liability requirements for motor carriers of property.

Only one totally new definition was introduced in the NPRM. The definition was for "seating capacity", a term used in Section 18 to differentiate between vehicle size and liability limits. No comments were received in response to the proposed definition of this term and it will be adopted in this rule.

Another definition found in the NPRM, however, generated a significant response from the commenters. The term, "for-hire carriage," was defined in the NPRM as "transportation of passengers by motor vehicle except when (a) The passengers are transported by a person engaged in a business other than transportation; and (b) The transporation is within the scope of, and furthers a primary business (other than transportation) of the person." This is similar to the definition used in 49 CFR 387.5 to define "for-hire carriage" of property.

The ABA, the State of Michigan's Department of Transportation, and the CBU all submitted comments opposing the use of this definition for the transportation of passengers. The general concern of these commenters revolves around the belief that the proposed definition leaves too many loopholes for buses used by businesses such as gambling houses, hotels, camps, and amusement parks.

The ABA contends that "the need to define 'for-hire carriage' only applies to property carriers—the need for which arose to curb the operations of pseudo-private carriers who used 'buy and sell' transactions to circumvent ICC regulation." To support its comments it cites an ICC Decision (No. MC-C-10797) in which the ICC declared that the

primary business test has no relevance to passenger transportation.

While such a Declaratory Order by the ICC has little bearing on the definitions used by the FHWA, it is believed that the definition used in this rule should be consistent with that used by the ICC. By adopting the same definition as that used by the ICC, the FHWA is sure to include all of the for-hire carriers Congress intended while alleviating the possibility of including any carriers intentionally omitted by Congress. It is also believed to be to everyone's advantage if the definition is consistent for both the economic and safety applications.

It has, therefore, been determined that the definition of "for-hire carriage" for this subpart means a common or contract carrier of passengers.

Financial Responsibility Required (§ 387.31)

Congress clearly mandated that no motor carrier of passengers subject to the Act will operate a motor vehicle until the motor carrier has obtained and has in effect the mimimum levels of financial responsibility as required by the Secretary.

The NPRM proposed that policies of insurance, surety bonds, and endorsements required under this section shall remain in effect continuously until terminated. Cancellation may be effected by the insurer or the insured motor carrier giving 35 days notice in writing to the other. It also proposed to allow the motor carrier the right to obtain adequate coverage for a finite period (e.g. coverage by binder) of time to cover any lapse in continuous compliance without triggering the 35 day cancellation requirement. No comments were received concerning this proposal.

No comments were received to the proposed requirement that (an) endorsement(s) be attached to insurance policies for the purpose of assuring the insured that all criteria of Section 18 of the Act have been met in the policy. Nor were there any responses to the proposal that surety bonds on a prescribed form, using prescribed language, would be permitted in lieu of the policy of insurance and required endorsement.

The requirement for proof of coverage (Endorsement(s) or Surety bond) will not create an undue paperwork burden on the insurance industry as it consists of a single page form using simple language. Further, the FHWA believes that the benefits of having the endorsement attached to an insurance policy far outweigh any considerations against it, since it would provide confirmation of full coverage to the motor carrier and the public at a glance.

The proof of financial responsibility, whether it be an endorsement attached to a policy of insurance or a surety bond, will be required to be kept at a motor carrier's principal place of business. This proof will be required to be available to the public upon reasonable request for review. Such availability is in keeping with the intent of Congress to provide protection to the public. It would also provide the assurance needed by a lessor of a motor vehicle that the minimum levels of financial responsibility have been met by a motor carrier.

Financial Responsibility, Minimum Levels (§ 387.33)

The NPRM requested information from the regulated industry to assist the FHWA in its assessment of what limits will best protect the public's safety without seriously disrupting transportation service. It was stated that the initial findings of the draft regulatory evaluation indicated that the lowest levels permitted by the Act were adequate to cover liability claims in the majority of cases.

All but one of the comments received from the bus industry took exception to the concept of reduced levels for the 2-year phase-in period.

UBOA, which provides insurance for its membership, noted that in its three regional membership meetings held in February 1983, the "attendees were enthusiastic in their support of the $5 million floor." It adds that its members carry insurance as a spontaneous act of investment protection.

Similarly, the ABA commented, "The 46 Class I motor carriers of passengers who acounted for approximately 90% of all scheduled intercity passenger miles in 1981 already carry liability insurance in excess of $5 million per bus." Therefore, it says, "The industry's excess capacity will not be significantly reduced by minimal increases in insurance costs."

In addition to these comments from bus associations, a small carrier, Charter Bus Unlimited which, it says, has only one bus, supports the high limits. It says, "Contrary to what some of your printed matter states, the high levels of insurance are not so expensive that it would prevent small businessmen from entering or remaining in the bus business." It continues, "The argument that small businesses would be hurt by higher premiums is wrong, because all bus companies have to pay for the same level of insurance. Each company has the opportunity to enjoy a lower premium by instituting safety programs that will lower its frequency and value of claims."

The comments of Bill Rohrbaugh's Charter Service, Inc. reflect the same belief. The company states that the "reduction of limits will hurt a lot of small carriers who believe in giving quality service and try to carry enough insurance in case an accident occurs."

Another argument offered by several of the commenters who support the highest levels concerns the need for adequate coverage when a catastrophic accident occurs. These commenters suggest that the passengers would be left without adequate financial recourse. UBOA, for example offers: "Should the unthinkable happen, all investments, capital and social, will be taken from a calamity-stricken carrier who is underinsured . . ." It stresses that the $2.5 million limit would provide an estimated $62,500 per passenger in the event of an accident. This, it states, is too low.

The ABA focused on the Triangle, Virginia accident of February 18, 1981 which resulted in claims of around $15 million. This, it says, demonstrates the need for the highest limits. It should be noted that even the highest limits prescribed in the Act would not cover these claims.

To further justify their belief that the highest levels are necessary and would not negatively affect small business, Greyhound Lines and ABA submitted cost estimates for purchasing the increased levels.

ABA states, "To the extent that higher minimum levels of insurance would discourage entry, the impact is negligible with respect to increases from $2.5 million to $5 million." It continues, "After the first million dollars of coverage, the cost of each additional million dollars of coverage up to $5 million would be only $300 per million for an operator of 20 buses or less depending to some extent, of course, on his or her experience. For operators of 21 to 40, 41 to 60, and 61 to 80 the additional cost would be only $600 per million, $700 per million, and $800 per million, respectively.

Greyhound offered similar information. It stated, "Generally, the incremental cost of insurance above the $2.5 million limit for carriers operating vehicles with a capacity of 16 passengers or more is small when compared to the increased coverage. It is reasonable to expect that the average bus company could obtain $2.5 million of excess insurance coverage (in addition to the base $2.5 million of insurance coverage) for 20–30% of the cost of insuring the base $2.5 million."

Both Greyhound and ABA assert the belief that the FHWA offered no substantial justification for reduced levels.

The comments received from the American Insurance Association (AIA) and the Professional Insurance Agents (PIA) take strong exception to the concept of requiring the highest levels. Generally, they state that the public safety will be adequately protected by the lower "phase-in" limits and that the lower limits will indeed prevent a serious disruption in transportation service.

In defense of its belief that the public will be adequately protected by the lower limits, the AIA reiterates that less than one one-hundredth of one percent (0.01%) of all commercial accidents result in damages in excess of $500,000. Further, AIA suggests that the implementation of the high limits may actually create a danger to the public. It asserts "Insurance cost associated with high minimum limit requirements will form an increased portion of the motor carrier's operating costs. While many of the large, established carriers may be able to offset these increased costs through additional revenues, the new or small carrier may not have this luxury. Some mandatory costs, such as fuel, licenses and taxes, cannot be decreased. However, optional cost items like safety programs, preventive maintenance and upgrading of equipment are controllable and may be reduced by the motor carrier of passengers. Reducing these operating expenses may well be the only alternative for the carrier who has newly obtained operating authority and must compete for business through lower rates. Any reductions in the area of maintenance, upgrading of equipment and vehicle inspections could well be detrimental to the public safety."

The AIA also takes exception to the congressional intent to enhance the safety with the higher levels of financial responsibility requirements. The AIA explains that all carriers have access to insurance, regardless of their experience. It explains, ". . . while insurers may refuse to provide coverage in the voluntary market due to poor accident history, financial instability, or failure to meet the minimum safety standards, *all* (emphasis supplied) motor carriers have access to insurance through a residual market mechanism. Residual insurance market mechanisms are available in all fifty States to serve motor carriers of both property and passengers. It must provide the limits and coverages required by law as long as a valid operator's license remains in effect and the policy premium is paid. Since the residual market risk is not subject to ordinary insurance cancellation provisions, the primary incentive to comply with a safety program—loss of coverage—is nonexistent."

The PIA's comments address additional concerns. It states "Increasing the limits so dramatically in such a short period of time would cause economic concern to many small carriers. As many small businesses, they are operated on a tight budget, facing much competition. The cost of going from current limits to the required maximum would be a substantial financial burden, not easily passed on in increased bus fares."

The PIA also asserts that motor carriers of passengers have a better safety record than motor carriers of property. It says "This is in the self-interest of the passenger carrier. Bodily injury and death claims from passenger accidents are far more costly than most property damage claims. Hence, the owner/operator is keenly aware of his responsibility and sizeable exposure. Also, the type of vehicle used to carry passengers is easier to handle in emergency situations. It is less subject to uncontrollable weight shifts and severe fishtailing or jack-knifing as are trailer/platform trucks."

In light of the foregoing, it is evident that there are very diverse views concerning what can reasonably be considered "protection of the public." For those who oppose implementation of reduced levels, it appears that the public can be adequately protected only if motor carriers are insured to levels adequate to cover "worst case" accidents. This, of course, would be an ideal situation for a number of reasons, such as providing adequate awards to injured parties as well as protecting the assets of the motor carrier involved in such an event.

On the other hand, those commenters who favor implementation of reduced levels appear to consider the minimum levels reasonable protection since those limits cover liability claims in the vast majority of cases.

The FHWA agrees with those in opposition that "worst cast" accidents can and do occur. It is also understood, as pointed out in their comments, that these catastrophic accidents result in liability claims which can be above even the highest minimum levels mentioned in Section 18.

The FHWA feels confident that the Congress was fully aware of the catastrophic accidents which have occurred over the past decade or so when it passed the Bus Regulatory Reform Act. The Congress, in passing the Act, called for minimum levels of financial responsibility to enhance safety and adequately protect the public. It can, therefore, be reasonably deduced that the Congress' intent for reasonable protection did not include those damages incurred as a result of an extremely limited number of "worst cast" accidents.

Analysis of the FHWA's accident statistics as found in the final regulatory evaluation/regulatory flexibility analysis reveals that, on a per accident average, the societal costs appear to be very low in this industry. The data show that the annual fatality rate per accident ranged from .08–.11 for ICC regulated passenger carriers over the six year period 1976–81. The average number of injuries per accident ranged from 2–8 in accidents involving property damage under $20,000, and from 7–17 in more serious property damage accidents. In 4,473 accidents over the six year period, the average value of reported property damage amounted to $5,580 per accident. These accident data produced an average total societal cost of $115,000 for each interstate bus accident. The average societal cost moved upward from $110,700 in 1977 to $120,000 in 1981.

Data provided by the insurance industry which show that in 99.7 percent of accidents the average bodily injury claim did not exceed $9,000 and property damage claim did not exceed $14,000, tend to lead to the conclusion that the lowest limits allowed in Section 18 are adequate.

With all things considered (i.e., protection of the public, the stability of the bus industry, the ability of the insurance industry to provide the coverage and the particular needs of small and minority motor carriers), the question which begs to be answered is what *minimum* levels of financial responsibility are sufficient? We stress the word "minimum" as it has appeared since the inception of the Bus Regulatory Reform Act.

The FHWA firmly believes, based on its accident data and the data provided by the insurance industry, that with less than one one-hundredth of one percent of all commercial vehicle accidents resulting in claim settlements of more than $500,000, the lowest levels allowed in the Act are sufficient. This is not to say that the FHWA does not encourage motor carriers of passengers to maintain levels of liability coverage sufficient to cover their assets and fully protect their concerns. What is at issue here is the absolute minimum which must be maintained before a motor carrier of passengers subject to these rules may

operate its vehicles on the public highway system.

The minimum levels of financial responsibility may be met through aggregation of policies. The FHWA did not discuss the use of aggregation in the NPRM and several commenters took notice of the omission. All of the comments received concerning the use of aggregation supported it as an option. The FHWA agrees with these comments since aggregation is currently permitted under Part 387 as it relates to motor carriers of property and is viewed as a valuable option.

State Authority and Designation of Agent (§ 387.35)

No comments were received in response to the language proposed for this Section in the NPRM. The language proposed will, therefore, be adopted in this rulemaking.

Fiduciaries (§ 387.37)

No comments were received in response to the proposed language for coverage of fiduciaries. FHWA is, therefore, adopting that language in this final rule.

Forms (§ 387.39)

No comments were received in response to the proposal to require an endorsement for policies of insurance and surety bonds. This requirement is, therefore, adopted in this final rule.

It should be noted however, both forms are currently under review by the Office of Management and Budget according to the Paperwork Reduction Act of 1980. Final action on these forms by OMB is expected within 90 days.

The BMCS recognizes the problem that the insurance industry will have in trying to get the required endorsements into the hands of its passenger carrier clients. Time is needed to satisfy the endorsement requirement. In view of this, the BMCS does not intend to enforce the requirement that passenger carriers have the endorsement(s) attached to their policies of insurance for 90 days from either the effective date of November 19, 1983 or the date OMB approves the forms, whichever is later.

It should be understood that this is in no way a relaxation of the minimum levels of financial responsibility. All passenger carriers must have the required minimum levels of financial responsibility as of November 19, 1983

Violation and Penalty (§ 387.41)

Congress included a civil penalty of up to $10,000 per violation to be assessed against any motor carrier proven to be in violation of the final regulations implementing Section 18.

List of Subjects in 49 CFR Part 387

Highways and roads, Motor carriers, Motor vehicles, Financial responsibility, Insurance, Penalties.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: November 17, 1983.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

In consideration of the foregoing and under the authority of Section 18 of the Bus Regulatory Reform Act of 1982, Pub. L. 97-261, 96 Stat. 1120 (September 20, 1982); 23 U.S.C. 315; and 49 CFR 1.48 and 301.60, the Federal Highway Administration is amending Title 49, Code of Federal Regulations, Subtitle B, Chapter III, by revising Part 387 as set forth below.

PART 387—MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

1. Sections 387.1 through 389.17 are designated as Subpart A "Motor Carriers of Property."

2. In Part 387, Subpart A, §§ 387.1; 387.3 (a), (b), and (c) (1) and (2); 387.5; 387.7(a); 387.9; 387.11; 387.15; and 387.17 are amended by removing the words "this part" and inserting in their place the words "this subpart".

3. Subpart B is added to Part 387 to read as follows:

Subpart B—Motor Carriers of Passengers

Sec.

Authority: Sec. 18, Pub. L. 97-261, 96 Stat. 1120 (September 20, 1982); 49 U.S.C. 10927 Note; 49 CFR 1.48 and 301.60.

Subpart B—Motor Carriers of Passengers

§ 387.25 Purpose and scope.

This subpart prescribes the minimum levels of financial responsibility required to be maintained by for-hire motor carriers of passengers operating motor vehicles in interstate or foreign commerce. The purpose of these regulations is to create additional incentives to carriers to operate their vehicles in a safe manner and to assure that they maintain adequate levels of financial responsibility.

§ 387.27 Applicability.

(a) This subpart applies to for-hire motor carriers transporting passengers in interstate or foreign commerce.

(b) *Exception.* The rules in this subpart do not apply to—

(1) A motor vehicle transporting only school children and teachers to or from school;

(2) A motor vehicle providing taxicab service and having a seating capacity of less than 7 passengers and not operated on a regular route or between specified points; and

(3) A motor vehicle carrying less than 16 individuals in a single daily round trip to commute to and from work.

§ 387.29 Definitions.

As used in this subpart—

Accident—includes continuous or repeated exposure to the same conditions resulting in public liability which the insured neither expected nor intended.

Bodily injury—means injury to the body, sickness, or disease including death resulting from any of these.

Endorsement—an amendment to an insurance policy.

Financial responsibility—the financial reserves (e.g., insurance policies or surety bonds) sufficient to satisfy liability amounts set forth in this subpart covering public liability.

For hire carriage—transportation performed by a motor carrier.

Insured and principal—the motor carrier named in the policy of insurance, surety bond, endorsement, or notice of cancellation, and also the fiduciary of such motor carrier.

Insurance premium—the monetary sum an insured pays an insurer for acceptance of liability for public liability claims made against the insured.

Motor carrier—means a motor common carrier and a motor contract carrier.

Motor common carrier—Means a person holding itself out to the general public to provide motor vehicle transportation of passengers for compensation over regular or irregular routes.

Motor contract carrier—means a person, other than a motor common carrier, providing motor vehicle transportation of passengers for compensation under continuing agreement with a person or limited number of persons.

Property damage—means damage to or loss of use of tangible property.

Public liability—liability for bodily injury or property damage.

Seating capacity—any plan view location capable of accommodating a person at least as large as a 5th percentile adult female, if the overall seat configuration and design and vehicle design is such that the position is likely to be used as a seating position while the vehicle is in motion, except for auxiliary seating accommodations such as temporary or folding jump seats. Any bench or split bench seat in a passenger car, truck or multi-purpose passenger vehicle with a gross vehicle weight rating less than 10,000 pounds, having greater than 50 inches of hip room (measured in accordance with SEA Standards J1100(a)) shall have not less than three designated seating positions, unless the seat design or vehicle design is such that the center position cannot be used for seating.

§ 387.31 Financial responsibility required.

(a) No motor carrier shall operate a motor vehicle transporting passengers until the motor carrier has obtained and has in effect the minimum levels of financial responsibility as set forth in § 387.33 of this subpart.

(b) Policies of insurance, surety bonds, and endorsements required under this section shall remain in effect continuously until terminated. (1) Cancellation may be effected by the insurer or the insured motor carrier giving 35 days notice in writing to the other. The 35 days notice shall commence to run from the date the notice is mailed. Proof of mailing shall be sufficient proof of notice. (2) *Exception.* Policies of insurance and surety bonds may be obtained for a finite period of time to cover any lapse in continuous compliance.

(c) Policies of insurance and surety bonds required under this section may be replaced by other policies of insurance or surety bonds. The liability of retiring insurer or surety, as to events after the termination date, shall be considered as having terminated on the effective date of the replacement policy of insurance or surety bond or at the end or the 35 day cancellation period required in paragraph (b) of this section, whichever is sooner.

(d) Proof of the required financial responsibility shall be maintained at the motor carrier's principal place of business. The proof shall consist of—

(1) Endorsement(s) for Motor Carriers of Passengers Policies of Insurance for Public Liability Under Section 18 of the Bus Regulatory Reform Act of 1982" (Form MCS–90B) issued by an insurer(s); or

(2) A "Motor Carrier of Passengers Surety Bond for Public Liability Under Section 18 of the Bus Regulatory Reform Act of 1982" (Form MCS–82B) issued by a surety.

(e) The proof of minimum levels of financial responsibility required by this section shall be considered public information and be produced for review upon reasonable request by a member of the public.

§ 387.33 Financial responsibility, minimum levels.

The minimum levels of financial responsibility referred to in § 387.31 of this subpart are hereby prescribed as follows:

Schedule of Limits

Public Liability

For-hire motor carriers of passengers operating in interstate or foreign commerce.

Vehicle seating capacity	Effective dates	
	Nov. 19, 1983	Nov. 19, 1985
(1) Any vehicle with a seating capacity of 16 passengers or more	$2,500,000	$5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less [1]	750,000	1,500,000

[1] Except as provided in § 387.27(b).

§ 387.35 State authority and designation of agent.

A policy of insurance or surety bond does not satisfy the financial responsibility requirements of this subpart unless the insurer or surety furnishing the policy or bond is—

(a) Legally authorized to issue such policies or bonds in each State in which the motor carrier operates, or

(b) Legally authorized to issue such policies or bonds in the State in which the motor carrier has its principal place of business or domicile, and is willing to designate a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any State in which the motor carrier operates; or

(c) Legally authorized to issue such policies or bonds in any State of the United States and eligible as an excess or surplus lines insurer in any State in which business is written, and is willing to designate a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any State in which the motor carrier operates.

§ 387.37 Fiduciaries.

The coverage of fiduciaries shall attach at the moment of succession of such fiduciaries.

§ 387.39 Forms.

Endorsements for policies of insurance (Illustration I) and surety bonds (Illustration II) must be in the form prescribed by the FHWA. Endorsements to policies of insurance and surety bonds shall specify that coverage thereunder will remain in effect continuously until terminated as required in § 387.31 of this subpart. The endorsement and surety bond shall be issued in the exact name of the motor carrier.

§ 387.41 Violation and penalty.

Any person (except an employee who acts without knowledge) who knowingly violates the rules of this subpart shall be liable to the United States for civil penalty of no more than $10,000 for each violation, and if any such violation is a continuing one, each day of violation will constitute a separate offense. The amount of any such penalty shall be assessed by the Director, Bureau of Motor Carrier Safety, by written notice. In determining the amount of such penalty, the Director shall take into account the nature, circumstances, extent, the gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of capability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

BILLING CODE 4910-22-M

Federal Highway Administration

Expiration Date
Form Approved
OMB No.

ENDORSEMENT FOR MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY UNDER SECTION 18 OF THE BUS REGULATORY REFORM ACT OF 1982

Issued to _____ of _____

Dated at _____ this _____ day of _____, 19____

Amending Policy No. _____ Effective Date _____

Name of Insurance Company _____

Countersigned by _____
Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "☒", for the limits shown.

☐ This insurance is primary and the company shall not be liable for amounts in excess of $ _____ for each accident.

☐ This insurance is excess and the company shall not be liable for amounts in excess of $ _____ for each accident in excess of the underlying limit of $ _____ for each accident.

Whenever required by the Bureau or the ICC, the company agrees to furnish the Bureau or the ICC a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the Bureau or the ICC, to verify that the policy is in force as of a particular date. The telephone number to call is: _____

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date the notice is received by the ICC at its office in Washington, D.C.).

DEFINITIONS AS USED IN THIS ENDORSEMENT

ACCIDENT includes continuous or repeated exposure to conditions which results in Public Liability which the insured neither expected nor intended.

BODILY INJURY means injury to the body, sickness, or disease to any person, including death resulting from any of these.

MOTOR CARRIER means a for-hire carrier of passengers by motor vehicle.

PROPERTY DAMAGE means damage to or loss of use of tangible property.

PUBLIC LIABILITY means liability for bodily injury or property damage.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a for-hire motor carrier of passengers with Section 18 of the Bus Regulatory Reform Act of 1982 and the rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety (Bureau) and the Interstate Commerce Commission (ICC).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to financial responsibility requirements of Section 18 of the Bus Regulatory Reform Act of 1982 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

The Bus Regulatory Reform Act of 1982 requires limits of financial responsibility according to vehicle seating capacity. It is the MOTOR CARRIER'S obligation to obtain the required limits of financial responsibility.
THE SCHEDULE OF LIMITS SHOWN ON THE REVERSE SIDE DOES NOT PROVIDE COVERAGE.
The limits shown in the schedule are for information purposes only.

SCHEDULE OF LIMITS
Public Liability
For-hire motor carriers of passengers operating in interstate or foreign commerce

Vehicle Seating Capacity	Effective Dates	
	Nov. 19, 1983	Nov. 19, 1985
(1) Any vehicle with a seating capacity of 16 passengers or more.	$2,500,000	$5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less.	$ 750,000	$1,500,000

U.S. Department of Transportation
Federal Highway Administration

Form Approved
OMB No.

MOTOR CARRIER PUBLIC LIABILITY SURETY BOND UNDER SECTION 18 OF THE BUS REGULATORY REFORM ACT OF 1982

PARTIES

Surety Company and Principal Place of Business Address	Motor Carrier Principal, I.C.C. Docket No., and Principal Place of Business Address

PURPOSE

This is an agreement between the Surety and the Principal under which the Surety, its successors and assignees, agree to be responsible for the payment of any final judgment or judgments against the Principal for public liability and property damage claims in the sums prescribed herein, subject to the governing provisions and following conditions.

GOVERNING PROVISIONS

(1) Section 18 of the Bus Regulatory Reform Act of 1982
(2) Rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety (Bureau)
(3) Rules and regulations of the Interstate Commerce Commission (ICC)

CONDITIONS

The Principal is or intends to become a motor carrier of passengers subject to the applicable governing provisions relating to financial responsibility for the protection of the public

This bond assures compliance by the Principal with the applicable governing provisions, and shall inure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for public liability or property damage claims (excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal, and the cargo transported by the Principal). If every final judgment shall be paid for such claims resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the applicable governing provisions, then this obligation shall be void, otherwise it will remain in full effect.

Within the limits described herein, the Surety extends to such losses regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety for each motor vehicle subject to the applicable governing provisions for each accident shall not exceed $_____, and shall be a continuing one notwithstanding any recovery thereunder.

The surety agrees, upon telephone request by an authorized representative of the Bureau or ICC, to verify that the surety bond is in force as of a particular date. The telephone number to call is: _____

This bond is effective from _____ (12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described herein. The Principal or the Surety may at any time terminate this bond by giving (1) thrity five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the Principal is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date notice is received by the ICC at its office in Washington, D.C.). The Surety shall not be liable for the payment of any judgment or judgments against the Principal for public liability or property damage claims resulting from accidents which occur after the termination of this bond as described herein, but such termination shall not affect the liability of the Surety from the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

_____
Date

(AFFIX CORPORATE SEAL)

_____
Surety

_____ , _____
City *State*

By _____

ACKNOWLEDGMENT OF SURETY

STATE OF _____ COUNTY OF _____

On this _____ day of _____, 19____, before me personally came _____, who, being by me duly sworn, did depose and say that he resides in _____; that he is the _____ of the _____ the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; that he signed his name thereto by like order, and he duly acknowledged to me that he executed the same for an on behalf of said corporation.

_____
_____
Title of offical administering oath

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S. 461/Pub. L. 98-150

To amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes. (Nov. 11, 1983; 97 Stat. 959) Price: $1.75

H.J. Res. 413/Pub. L. 98-151

Making further continuing appropriations for the fiscal year 1984. (Nov. 14, 1983; 97 Stat. 964) Price: $2.50

H.J. Res. 283/Pub. L. 98-152

Designating the week beginning November 6, 1983, as "National Disabled Veterans Week". (Nov. 15, 1983; 97 Stat. 983) Price: $1.50

S.J. Res. 122/Pub. L. 98-153

To designate the week of November 27, 1983, through December 8, 1983, as "National Home Care Week". (Nov. 15, 1983; 97 Stat. 984) Price: $1.50

S.J. Res. 188/Pub. L. 98-154

To designate the month of November 1983 as "National Christmas Seal Month". (Nov. 16, 1983; 97 Stat. 985) Price: $1.50

H.J. Res. 408/Pub. L. 98-155

Designating November 12, 1983, as "Anti-Defamation League Day" in honor of the league's seventieth anniversary. (Nov. 16, 1983; 97 Stat. 987) Price: $1.50

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[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).