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Tuesday
February 22, 1983

Selected Subjects

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

Onions Grown in South Texas; Amendment to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the continuing regulation§ 959.322 to extend from May 10 to June 1 of each year the ending date for grade and size requirements and the Sunday shipping prohibition. The regulation requires shipments of onions to fresh market to be inspected and meet minimum grade, size, pack and container requirements. The regulation promotes orderly marketing of such onions and keeps the less desirable quality and sizes from being shipped to consumers.

EFFECTIVE DATE: March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. Copies of the marketing policy are available from him.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act.

Information collection requirements contained in this regulation (7 CFR Part 959) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581–0074.

The rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not significantly affect costs for the directly regulated handlers.

Marketing Agreement No. 143 and Order No. 959, both as amended, regulate the handling of onions grown in designated counties in South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The South Texas Onion Committee, established under the order, is responsible for its local administration.

Notice was published in the January 3, 1983, **Federal Register** (48 FR 28) regarding the proposal. It afforded interested persons an opportunity to file written comments by February 2, 1983. One comment was filed. However, the comment was unrelated to the proposal and therefore was not acted upon.

Because requirements under this program have changed infrequently, in October 1981 the committee recommended, and the Secretary approved, a regulation which would continue in effect from marketing season to marketing season indefinitely unless modified, suspended or terminated by the Secretary upon recommendation submitted by the committee or other information available to the Secretary.

At its public organizational meeting in McAllen, Texas, on October 28, 1982, the committee recommended that the regulation continue in effect again this season with one change.

The committee recommended that the grade and size requirements and the Sunday shipping prohibition be extended through June 1 of each year. These requirements currently are in effect March 1 through May 10 of each year. However, committee members representing the Laredo and the Winter Garden districts, the two districts most directly affected by the change, believe it will improve the overall quality of onions marketed during this period. This will contribute to more orderly marketing of the South Texas onion crop.

Although the regulation being amended is effective for an indefinite period, the committee will continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Fruit and Vegetable Division before December 1, each year. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension or termination of the regulations on shipments of South Texas onions would tend to effectuate the declared policy of the act.

Findings. After consideraton of all relevant matters, including the proposal set forth in the notice, it is hereby found that the following amendment, as hereinafter set forth, will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 959

Marketing agreements and orders, Onions, Texas.

PART 959—ONIONS GROWN IN SOUTH TEXAS

The introductory test of § 959.322 *Handling regulation* (47 FR 8551, March 1, 1982) is hereby revised as follows:

§ 959.322 Handling regulation.

During the period beginning March 10 and ending on June 15 each season no handler may package or load onions on Sunday or handle any onions except red varieties, unless they comply with paragraphs (a) through (d) or (e) or (f) of this section. However, the requirements of paragraphs (a) and (b) and the Sunday prohibition shall terminate at 11:59 p.m. on June 1 of each season.

* * * * *

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

Dated: February 14, 1983 to become effective.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-4350 Filed 2-18-83; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 511

[No. 83-66]

Employee Responsibilities and Conduct

Dated: February 3, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board has amended provisions of Part 511 that are applicable to special Government employees. Previously, these provisions imposed greater restrictions than those contained in the regulations adopted by the Office of Personnel Management. Agency experience has shown that some of these restrictions were unnecessary and overly-restrictive, and they have been amended accordingly.

EFFECTIVE DATE: February 22, 1983.

FOR FURTHER INFORMATION CONTACT: William Van Lenten, (202) 377-6463, Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G St., N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 511.735-2(c) of the Board's General Regulations (12 CFR 511.735-2(c)) defines a "special Government employee" with reference to the definition contained in section 202 of Title 18 of the United States Code, Pub. L. 87-849, section 1(a), Oct. 23, 1962. The relevant portions of that definition characterize a special Government employee as an officer or employee of an independent agency who is retained, designated, appointed, or employed to perform, for not more than 130 days per year, temporary duties either on a full-time or intermittent basis.

The Board's regulations pertaining specifically to special Government employees are set forth in 12 CFR 511.735-25 through 511.735-29. Section 511.735-28 prohibits receipt or solicitation of gifts, loans, entertainment and favors during or in connection with the employment, with certain limited exceptions. This prohibition is overly-restrictive with regard to special Government employees, who ordinarily serve in advisory capacities or other non-policy-making functions, and the Board has therefore determined to amend the regulation to prohibit receipt or solicitation of such items solely as a result of such Government employment. Similarly, 12 CFR 511.735-29, regarding other regulatory provisions applicable to special Government employees, has been amended to eliminate reference to restrictions inappropriate to such employees.

The Board finds that the public notice and comment procedures of 5 U.S.C. 553(b) and 12 CFR 508.13 are unnecessary because the amendments pertain to Board management and personnel processes, and that the delay in effective date of 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary for the same reason.

Accordingly, the Board hereby amends Part 511 of Subchapter A, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

List of Subjects in 12 CFR Part 511

Conflict of interest.

SUBCHAPTER A—GENERAL REGULATIONS OF THE FEDERAL HOME LOAN BANK BOARD

PART 511—EMPLOYEE RESPONSIBILITIES AND CONDUCT

1. Revise § 511.735-28 as follows:

§ 511.735-28 Gifts, entertainment, and favors.

A special Government employee, while so employed or in connection with his or her employment, shall not because of said employment receive or solicit from a person having business with the Board, anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person.

2. Revise § 511.735-29 as follows:

§ 511.735-29 Other provisions applicable to special Government employees.

Sections 511.735-18, 511.735-21 and 511.735-22 of this Part shall be applicable to special Government employees.

(E.O. 11222; 3 CFR, 1964-1965 Comp.; 5 CFR 735.104)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-4396 Filed 2-18-83; 8:45 am]

BILLING CODE 6720-01-M

12 CFR Part 545

[No. 83-75]

Data Processing Activities of Federal Associations; Home Banking Services

Dated: February 10, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is amending its regulations to authorize federal associations to engage in a wider range of permissible data processing activities, to provide home banking services to their customers, and to utilize any data processing technology as a means of conducting their authorized activities. The amendments allow federal associations to provide certain data processing and transmission services for their own use, the use of other depository institutions, or of any person having a loan or deposit relationship with the association. Associations can provide data processing services to any other person if such services constitute less than one half the services provided by the associations. The amendments also authorize associations to market by-products generated from their data processing activities and excess capacity on their facilities as an incident to providing the described services. The amendments are intended to assist associations in engaging in additional data processing activities that will allow them to conduct their operations as efficiently and productively as possible, to provide such services to other institutions in certain circumstances, and to provide modern financial services to their customers as they become available for commercial use.

EFFECTIVE DATE: February 10, 1983.

FOR FURTHER INFORMATION CONTACT: Neil R. Crowley, Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552, (202) 377-6417.

SUPPLEMENTARY INFORMATION: On September 17, 1982, the Board proposed to amend 545.16-1 of its regulations (12 CFR 545.16-1) to allow federal associations to engage in a wider range of data processing activities and to state expressly that they may use any data processing technology or equipment in conducting their authorized business activities. The proposal also requested comment on whether it would be appropriate for the Board to authorize the provision of home banking services by federal associations. (FHLBB Res. No. 82-640; 47 FR 42366 (September 1982)).

The Board received thirteen comments on the proposed rule. Eight of these were from federally-chartered savings and loan associations, two were from savings and loan trade associations, two were from savings and loan data processing organizations, and one was from a trade association for data processing organizations. All but two of the commenters generally supported the proposed amendments. Most of the supporters, however, also urged the Board to relax the restrictions in the proposal and suggested revisions

to accomplish this. The data processing trade association contended that the proposal violated the Home Owners' Loan Act, as well as the Regulatory Flexibility Act. The comments are reviewed more fully below in the discussion of particular issues.

Home Banking

In conjunction with the proposed amendment of section 545.16–1, the Board noted that the application of electronic and data processing technology to customer services could allow associations to provide home banking services to their customers. Those commenters responding to this issue were in favor of allowing federal associations to provide such services. The Board believes that future advances in computer and communications technology will allow all depository institutions to provide their customers with the means of conducting transactions electronically from their homes. In order for federal associations to remain competitive with other financial institutions, the Board is adopting a new regulation, pursuant to section 5(a) of the Home Owners' Loan Act (HOLA), 12 U.S.C. 1464(a) (as amended by Pub. L. No. 97–320, section 31, 96 Stat. 1469 (1982)) authorizing the provision of home banking services. Because these services differ somewhat from data processing services provided pursuant to § 545.16–1, the Board has decided to incorporate the home banking authorization into a new § 545.4–3 rather than into § 545.16–1, as proposed.

Section 545.4–3 provides simply that a federal association may utilize electronic technology to provide its customers with home banking services. These services are defined broadly to mean the transfer of funds or financial information, or the performance of other transactions by a customer of the association through an electronic home terminal. A home terminal includes a telephone, a home computer, or a television set that provides a link to the association's computer by means such as telephone or cable television lines. The regulation provides, however, that associations must take adequate measures to prevent unauthorized access to the association or customer records, or use of the home terminal to defraud the association or any of its customers. It should be noted that a transfer of funds to or from a customer's asset account that is initiated by a home terminal is an electronic fund transfer and as such is subject to the Electronic Funds Transfer Act, 15 U.S.C. 1693 *et seq.*, and Regulation E of the Federal Reserve Board 12 CFR Part 205 (Supplement II—Official Staff Interpretation 2–23).

Data Processing

Technology

The Board proposed to amend 545.16–1 by adding a new paragraph (a), which would have provided expressly that federal associations may utilize any data processing equipment or technology in conducting their authorized business activities. This reflects the belief that, as a general matter, data processing is a technology, *i.e.*, a means of providing services, rather than a separate activity, and that its use is in substance no different from any other modern means of utilizing financial information. To that extent, the Board has concluded that associations should be permitted to employ developments in technology as they become available for commercial use.

The current regulations are silent on this matter and the Board believes that an express authorization will eliminate any question that federal associations may use data processing technology for such purposes. The commenters uniformly supported this aspect of the proposal, and the Board is adopting it substantially as proposed.

Services

Existing regulations permit federal associations to maintain an office to provide "data processing services" primarily for themselves and for other depository institutions. These services are, by definition, limited to the maintenance of bookkeeping, accounting, or other records. The proposal would have changed the possible recipients of these services to include a subsidiary of the association or the parent or subsidiary of another depository institution. The proposal also would have implicitly allowed associations to provide data processing services to nondepository financial intermediaries if such services constituted less than one half of the total services provided by the association. An association would have been permitted to provide data processing services to the public only to the extent that it had excess capacity on its facilities and complied with certain enumerated limitations.

In addition, the proposal would have deleted the definition of data processing services and replaced it with an authorization to provide such services if the data involved were financial, economic, or related to thrift, home financing, or the activities of depository institutions. Associations also would have been permitted to provide the necessary data processing facilities, such as hardware, software, and operating personnel, as part of their data processing services.

Most of those commenters responding, though generally supportive, believed that the limitations on data types and customers were unduly restrictive and suggested that they be deleted from the final regulation. The data processing trade association and one federal association, however, believed that the data and customer limitations were inadequate. The trade association further contended that the proposal effectively allowed associations to provide unlimited data processing services to the public and, in doing so, violated the Home Owners' Loan Act. The Board has decided to retain in the final regulation both the limitations on permissible data and, with some revision, those on customers.

Authorization

As adopted, paragraph (a) authorizes federal associations to use any data processing technology or equipment when engaging in permissible activities, and to provide data processing and transmission services in certain circumstances. The paragraph also states that associations may establish and maintain a data processing office to provide these services without observing the approval procedures for branch offices.

Data Limitations

Paragraph (b)(1) limits the authority to provide data processing services by restricting the types of data that may be processed or transmitted to data that are economic, financial, or related to thrift, home financing, or the activities of depository institutions.

The types of data listed in paragraph (b)(1) are all integral to the business operations of associations (including those of a parent or subsidiary), to dealings with borrowers and depositors, and to business relationships with other institutions. To the extent that associations, their parent companies, or subsidiaries need to utilize any of this information in the conduct of their business, associations may compile, analyze, and distribute it consistent with the authority provided by the HOLA. The means by which associations accomplish this, either manually or by means of data processing technology, is not a material consideration. The use of the enumerated types of information by associations and its dissemination to customers and other institutions is both necessary and useful to associations' business operations and aids in

furthering their statutory purposes. For that reason, the collection, use and provision of such information is within the scope of their authority.

Recipient Limitations

The amendments further limit the authorization in paragraph (a) by restricting the categories of recipients to whom associations may provide data processing services. Associations must provide the services primarily for their own use, for other depository institutions (including the parent or a subsidiary of either), or for persons having a loan or deposit relationship with the association. Associations may provide data processing services to these recipients in whatever percentages they desire, so long as the aggregate services exceed 50 percent of the total data processing services provided under paragraph (b). Because federal associations may only process data that are integral to their operations, the Board believes that associations may also provide data processing services to any other person if such services constitute less than one half of the services provided under paragraph (b).

An association may, consistent with its authority, provide the financial data processing services permitted by paragraphs (a) and (b)(1) to any recipient. The Board has adopted the customer limitations in paragraph (b)(2), however, as a means of further ensuring that associations will only provide data processing services consistent with the authority granted by the HOLA.

In response to one commenter's concern that associations could require borrowers to obtain data processing services from the associations as a condition of obtaining credit, the Board notes that the anti-tying provisions of the Garn-St Germain Depository Institutions Act, Pub. L. No. 97-320, section 331, 96 Stat. 1469 (1982), would apply whenever associations provide data processing services to customers in conjunction with an extension of credit. In addition, the restrictions on providing data processing services to other depository institutions are not intended in any way to limit the correspondent activities of associations authorized by 12 CFR 545.30 (1982).

Facilities Limitations

Paragraph (b)(3) pertains to the authority of federal associations to provide data processing facilities to others. In conjunction with providing the services authorized by paragraphs (a) and (b), associations may supply facilities, such as software, documentation, and operating personnel to their data processing customers. The regulation further requires that such facilities, as well as those used by the association, be designed and operated for the processing or transmission of permissible data (*i.e.*, that described in paragraph (a)). The Board believes that the provision of these facilities is incidental to the provision of data processing services, and that the restrictions are adequate to ensure that associations only engage in authorized data processing activities.

Although the regulations do not authorize the provision of data processing hardware, the Board notes that associations may provide computer hardware to others under the authority to invest in tangible personal property for rental or sale conferred by 12 U.S.C. 1464(c)(2)(A) (Pub. L. No. 97-320, § 330, 96 Stat. 1503 (1982)). The Board has recently proposed regulations that would implement the authority conferred by 12 U.S.C. 1464(c)(2)(A), 47 FR 2340 (January 19, 1983). Associations will possess authority to provide computer hardware to their data processing customers upon final action by the Board on that proposal.

By-Products and Excess Capacity

As a consequence of engaging in data processing activities, an association may generate by-products and have excess capacity available on its equipment. The Board believes that it should allow associations to market by-products and excess capacity in order to make the most efficient use of their data processing facilities. Accordingly, paragraph (c)(1) authorizes associations to market by-products of their data processing activities—including software or work products—to any person. The Board believes that it is reasonable to allow associations to market to anyone products legitimately developed in conjunction with their data processing activities and which have not been substantially enhanced for the purpose of marketing to third parties. Such flexibility allows the entire data processing operation (and, indirectly, the operation of the association) to become more cost-efficient. The only limitation is that such products must have been developed by the associations in providing services under paragraph (b).

For the same reason, the Board has decided to allow associations to market to the public the excess capacity on their facilities that they cannot use in providing services pursuant to paragraph (b). Any associations marketing excess capacity may do no more than furnish access to their facilities and provide the necessary operating personnel. Any person using the facilities may do so without restriction, but may not, due to the safeguards required by paragraph (d), have access to any data bases or other information of the associations or their customers.

The proposal would have allowed associations to provide data processing services to the public to the extent of the excess capacity available. As adopted, the amendments do not allow associations to provide any services to the public in conjunction with their excess capacity. Thus, federal associations may not provide unlimited data processing services to the general public. The only services that associations may provide to the public are those permitted under paragraphs (a) and (b), which are limited by the types of data that are permissible and the types of facilities that may be provided. Paragraph (c) further states that associations may not artificially create excess capacity by acquiring facilities that substantially exceed the associations' present or reasonably expected future data processing needs.

Controls

Paragraph (d) requires associations to adopt controls to ensure that the integrity of their records and those of the depositors and customers are protected. After reviewing comments received on this issue, the Board has decided not to specify the types of controls required. Instead, the regulation will require that controls be adopted, that they conform at a minimum to Generally Accepted Auditing Standards, and that the associations disclose to the customers the general nature of the measures taken prior to performing any services.

In considering the comments that expressed concern that associations might be able to engage in unlimited data processing activities under the authority of this regulation, the Board has decided that it would be appropriate to require that any contract for data processing services provided by associations incorporates the regulatory limitations prescribed herein. The intent of this provision is to make clear to both the associations and their data processing customers that the services available are limited to what is permitted by regulation.

Service Corporations

In conjunction with the amendments to § 545.16-1, the Board is amending its regulations pertaining to the permissible data processing activities for service corporations, 12 CFR 545.9-1(c)(2)(ix). At present, service corporations may

perform data processing services primarily for financial institutions. In light of the amendments allowing federal associations to engage in a wider range of data processing activities, these restrictions are no longer appropriate. Accordingly, the Board is amending § 545.9–1(c) to authorize service corporations to engage in data processing activities to the extent that is permissible for federal associations. This is consistent with Board policy and with the intent of Congress (expressed in the conference report on the Garn-St Germain Act) that service corporations may engage in those activities that are permissible for federal associations.

Final Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 19, 1980), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objective, and legal basis underlying the rule.* These elements have been incorporated into the supplementary information accompanying the rule.

2. *Small entities to which the rule will apply.* The rule applies only to savings and loan associations chartered by the Board.

3. *Impact of the rule on small institutions.* The rule grants the same authority to engage in data processing activities to both small and large associations. Any association with adequate resources may conduct data processing activities on its own. Smaller associations are able to do so by participating with others pursuant to § 545.16–1(f). If individual small associations choose not to engage in data processing activities, they may still benefit from the rule by obtaining whatever services they need from another association whose data processing facilities would be tailored to the needs of the thrift industry. The rule does not require specific recordkeeping or other paperwork that might be disproportionately burdensome on small institutions.

4. *Overlapping or conflicting Federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the rule.

5. *Alternatives to the rules.* The rule allows all federal associations to engage in data processing activities to the extent they are able or desire to do so. There is no alternative that would better enable smaller entities to engage in data processing activities.

One commenter contended that the initial regulatory flexibility analysis accompanying the proposal was inadequate in that it did not assess the competitive and economic impact of the amendments on small data processing firms, pursuant to the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 19, 1980). The language of the Act and its legislative history indicate that it was intended to eliminate the disparate, and often burdensome, impact of federal regulations on small entities subject to an agency's regulatory authority. There is nothing in either the statute or its history that evinces an intent to include within the required analysis the impact of a proposed regulation on entities not subject to the issuing agency's regulatory jurisdiction. Accordingly, the Board believes that it need not consider what effects, if any, the proposed regulation may have on small data processing organizations and that its initial analysis complied fully with the Act.

List of Subjects in 12 CFR Part 545

Savings and loan associations.

The Board has determined that the delay of the effective date provided by 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary in this instance because the amendments relieve restrictions on the authority to provide data processing services. The Board further believes that it is in the public interest for associations to be able to take immediate advantage of the authorization for home banking services.

Accordingly, the Board hereby amends Part 545, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Add a new § 545.4–3, as follows:

§ 545.4–3 Home banking services.

A Federal association may utilize any electronic technology to provide its customers with home banking services. Any such services provided under this section are subject to the Electronic Funds Transfer Act (15 U.S.C. 1693 *et seq.*) and Regulation E of the Federal Reserve Board (12 CFR 205) (as construed by Supplement II—Official Staff Interpretation, 2–23). "Home banking services" means the transfer of funds or financial information, or the performance of other transactions initiated by a customer by means of an electronic home terminal, such as a telephone, a home computer terminal, or a television set that is linked to an association's computer by telephone or cable television lines. An association providing services authorized by this section shall adopt security measures adequate to prevent unauthorized access to its records or those of its customers or the use of a home terminal to defraud the association or any of its customers.

2. Revise § 545.16–1 as follows:

§ 545.16–1 Data processing services.

(a) *Authorization.* A Federal association may engage in any permissible activity or service by using data processing equipment or technology, and may provide data processing and data transmission services to others on a for-profit basis as permitted by this section. An association may establish and maintain an office to provide such services to others without observing the application and approval procedures for branch offices set forth in this Part.

(b)(1) *Permissible data.* The data to be processed or transmitted by an association pursuant to paragraph (a) of this section must be financial, economic, or related to thrift, home financing, or the activities of depository institutions.

(2) *Customer restrictions.* An association must provide data processing and transmission services primarily for itself, other depository institutions (including the parent or a subsidiary of either), and persons with whom the association has established a loan or deposit relationship. An association may also provide such services to other persons if the services constitute less than one half of the data processing services provided under paragraphs (a) and (b) of this section.

(3) *Facilities.* In conjunction with providing services pursuant to paragraphs (a) and (b) of this section, an association may supply data processing software, documentation, and operating personnel. Any such facilities, as well as those used by the association, must be designed and operated for the processing or transmission of permissible data.

(c) *By-products and excess capacity.* As an incident to providing data processing and data transmission services pursuant to paragraph (b) of this section, an association may:

(1) Market by-products of such services (including software and compilations of data) to any person, only if the by-products are not designed, created, or substantially enhanced primarily for the purpose of such marketability, and

(2) Market excess capacity of its data processing facilities, provided that the involvement of the association is limited to furnishing access to its facilities and

providing the necessary operating personnel, and that the association has not artificially created excess capacity by acquiring equipment or facilities whose capacity is substantially greater than that necessary to accommodate its present or expected future needs for providing permissible data processing services.

(d) *Controls.* An association providing data processing services or marketing excess capacity to any person under this section shall establish internal and system controls for both hardware and software such that the integrity of its records and those of its depositors and customers are adequately protected. At a minimum, the controls shall be consistent with Generally Accepted Auditing Standards. Any agreement pursuant to which the association provides data processing services shall contain a provision that generally describes the security measures so taken.

(e) *Contract and tying restrictions.* Any contract for data processing services authorized by this section shall incorporate the relevant limitations specified herein and state that the association's facilities are to be used only for the processing and transmission of permissible data. An association providing such services under this section shall comply with the anti-tying provisions of 12 U.S.C. 1464(q) (Pub. L. No. 97–320, section 331, 96 Stat. 1469, 1503 (1982)).

(f) An association may participate with others in establishing or maintaining a data processing office: *Provided,* that the association may participate in establishing or maintaining a data processing office controlled by an entity not subject to examination by a Federal agency regulating financial institutions only if such entity has agreed in writing with the Board that it will permit and pay for such examination of the office as the Board deems necessary, and that it will make available for such purposes any records in its possession relating to the operation of the office.

3. Amend § 545.9–1 by revising paragraph (c)(2)(ix), redesignating paragraphs (c)(24) and (c)(25) as paragraphs (c)(25) and (c)(26), respectively, adding a new paragraph (c)(24), and changing the reference to "(c)(1)–(23)" in new paragraph (c)(25) to "(c)(1)–(24)", as follows:

§ 545.9–1 Service corporations.

* * * * *

(c) *Permitted activities.* * * *

(2) * * *

(ix) providing clerical, accounting, and internal auditing services;

* * * * *

(24) Engaging in data processing activities to the extent permissible for a Federal association;

(25) Activities reasonably incident to those listed in subparagraphs (c)(1)–(24) of this section;

(26) Such other activities reasonably related to the activities of Federal associations as the Board may approve.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 83-4396 Filed 2-18-83; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Part 563b

Amendments Relating to Conversion From Mutual to Stock Form

Dated: February 10, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is adopting amendments to its mutual-to-stock conversion regulations which will permit converting insured institutions to use a summary proxy statement in the solicitation of proxies for the meeting of members called to consider the conversion. A full proxy statement, prepared in accordance with the Board's Form PS, would be furnished any member requesting its receipt by returning to the converting insured institution a postage paid postcard atached to the summary proxy statement. The amendment is intended to reduce paperwork and cost burdens on institutions, while providing mutual members with all the information material to their consideration of a decision whether to convert to the stock form of organization.

EFFECTIVE DATE: February 15, 1983

FOR FURTHER INFORMATION CONTACT: Harry M. Zimmerman, Jr., Associate General Counsel and Director, Division of Securities and Corporate Analysis, Office of General Counsel, (202) 377–6459 or J. Larry Fleck, Deputy Director, (202) 377–6413, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: All insured institutions converting from the mutual to the stock form of organization are required to furnish members a proxy statement prepared in accordance with the Board's Form PS. This document, with attachments, ranges in size from approximately 70 to 140 pages. The amendments adopted today will permit converting institutions to use a summary proxy statement of approximately 12 to 16 pages in place of the full proxy, provided that (1) a proxy statement prepared in accordance with Form PS is furnished to any member requesting it, and (2) the meeting of members called to consider the proposed conversion is scheduled in such a manner as to reasonably ensure that the 20-to-45 day meeting notice requirement of the conversion regulations will be met when a member receives the proxy statement prepared in accordance with Form PS in response to a promptly returned request.

The Board believes that the summary proxy statement will provide mutual members with all information material to the decision on whether their institution should proceed to convert to the stock form pursuant to the Board's regulations and the plan of conversion adopted pursuant to those regulations. In that context, the mutual members are solicited to vote on the concept of conversion, not whether they wish to make the investment decision to purchase the conversion stock. Thus, it is not necessary that a member of a mutual association have all of the relevant information that he would need to make that investment decision when he is simply voting on the merits of converting the association from the mutual to stock form. The subsequent investment-decision solicitation will be made pursuant to an offering circular prepared in accordance with the Board's Form OC. Converting institutions using the summary proxy statement will, however, be required to provide a long-form proxy statement prepared in accordance with Form PS to mutual members desiring such supplemental information before they give their proxies.

The Board also is adopting certain conforming and technical amendments. Sections 563b.3(d)(6) and 563b.3(d)(7) have been revised to permit institutions commencing the subscription offering concurrently with the mailing to the voting members or to the non-voting members of the summary proxy statement or notice of conversion to attach to the summary proxy statement or notice of conversion a postage paid postcard or other written communication to request the receipt of the subscription offering circular. New § 563b.3(14)(i)(c) permits institutions to combine the proxy statement prepared in accordance with Form PS with the

offering circular prepared in accordance with the Form OC. Thus, under the amendments adopted today, a converting institution could mail to its members with a summary proxy statement a postcard that the member may return to receive a proxy statement prepared in accordance with Form PS. If an institution wished to commence the subscription offering concurrently with the mailing of the summary proxy statement, the subscription offering circular prepared in accordance with Form OC could be combined with the proxy statement prepared in accordance with Form PS and mailed to all members who requested its receipt either to make an investment decision on the purchase of stock, or to review supplemental information regarding the conversion prior to the granting of a proxy, or both.

Regulatory Flexibility Act Certification

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 (September 19, 1980), the Chairman certifies that the amendment will not have a significant impact on a substantial number of small entities. The regulations provide for the use of a summary proxy statement that will permit converting institutions to convert in a less burdensome and more efficient manner and generally give institutions greater flexibility. The Board believes that the amendments will benefit small institutions by enabling them to reduce the paperwork in a conversion and significantly reduce the cost of a conversion.

Because it is in the public interest to provide as expeditiously as possible for paperwork and other cost savings that will become available by allowing converting institutions the option of reducing the required filings in a conversion, the Board has determined that the notice and comment period and the 30-day delay of effective date following publication of the regulations pursuant to 12 CFR 508.11 and 15 U.S.C. 553(d) is unnecessary.

List of Subjects in 12 CFR Part 563b

Conversions, Savings and Loan Associations.

Accordingly, the Board hereby amends Part 563b of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563b—CONVERSIONS FROM MUTUAL TO STOCK FORM

1. Amend § 563b.3 by revising paragraphs (d)(6) and (d)(7) thereof and adding new paragraph (d)(14) thereto, as follows:

§ 563b.3 General principles for conversions.

* * * * *

(d) *Optional provisions in plan of conversion.* * * *

(6) That: (i) If the subscription offering is to be commenced concurrently with the mailing to association members pursuant to § 563b.6(c) of this Part of the proxy statement authorized for use by the Corporation, or is to be commenced within 45 days after the meeting of the association members held to vote on the plan of conversion, the proxy soliciting materials distributed to association members pursuant to § 563b.6(c) may include the statement that the converting insured institution is not required to furnish a subscription offering circular to an association member unless the association member returns by a reasonable date certain an attached postage paid postcard or other written communication requesting receipt of the subscription offering circular.

(ii) If the subscription offering is not commenced within 45 days after the meeting of association members, the converting insured institution may transmit, no more than 30 and no fewer than 10 days prior to the commencement of the subscription offering, to each association member who had been furnished with proxy soliciting materials written notice of the commencement of the subscription offering, which notice shall state that the converting insured institution is not required to furnish a subscription offering circular to an association member unless the association member returns by a reasonable date certain a postage prepaid postcard or other written communication requesting receipt of a subscription offering circular.

(7) That: (i) If the subscription offering is to be commenced concurrently with the mailing to association members pursuant to § 563b.6(c) of this Part of the proxy statement authorized for use by the Corporation, or is to be commenced within 45 days after the meeting of the association members held to vote on the plan of conversion, the notice distributed to eligible account holders and supplemental eligible account holders who are not voting members pursuant to § 563b.6(d) of this Part may include the statement that the converting insured institution is not required to furnish a subscription offering circular to an eligible account holder or supplemental eligible account holder who is not a voting member unless the eligible account holder or supplemental eligible account holder returns by a reasonable date certain an attached postage postcard or other written communication requesting receipt of the subscription offering circular.

(ii) If the subscription offering is not commenced within 45 days after the meeting of association members, the converting insured institution may transmit, no more than 30 and no fewer than 10 days prior to the commencement of the subscription offering, to each eligible account holder and supplement account holder who had been furnished with a notice pursuant to § 563b.6(d) written notice of the commencement of the subscription offering, which notice shall state that the converting insured institution is not required to furnish a subscription offering circular to an eligible account holder or supplemental eligible account holder unless the eligible account holder or supplemental account holder returns by a reasonable date certain a postage prepared postcard or other written communication requesting receipt of a subscription offering circular.

* * * * *

(14) *Summary proxy statement.* That: (i) The proxy statement required by § 563b.6(c) may be in summary form, *Provided:*

(*a*) A statement is made in bold-faced type on the notice to members required by § 563b.6(c) that a more detailed description of the proposed transaction may be obtained by returning an attached postage paid postcard or other written communication requesting the receipt of a proxy statement which has been prepared in accordance with the requirements of Form PS.

(*b*) The meeting of account holders called to consider the proposed conversion is scheduled in such a manner as to reasonably ensure that the notice requirement of § 563b.6(c) will be met when a member receives the proxy statement prepared in accordance with Form PS in response to a promptly returned request provided for in paragraph (d)(14)(i)(*a*) of this section.

(*c*) The proxy statement prepared in accordance with Form PS and required to be furnished members by paragraph (d)(14)(i)(*a*) of this section may be combined with Form OC if the subscription offering is commenced concurrently with or during the proxy solicitation period pursuant to paragraph (d)(1) of this section.

(ii) The summary proxy statement shall be prepared in accordance with the following requirements:

(a) All of the requirements of Form PS shall be met, with the exception of the following:

(1) *Item 6. Remuneration and Other Transactions with Management and Others.*

(2) *Item 7. Business of the Applicant.* Paragraphs (c) through (m), and (o).

(3) *Item 15. Financial Statements.*

(4) *Item 16. Consents of Experts and Reports.* Paragraph (b).

(b) The disclosure requirements of Items 8(j), 9, and 14 of Form PS may be prepared in summary form.

(c) The disclosure requirements of Item 5 may be met through disclosure of the names, ages, and present occupations of all directors and executive officers.

(d) The plan of conversion shall not be required to be attached to the summary proxy statement under Item 17.

(e) Include the statement contained in § 563b.8(u) of this Part.

(Sec. 409, 94 Stat. 160. Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1464) as amended by P.L. 97-320; Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-4362 Filed 2-18-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 71 and 73

[Airspace Docket No. 82-ASO-55]

Establishment of Temporary Restricted Areas, Camp LeJeune, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action designates temporary restricted areas in the vicinity of Camp LeJeune, NC, to contain hazardous air activity associated with a major joint military services exercise. Applicable areas are included in the Continental Control Area. This action prohibits unauthorized flight operations by nonparticipating aircraft within the restricted areas during their designated times of use. This action also makes effective associated nonrulemaking action to establish temporary military operations areas (MOA) in support of the exercise.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: George Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8777.

SUPPLEMENTARY INFORMATION:

History

On December 20, 1982 (47 FR 56656), and subsequently corrected on January 20, 1983 (48 FR 2549), the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary restricted areas identified as R-5505A through G, Camp LeJeune, NC, to contain hazardous air activity associated with a major joint military services exercise during the period April 17 through May 11, 1983. This exercise will provide necessary training for several military commands operating under the sponsorship of the United States Atlantic Command, Norfolk, VA. The air activities associated with the exercise will be such that simultaneous flight by nonparticipating aircraft cannot be safely conducted within the temporary restricted areas when they are in use by the military. These activities will consist of military helicopters and high performance aircraft engaged in fast tempo air-to-air and air-to-ground air operations where pilots may be restricted from properly clearing themselves from nonparticipating aircraft. This situation creates a hazard and requires designation of temporary restricted areas. Approximately 237 aircraft will be used to conduct approximately 291 fixed wing and 150 helicopter daily sorties. Participating aircraft operating outside the exercise areas will file individual flight plans to the maximum extent practicable. The boundary abutments to existing special use airspace areas are necessary to accommodate inter-area transition into and out of adjacent areas that will also be utilized extensively during the exercise. Also proposed was a nonrulemaking action to establish temporary MOA's in support of the exercise. No comments were received objecting to the MOA proposal. The temporary MOA's are established as proposed, with the addition of the Dare Corridor Temporary MOA from 8,000 feet MSL to but not including FL 180, which is necessary to provide inter-area transition between Warning Area W-110, the Pamlico MOA, and Restricted Area R-5314. The temporary MOA's are described as follows:

1. *Byrd Corridor Temporary MOA, NC:*

Boundaries. Beginning at lat. 35°04'30" N., long. 76°04'30" W., to lat. 35°00'30" N., long. 76°01'20" W., thence southwest along W-122A and W-122D to lat. 34°43'30" N., long. 76°22'00" W., to lat. 34°47'00" N., long. 76°24'30" W., to point of beginning.

Altitudes. 3,000 feet MSL to but not including FL 180.

Times of use. Intermittent, April 27 through May 11, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United States Atlantic Command, Norfolk, VA.

2. *LeJeune A Temporary MOA, NC:*

Boundaries. Beginning at lat. 35°19'20" N., long. 79°07'20" W.; to lat. 35°19'20" N., long. 78°37'30" W.; to lat. 35°16'30" N., long. 78°12'00" W.; to lat. 35°11'00" N., long. 78°00'00" W.; to lat. 35°05'30" N., long. 77°17'00" W.; to lat. 34°55'00" N., long. 77°28'00" W.; then counterclockwise along an 8.4 NM radius arc centered at lat. 34°50'00" N., long. 77°36'30" W.; to lat. 34°58'00" N., long. 77°40'00" W.; to lat. 35°02'55" N., long. 79°05'40" W.; thence counterclockwise along the eastern boundary of R-5311 to lat. 35°10'10" N., long. 79°07'30" W.; to point of beginning.

Altitudes. 12,000 feet MSL to but not including FL 180.

Times of use. Intermittent, April 27 through May 6, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United States Atlantic Command, Norfolk, VA.

3. *LeJeune B Temporary MOA, NC:*

Boundaries. Beginning at lat. 35°19'10" N., long. 79°16'45" W.; to lat. 35°19'10" N., long. 79°07'30" W.; to lat. 35°10'10" N., long. 79°07'30" W.; thence counterclockwise along the northern boundary of R-5311 to lat. 35°07'05" N., long. 79°22'50" W.; to lat. 35°15'30" N., long. 79°16'45" W.; to point of beginning.

Altitudes. 100 feet AGL to but not including FL 180.

Times of use. Intermittent April 27 through May 6, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United States Atlantic Command, Norfolk, VA.

4. *LeJeune C Temporary MOA, NC:*

Boundaries. Beginning at lat. 35°02'55" N., long. 79°05'40" W.; to lat. 34°55'20" N., long. 79°08'15" W.; to lat. 34°55'20" N., long. 79°20'30" W.; to lat. 35°07'05" N., long. 79°22'50" W.; thence counterclockwise along the southern boundary of R-5311 to point of beginning (excluding that airspace

within a 1½ NM radius of Raeford, NC, and the Raeford, NC, Airport).

Altitudes. 100 feet AGL to but not including FL 180.

Times of use. Intermittent April 27 through May 6, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United States Atlantic Command, Norfolk, VA.

5. *Kingstree Temporary MOA, NC:*

Boundaries. Beginning at lat. 33°30'00" N., long. 78°52'50" W.; thence southwest along the boundary of W-177A to lat. 33°10'00" N., long. 79°06'45" W.; to lat. 33°24'00" N., long. 79°37'00" W.; to lat. 33°25'00" N., long. 79°55'00" W.; to lat. 33°30'00" N., long. 80°09'30" W.; to lat. 33°52'30" N., long. 79°53'30" W.; to lat. 33°49'30" N., long. 79°48'00" W.; to lat. 33°48'30" N., long. 79°38'00" W.; to lat. 33°50'30" N., long. 79°25'00" W.; to lat. 33°49'00" N., long. 79°19'00" W.; to lat. 33°37'50" N., long. 79°07'20" W.; to point of beginning.

Altitudes. 14,000 feet MSL to 17,000 feet MSL.

Times of use. Intermittent April 27 through May 11, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United States Atlantic Command, Norfolk, VA.

6. *Dare Corridor Temporary MOA, NC:*

Boundaries. Beginning at lat. 35°49'30" N., long. 75°45'00" W.; to lat. 35°49'30" N., long. 75°25'45" W.; to lat. 35°39'15" N., long. 75°17'00" W.; to lat. 35°30'00" N., long. 75°25'00" W.; to lat. 35°29'30" N., long. 75°25'00" W.; to lat. 35°48'30" N., long. 75°43'40" W.; to point of beginning.

Altitudes. 8,000 feet MSL to, but not including FL 180.

Times of use. Intermittent April 27–May 11, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United States Atlantic Command, Norfolk, VA.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, these amendments are the same as those proposed in the notice. Section 71.151 and § 73.53 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

These amendments to Parts 71 and 73 of the Federal Aviation Regulations designate temporary restricted areas identified as R-5505A through G, Camp LeJeune, NC, to contain hazardous air activity associated with a major joint military services exercise during the period April 27 through May 11, 1983. Applicable areas are included in the Continental Control Area. The proposed temporary restricted areas are designated as joint use to permit utilization of the airspace by the controlling agency for authorized transit by nonparticipating VFR and IFR traffic when military activity permits. The military will provide reasonable access to private or public use land within the proposed temporary restricted areas. Communications equipment will be installed and maintained between appropriate military and FAA facilities to coordinate movement of nonparticipating aircraft through the exercise areas when military activity permits. Additionally, a reverse charge telephone number and VHF radio communications frequency will be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. The United States Atlantic Command, Norfolk, VA, will serve as lead agency for purposes of compliance with the National Environmental Policy Act (NEPA). This action prohibits unauthorized flight operations by nonparticipating aircraft within the restricted areas during their designated times of use.

List of Subjects in 14 CFR Parts 71 and 73

Restricted areas, Continental control area.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, § 71.151 of Part 71 and § 73.53 of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) are amended, effective 0901 G.M.T., April 14, 1983, as follows:

1. In § 71.151 by adding:

R-5505A through G, Camp Lejeune, NC

Continuous April 27–May 6, 1983; Intermittent, May 7–11, 1983.

2. In § 73.53 by adding:

R-5505A Camp Lejeune, NC [New]

Boundaries. Beginning at lat. 35°05'30" N., long. 77°17'00" W.; to lat. 34°57'30" N., long. 77°02'30" W.; thence counterclockwise along the boundaries of A-530, R-5306C, R-5306D and R-5306E to lat. 34°30'20" N., long. 77°15'55" W.; thence southwest 3 NM from and parallel to the shoreline to lat. 34°23'30" N., long. 77°30'00" W.; to lat. 34°16'00" N., long. 77°30'00" W.; to lat. 34°27'00" N., long. 77°41'00" W.; to lat. 34°46'00" N., long. 77°17'00" W.; to lat. 34°55'00" N., long. 77°28'00" W.; thence to point of beginning.

Designated altitudes. Surface to but not including FL 180.

Time of designation. Continuous, April 27–May 6, 1983; Intermittent, May 7–11, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United States Atlantic Command, Norfolk, VA.

R-5505B Camp LeJeune, NC [New]

Boundaries. Beginning at lat. 34°51'00" N., long. 77°05'30" W.; to lat. 34°42'00" N., long. 76°54'45" W.; to lat. 34°41'50" N., long. 76°56'20" W.; to lat. 34°37'30" N., long. 76°56'20" W.; thence southwest 3 NM from and parallel to the shoreline to lat. 34°34'30" N., long. 77°09'00" W.; to lat. 34°44'50" N., long. 77°14'40" W.; to lat. 34°49'30" N., long. 77°10'00" W.; thence to point of beginning.

Designated altitudes. Surface to 1,200 feet MSL.

Time of designation. Continuous, April 27–May 6, 1983; Intermittent, May 7–11, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United States Atlantic Command, Norfolk, VA.

R-5505C Camp Lejeune, NC [New]

Boundaries. Beginning at lat. 34°57'00" N., long. 77°02'50" W.; to lat. 34°38'45" N., long. 76°43'00" W.; thence southwest 3 NM from and parallel to the shoreline to lat. 34°37'00" N., long. 76°56'20" W.; thence counterclockwise along the boundary of R-5306C to lat. 34°49'30" N., long. 77°10'00" W.; thence to point of beginning.

Designated altitudes. 4,000 feet MSL to but not including FL 180.

Time of designation. Continuous, April 27–May 6, 1983; Intermittent, May 7–11, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United States Atlantic Command, Norfolk, VA.

R-5505D Camp Lejeune, NC [New]

Boundaries. Beginning at lat. 35°05'30" N., long. 77°17'00" W.; to lat. 35°43'50" N., long. 76°35'30" W.; thence counterclockwise along the boundaries of R-5314J through B at lat. 35°34'40" N., long. 75°48'20" W.; to lat. 35°27'00" N., long. 75°48'20" W.; to lat. 35°27'00" N., long. 75°25'10" W.; thence southwest along the boundary of W-122A at lat. 35°00'30" N., long. 76°01'00" W.; to lat. 35°18'15" N., long. 76°16'40" W.; to lat. 35°23'15" N., long. 76°34'40" W.; thence counterclockwise along the boundary of R-5306A to lat. 34°46'45" N., long. 76°24'45" W.; to lat. 34°43'30" N., long. 76°22'00" W.; thence southwest along the boundary of W-122D to lat. 34°38'45" N., long. 76°43'00" W.; to lat. 34°57'00" N., long. 77°02'30" W.; to point of beginning.

Designated altitudes. 8,000 feet MSL to but not including FL 180.

Time of designation. Continuous, April 27–May 6, 1983; Intermittent, May 7–11, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United States Atlantic Command, Norfolk, VA.

R-5505E Camp LeJeune, NC [New]

Boundaries. Beginning at lat. 35°52'22" N., long. 76°09'53" W.; to lat. 35°40'25" N., long. 76°12'25" W.; to lat. 35°43'50" N., long. 76°35'30" W.; to lat. 35°53'50" N., long. 76°33'10" W.; thence to point of beginning.

Designated altitudes. 6,000 feet MSL to but not including FL 180.

Time of designation. Continuous, April 27-May 6, 1983; Intermittent, May 7-11, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United States Atlantic Command, Norfolk, VA.

R-5505F Camp LeJeune, NC [New]

Boundaries. Beginning at lat. 35°51'52" N., long. 76°02'09" W.; to lat. 35°39'20" N., long. 76°05'00" W.; to lat. 35°40'25" N., long. 76°12'25" W.; to lat. 35°52'22" N., long. 76°09'53" W.; thence to point of beginning.

Designated altitudes. 10,000 feet MSL to but not including FL 180.

Time of designation. Continuous, April 27-May 6, 1983; Intermittent, May 7-11, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United State Atlantic Command, Norfolk, VA.

R-5505G Camp LeJeune, NC [New]

Boundaries. Beginning at lat. 35°51'35" N., long. 75°57'55" W.; to lat. 35°38'55" N., long. 76°01'00" W.; to lat. 35°39'20" N., long. 76°05'00" W.; to lat. 35°51'52" N., long. 76°02'09" W.; thence to point of beginning.

Designated altitudes. 15,000 feet MSL to but not including FL 180.

Time of designation. Continuous, April 27-May 6, 1983; Intermittent, May 7-11, 1983.

Controlling agency. FAA, Washington ARTCC.

Using agency. United States Atlantic Command, Norfolk, VA.

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

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

Issued in Washington, D.C. on February 14, 1983.

B. Keith Potts,

Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 83-4334 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 82-ANM-19]

Revision of J-12

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends Jet Route No. 12 from its current beginning at Salt Lake City, UT, to Seattle, WA. This extension provides an arrival route to Seattle via Ephrata, WA, in order to improve traffic flow in the terminal area for aircraft inbound from the east and southeast. This action aids flight planning, reduces en route delays, and decreases controller workload.

EFFECTIVE DATE: April 14, 1983.

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

SUPPLEMENTARY INFORMATION:

History

On December 16, 1982 (47 FR 56365), the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to extend J-12 from Salt Lake City, UT, to Seattle, WA, via Ephrata, WA. A preferred en route arrival route is required to manage jet aircraft inbound from Salt Lake City to destinations in the Seattle terminal area. The Ephrata VORTAC will be the feeder fix for arrival aircraft from the east and southeast. This action improves traffic flow in the Salt Lake City and Seattle terminal areas, aids flight planning, and reduces controller workload. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Two comments objecting to the proposal were received. The Air Transport Association (ATA) stated some concern about the economic impact that the additional mileage equates to in minutes of added flight time per arrival ($63.72 to $117.00 per B-727-200); and Frontier Airlines also is concerned about the economic impact that the additional 22 miles would have on the airline industry. The FAA considers the comments relating to the economic and energy impact as significant. However, preferred routes to feeder fixes are designed to reduce en route holding delays and enhance the orderly flow of traffic in and out of terminal areas, thereby increasing safety, reducing controller workload, and ultimately saving fuel. Also, jet routes that are aligned with newly developed SID's and STAR's for the Seattle terminal area will eliminate the present crossing traffic situations which cause delays to unrestricted climbs or descents to/from the Seattle terminal area. When traffic permits, aircraft will be issued radar vectors or direct routings in order to expedite traffic and maintain a high degree of safety. The sequencing of arrivals from the east and southeast will be accomplished above Flight Level 240, thereby aiding the pilot in planning the entire flight descent profile, thus providing fuel management not currently possible since the blending of two separate traffic flows now employed by controllers causes pilots to make altitude and speed adjustments below optimum fuel efficient altitudes. Therefore, the FAA concludes that this jet route realignment will result in more orderly flow of traffic that will result in an overall savings to the entire system. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations extends J-12 from its current beginning at Salt Lake City, UT, to Seattle, WA, via a direct route. This action improves traffic flow in both terminal areas, aids flight planning, reduces en route delays, and decreases controller workload.

List of Subjects of 14 CFR Part 75

Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is amended, effective 0901 G.m.t., April 14, 1983, as follows:

J-12 [Revised]

J-12 From Seattle, WA, via Ephrata, WA; McCall, ID; Twin Falls, ID; Salt Lake City, UT; Fairfield, UT; to Grand Junction, CO.

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

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034;

February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on February 14, 1983.

B. Keith Potts,

Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 83-4330 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 82-ASO-27]

Alteration of Jet Routes—J-55, J-75, and J-85

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters Jet Route J-55 between Miami, FL, and Jacksonville, FL; Jet Route J-75 between Biscayne Bay, FL, and Taylor, FL; and Jet Route J-85 between Miami, FL, and Taylor, FL. This action provides for more efficient use of the airspace by improving the flow of traffic arriving and departing the Miami, Fort Lauderdale, and West Palm Beach areas.

EFFECTIVE DATE: April 14, 1983.

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

SUPPLEMENTARY INFORMATION:

History

On July 29, 1982 (47 FR 32729), the FAA proposed to amend Part 75 of the Federal Aviation Regulation (14 CFR Part 75) to realign J-55, J-75, and J-85 to improve the flow of arriving and departing traffic in Miami, Fort Lauderdale, and West Palm Beach areas. This action will also accommodate the resectorization of the Miami and Jacksonville ARTC Center's airspace, thus providing for more efficient use of this airspace. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Three comments objecting to the proposal were received. The U.S. Navy and the Florida Department of Transportation, Bureau of Aviation, perceived the proposed airway realignment to impact the present military operation and future plans to propose expansion to special use airspace. We advised the U.S. Navy in a letter dated October 29, 1982, that the extension of J-55 would not alter the present traffic flow patterns. These flow patterns have been in use by Jacksonville Center since 1976. The area is near saturation and the extension of J-55 will simply provide ground based navigation assistance, reduce the workload on the controllers, and improve ATC service to the users. We plan to establish a minimum altitude of FL 240 to lessen the impact on the Navy. Delta Airlines perceived the proposed realignment to impact their operations and expressed concern over the lack of coordination prior to initiating the regulatory action. An air traffic users meeting was held on December 8, 1982, at Miami Center to discuss the proposal described in Airspace Docket No. 82-ASO-27, along with other user items of interest. All attendees concurred with this proposal. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The rule

This amendment to Part 75 of the Federal Aviation Regulations realigns J-55 between Miami, FL, and Jacksonville, FL; J-75 between Biscayne Bay, FL, and Taylor, FL; and J-85 between Miami, FL, and Taylor, FL, to accommodate a resectorization of the Miami and Jacksonville ARTC Center's airspace and improve the flow of traffic arriving and departing Miami, Fort Lauderdale, and West Palm Beach areas.

List of Subjects of 14 CFR Part 75

Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 75.100 of Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 14, 1983, as follows:

J-55 [Amended]

By deleting the words "From Jacksonville, FL, via Savannah, GA" and substituting for them the words "From Miami, FL; INT Miami 335° and Jacksonville, FL, 190° radials; Jacksonville; Savannah, GA";

J-75 [Amended]

By deleting the words "From Biscayne Bay, FL, via the Biscayne Bay 301° and the Lakeland, FL, 175° radials; Lakeland, FL;" and substituting for them the words "From Biscayne Bay, FL; Fort Myers, FL; INT Fort Myers 345° and Taylor, FL, 175° radials;"

J-85 [Amended]

By deleting the words "From Biscayne Bay, FL, via INT Biscayne Bay 328° and Lakeland, FL, 140° radials; Lakeland;" and substituting for them the words "From Miami, FL; INT Miami 335° and Gainesville, FL, 149° radials; Gainesville;"

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

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

Issued in Washington, D.C., on February 14, 1983.

B. Keith Potts,

Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 83-4329 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 291

[Economic Reg. Docket 38904; Reg. ER-1308A]

Domestic Cargo Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of approval of reporting requirements by the Office of Management and Budget.

SUMMARY: The Civil Aeronautics Board set a two-year review period for fitness determinations for nonoperating all-cargo air carriers, in ER-1308 (47 FR 52991, November 24, 1982). The Office of Management and Budget approved the revised reporting requirements contained in this final rule through June 30, 1984, under OMB No. 3024-0022.

DATES: Effective: February 22, 1983. Adopted: February 16, 1983.

FOR FURTHER INFORMATION CONTACT: Linda K. Koman, Data Requirements Section, Information Management Division, Office of Comptroller, Civil

Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–6042.

SUPPLEMENTARY INFORMATION:

List of Subjects in 14 CFR Part 291

Air carriers, Antitrust, Freight, Insurance, Reporting requirements.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–4400 Filed 2–18–83; 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Part 302

[Procedural Reg. Amdt. No. 70; Reg. PR–258]

Rules of Practice in Board Proceedings

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its procedural rules governing answers to motions to dismiss and for summary judgment in enforcement proceedings to require answers to be filed within 7 days after service of the motion.

DATES: Adopted: February 8, 1983. Effective: February 15, 1983.

FOR FURTHER INFORMATION CONTACT: Stephen A. Metoyer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5938.

SUPPLEMENTARY INFORMATION: In PR–157, 41 FR 41909, September 24, 1976, the Board amended its Rules of Practice, 14 CFR Part 302, by adding provisions for filing motions to dismiss and for summary judgment in enforcement proceedings 14 CFR 302.212(b). Rule 212(b) of the Board's Rules of Practice, 14 CFR 302.212(b), states that the procedures to be followed when filing motions to dismiss or for summary judgment shall be in accordance with the Federal Rules of Civil Procedure, Title 28, United States Code, particularly Rules 6(d), 7(b), 12, and 56. In most instances, use of the Federal Rules of Civil Procedure does not conflict with the Board's Rules of Practice. The Federal Rules of Civil Procedure, however, establish a time limitation for the filing of answers to these motions that differs from the board's Rules of Practice, which require answers to these motions to be filed within 7 days after the motion is served.

The Board is amending Rule 212(b) to require answers that are filed to motions for summary judgment or to dismiss in enforcement proceedings be submitted within 7 days from service of the motion, in accordance with the Board's Rules of Practice, 14 CFR 302.18(c). Although answers to these motions have usually been filed in accordance with the Board's Rules of Practice, this change should eliminate any confusion that might exist regarding filing deadlines.

Since this amendment is administrative in nature, affecting agency practice and procedure, the Board finds for good cause that notice and public procedure are unnecessary and that the amendment may become effective upon publication in the Federal Register.

List of Subjects in 14 CFR Part 302

Administrative practice and procedures, Air rates and fares, Authority delegations, Postal service.

PART 302—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 302, *Rules of Practice in Board Proceedings*, as follows:

1. The authority for Part 302 is:

Authority: Secs. 101, 203, 204, 401, 402, 403, 404, 406, 412, 901, 1001, 1002, 1005, Pub. L. 85–726, as amended, 72 Stat. 737, 742, 743, 754, 757, 758, 760, 763, 770, 783, 788, 794; 49 U.S.C. 1301, 1323, 1324, 1371, 1372, 1373, 1374, 1376, 1382, 1471, 1481, 1482, 1485; Reorganization Plan No. 3, 75 Stat. 837, 26 FR 5989; E.O. 11514, Pub. L. 91–90, 42 U.S.C. 4321; 84 Stat. 772, 39 U.S.C. 5402.

2. Section 302.212(b) is revised to read:

§ 302.212 Admissions as to facts and documents; motions to dismiss and for summary judgment.

* * * * *

(b) At any time after answer has been filed, any party may file with the administrative law judge a motion to dismiss or a motion for summary judgment, including supporting affidavits. The procedure on such motions shall be in accordance with the Federal Rules of Civil Procedure (28 U.S.C.), particularly Rules 6(d), 7(b), 12, and 56, except that answers and supporting papers to a motion to dismiss or for summary judgment shall be filed within 7 days after service of the motion.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–4399 Filed 2–18–83; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 82N–0378]

D&C Red No. 6 and D&C Red No. 7

Correction

On page 3946 in the issue of Friday, January 28, 1983, a correction document appeared which contained inaccurate information. The last three lines of item 4 should have read as follows:

"'* * * Spectrophotometric Parameters:' should read: 'Spectrophotometer Parameters'."

BILLING CODE 1505–01–M

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21 CFR Part 173

[Docket No. 82F–0098]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Boiler Water Additives

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of poly(acrylic acid-*co*-hypophosphite), sodium salt, as a corrosion control agent in boilers generating steam which will contact food. This action is in response to a petition filed by the Ciba-Geigy Corp.

DATES: Effective February 22, 1983, objections by March 24, 1983.

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

FOR FURTHER INFORMATION CONTACT: Anthony P. Brunetti, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of April 23, 1982 (47 FR 17672), FDA announced that a petition (FAP 2A3607) had been filed by Ciba-Geigy Corp., Plastics and Additives Division, Three Skyline Drive, Hawthorne, NY 10532, proposing that § 173.310 (21 CFR 173.310) be amended to provide for the safe use of acrylic acid polymer with sodium phosphinate as a boiler water additive used in the preparation of steam that contacts food. The chemical

is intended to control corrosion in the boilers.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed use is safe, and that § 173.310 should be amended as set forth below. The agency also concludes that the additive is more properly identified as poly[acrylic acid-*co*-hypophosphite), sodium salt. This regulation will list the compound under that name.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will remove from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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

List of Subjects in 21 CFR Part 173

Food additives, Food processing aids.

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 173 is amended in § 173.310(c) by alphabetically inserting a new item in the list of substances to read as follows:

§ 173.310 Boiler water additives.

* * * * *

(c) * * *

Substances	Limitations
* * *	* *
Poly(acrylic acid-*co*-hypophosphite), sodium salt (CAS Reg. No. 71050-62-9), produced from a 4:1 mixture by weight of acrylic acid and sodium hypophosphite.	Total not to exceed 1.5 parts per million in boiler feed water. Copolymer contains not more than 0.5 percent by weight of acrylic acid monomer (dry weight basis).
* * *	* *

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 24, 1983 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective February 22, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: February 11, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4352 Filed 2-18-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 436 and 442

[Docket No. 82N-0362]

Antibiotic Drugs; Sterile Cefoperazone Sodium; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the document on accepted standards for the new antibiotic drug sterile cefoperazone sodium.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, National Center for Drugs and Biologics (HFN-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-203 at page 788 in the issue for Friday, January 7, 1983, the following corrections are made:

1. At page 789 in § 436.338 *High-pressure liquid chromatographic assay for cefoperazone:*

a. In paragraph (b) in the first sentence "millileters" is changed to "milliliters".

b. In paragraph (e)(2)(ii) in the second sentence, "single dose" is changed to "single-dose".

c. In paragraph (g)(1), in the entry for "P_s" "microgram" is changed to "micrograms", and in the entry for "m" "Percent moisture content of the sample." is changed from italics to roman type.

d. In paragraph (g)(2) in the formula entry for "A_u", insert an "a" between "at" and "retention".

2. At page 790 in paragraph (b)(6) of § 442.12a *Sterile cefoperazone sodium,* the formula incorrectly showed italicized "t's" as plus-minus symbols. The formula is corrected to read as follows:

"Adjusted retention time of cefoperazone $= t - t_a$

where:

t = Retention time measured from point of injection into the chromatograph until the maximum of the cefoperazone sample or working standard peak appears on the chromatogram; and

t_a = Retention time measured from point of injection into the chromatograph until the maximum of nonretarded solute appears in the chromatogram.

The sample and the cefoperazone working standard should have corresponding adjusted cefoperazone retention times."

Dated: February 15, 1983.

James C. Morrison,

Assistant Director for Regulatory Affairs.

[FR Doc. 83-4355 Filed 2-18-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 436, 452, 455, and 555

[Docket No. 81N-0245]

Microbiological Turbidimetric Assay for Chloramphenicol and Troleandomycin

Correction

In FR Doc. 83-2228 beginning on page 3959 in the issue of Friday, January 28, 1983, make the following corrections:

1. On page 3959, third column, eleven lines from the bottom of the page, "(21 U.S.C. 375," should have read "(21 U.S.C. 357,".

2. In § 455.210(b)(1), page 3961, first column, six lines from the top of the page, "stock of" should have read "stock solution of".

3. In § 555.310e(b)(1), page 3962, first column, in the sixth line of the paragraph, "500 milliliters" should have read "50 milliliters".

BILLING CODE 1505-01-M

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21 CFR Part 522

Implantation or Injectable Form New Animal Drugs Not Subject to Certification; Ivermectin Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Merck Sharp & Dohme Research Laboratories, providing for use of Eqvalan® (ivermectin) injection for horses for treating certain nematode and bot infections.

EFFECTIVE DATE: February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., P.O. Box 2000, Rahway, NJ 07065, filed NADA 127-443 providing for deep intramuscular use of Eqvalan® (Ivermectin) injection for horses for the treatment and control of infections of certain internal nematodes and bots. Adequate and well-controlled studies demonstrate the safety and effectiveness of the product for the proposed conditions of use. The NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore, will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii) (*a*) and (*e*)), may be seen in the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 522

Animal drugs, Injectable.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by adding new § 522.1192 to read as follows:

§ 522.1192 Ivermectin injection.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains 20 milligrams of ivermectin.

(b) *Sponsor.* See No. 000006 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* 20 milligrams per 100 kilograms (220 pounds) of bodyweight.

(2) *Indications for use.* It is used in horses for the treatment and control of large strongyles (adult) (*Strongylus vulgaris, Strongylus edentatus, Triodontophorus* spp.), small strongyles (adult and fourth stage larvae) (*Cyathostomum* spp., *Cylicocyclus* spp., *Cylicostephanus* spp.), pinworms (adult and fourth stage larvae) (*Oxyuris equi*), large roundworms (adult) (*Parascaris equorum*), hairworms (adult) (*Trichostrongylus axei*), large mouth stomach worms (adult) (*Habronema muscae*), neck threadworms (microfilariae) (*Onchocerca* spp.), and stomach bots (*Gastrophilus* spp.).

(3) *Limitations.* For intramuscular use only. Do not use intravenously. Not for use in horses intended for food. Effects of this drug on pregnant mares have not been determined. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. February 22, 1983.

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

Dated: February 14, 1983.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-4356 Filed 2-18-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Oxytocin Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Wendt Laboratories, Inc., providing for safe and effective use of oxytocin injection for treatment of horses, cattle, swine, sheep, dogs, and cats.

EFFECTIVE DATE: February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-126), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Wendt Laboratories, Inc., 100 Nancy Dr., Belle Plaine, MN 56011, filed NADA 124-241 providing for use of oxytocin injection (containing 20 USP units of oxytocin per milliliter) in horses, cattle, swine, sheep, dogs, and cats as a uterine contractor and in cattle and swine as a milk-releasing agent.

The product covered by this NADA (124-241) is identical in formulation to the two oxytocin products that are subjects of the National Academy of Sciences/National Research Council (NAS/NRC) notice that published in the **Federal Register** of February 13, 1969 (34 FR 2146). In that publication, FDA concurred with the NAS/NRC conclusion that the products are effective provided certain labeling revisions were made. Section 522.1680 *Oxytocin injection* (21 CFR 522.1680) reflects the revised labeling and specifies those conditions of use for which approval of identical products may require submission of bioequivalency data in lieu of certain types of effectiveness data.

The sponsor was not required to submit in vivo bioequivalence data because the agency has determined that if the drug as manufactured by the sponsor meets United States Pharmacopeia (U.S.P.) standards, it will be bioequivalent to the pioneer drugs. Manufacturing data submitted by the firm confirmed that it is capable of manufacturing the drug to meet the reference standard.

In addition, the results of in vivo potency tests are performed on each batch to demonstrate that the drug is in accordance with U.S.P. standards. The labeling for Wendt's product complies with § 522.1680. Therefore, the NADA is approved on the basis of generic equivalence.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in the environmental impact analysis report (pursuant to 21 CFR 25.1(f)(1)(iii)), may be seen in the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 522

Animal drugs, Injectable.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1680 by revising paragraph (b), to read as follows:

§ 522.1680 Oxytocin injection.

* * * * *

(b) *Sponsors.* See Nos. 000010, 000381, 000693, 000845, 000856, 010271, 012481, 015562, 015579, and 032420 in § 510.600(c) of this chapter.

* * * * *

Effective date. February 22, 1983.

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

Dated: February 10, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-4354 Filed 2-18-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bambermycins

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Quali-Tech Products, Inc., providing for use of 10-gram-per-pound bambermycins premixes to make 0.4- and 2-gram-per-pound bambermycins premixes for making swine feeds and 2-gram-per-pound premixes for turkey feeds, used for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: Quali-Tech Products, Inc., 318 Lake Hazeltine Dr., Chaska, MN 55318, is sponsor of NADA 132–705 providing for safe and effective use of 10-gram-per-pound bambermycins premixes to make 0.4- and 2-gram-per-pound bambermycins premixes. The intermediate premixes are used to manufacture finished feed for growing-finishing swine (0.4- and 2-gram-per-pound premixes) and growing turkeys (2 gram-per-pound only) for increased rate of weight gain and improved feed efficiency. The application was filed by American Hoechst Corp., Animal Health Division, on behalf of the sponsor.

Approval of this application is based on safety and effectiveness data contained in American Hoechst's approved NADA 44–759 for Flavomycin (bambermycins). American Hoechst authorized use of the data in NADA 44–759 to support this application. The NADA is approved and the regulations are amended to reflect the approval.

Approval of this NADA does not change the approved use of the drug. Consequently, approval of the NADA poses no increased human risk of exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this approval is equivalent to a Category II supplement which does not require reevaluation of the safety and effectiveness data in parent NADA 44–759.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.95 is amended by revising paragraph (b)(4) to read as follows:

§ 558.95 Bambermycins.

* * * * *

(b) * * *

(4) Premix levels of 0.4 and 2 grams of bambermycins activity per pound for use as in paragraph (e)(2) of this section and 2 grams per pound for use as in paragraph (e)(3) of this section, granted to 016968 and 017274 in § 510.600(c) of this chapter.

* * * * *

Effective date. February 22, 1983.

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

Dated: February 9, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-4351 Filed 2-18-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 26, 80, 97, and 98

[CGD 83-003]

Regulation Update for Inland Navigation Rules

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This regulation removes from Title 33 of the Code of Federal Regulations the pilot rules for the Great Lakes as well as their interpretive rules and other references that are no longer valid due to the effect of the new Inland Navigation Rules. This action is editorial and does not add or delete any legal requirements on the public.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: LCDR Kent Kirkpatrick, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593; (202) 245-0108.

SUPPLEMENTARY INFORMATION: The Inland Navigational Rules Act of 1980 (Pub. L. 96-591, 33 U.S.C. 2001) established a new set of navigation rules which superseded the old Inland Rules, the Western Rivers Rules, the Great Lakes Rules, the respective regulatory pilot rules and interpretive rules, and parts of the Motorboat Act of 1940. The effective date of the new rules was December 24, 1981, except for the Great Lakes, where the date was established as March 1, 1983. The Inland Navigational Rules Act repealed the old statutory navigation rules and did not contain a savings clause which would have preserved the validity of the regulations that had been issued under the authority of the old statutes. The regulations, however, would remain on the books even though no longer valid, unless removed by administrative action.

Part 26 contains a reference to the Great Lakes navigation rules which must be deleted and reference to the new Inland Navigation Rules must be made.

A reference to the Great Lakes appears in Part 80 of the regulations. This reference is being deleted.

Parts 97 and 98 which contain the old Great Lakes pilot rules and interpretive rules are being removed. Parts 93 through 96, the pilot rules and interpretive rules for Inland Waters and Western Rivers, were removed by notice published in the **Federal Register** on May 6, 1982 (47 FR 19518).

Drafting Information: The principal persons involved in drafting this rulemaking are LCDR Kent Kirkpatrick, Project Manager, Office of Navigation, and Lieutenant Mark Hanlon, Project Attorney, Office of Chief Counsel.

Regulatory Evaluation: This document removes obsolete materials from the Code of Federal Regulations, and does not substantively change existing requirements or responsibilities on either the public or the Coast Guard. As this rulemaking is solely editorial, the Coast Guard for good cause finds that notice and comments are unnecessary. The rulemaking has been determined to be non-major under Executive Order 12291 and non-significant under the provisions of DOT Order 2100.5 of May 1980. Since the rulemaking has no impact, it is certified under 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601) that the rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Parts 26, 80, 97, and 98

Navigation (water), Waterways

PART 26—[AMENDED]

Accordingly, Title 33 of the Code of Federal Regulations is amended as follows:

1. In § 26.09 paragraph (b) is revised to read as follows:

§ 26.09 List of exemptions.

* * * * *

(b) Each vessel navigating on the Great Lakes as defined in the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001 et seq.) and to which the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201-1208) applies is exempt from the requirements in 33 U.S.C. 1203, 1204, and 1205 and the regulations under §§ 26.03, 26.04, 26.05, 26.06, and 26.07. Each of these vessels and each person to whom 33 U.S.C. 1208(a) applies must comply with Articles VII, X, XI, XII, XIII, XV, and XVI and Technical Regulations 1-7 of "The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973."

PART 80—[AMENDED]

§ 80.01 [Amended]

2. In § 80.01, paragraph (c) is removed.

PART 97—[REMOVED]

3. Part 97, Pilot rules for the Great Lakes, is removed.

PART 98—[REMOVED]

4. Part 98, Interpretive rulings, is removed.

(Sec. 3 Pub. L. 96-591, 33 U.S.C. 2071, 49 CFR 1.46(n)(14))

Dated: February 9, 1983.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 83-4163 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2F2666/R522; PH-FRL 2309-7]

Tolerances and Exemptions From Tolerances For Pesticide Chemicals in or on Raw Agricultural Commodities; 2,2-Dichloro-N-(1,3-Dioxolan-2-Ylmethyl)-N-2-Propenylacetamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for the inert ingredient 2,2-dichloro-*N*-(1,3-dioxolan-2-ylmethyl)-*N*-2-propenylacetamide when used as an inert ingredient in formulations of the herbicides *S*-ethyl dipropyl-thiocarbamate and *S*-ethyl diisobutyl thiocarbamate applied to corn fields before corn plants emerge from the soil. This regulation was requested, pursuant to a petition, by the PPG Industries, Inc.

EFFECTIVE DATE: Effective on February 22, 1983.

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

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of June 16, 1982 (47 FR 26019), that announced that the PPG Industries, Inc., P.O. Box 31, Barberton, OH 44203, had submitted pesticide petition 2F2666

proposing to amend 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for residues of the herbicide PPG–1292 [2,2-dichloro-*N*-(1,3-dioxolan-2-ylmethyl)-*N*-2-propenyl-acetomide] when used in formulations of the herbicides butylate (*S*-ethyl diisobutylthiocarbamate); EPTC (*S*-ethyl dipropylthiocarbamate) and vernolate (*S*-propyl dipropylthiocarbamate) when applied to corn fields before corn plants emerge from the soil.

The chemical identification as given in the notice of filing published in the **Federal Register** of June 16, 1982 (47 FR 26019) is corrected to read ". . . tolerance for residues of the inert PPG–1292 (2,2-dichloro-*N*-(1,3-dioxolan-2-ylmethyl-*N*-2-propenylacetamide)) when used in formulations of the herbicide *S*-ethyl dipropyl-thiocarbamate (EPTC) and *S*-ethyl diisobutylthiocarbamate (butylate) when . . .".

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

The data submitted in the petition and relevant material have been evaluated. The toxicology data evaluated included several acute studies on the formulations: a 90-day feeding study (rats) with a non-observed-effect level (NOEL) of 300 parts per million (ppm) (15 mg/kg), a 6-month feeding study (dog) with a NOEL of 200 ppm (5 mg/kg), a CHO/NG PRT Mammalian cell Forward Gene Mutation Assay which was negative for mutagenicity, and a Rat Hepatocyte Primary Culture/DNA Repair Test which was negative for mutagenicity.

Desirable data lacking include the submission of supplemental information to resolve deficiencies in the Ames test and a repeat of the micronucleus test. The company has been notified of the deficiencies and has agreed to provide the necessary data to EPA. No previous exemptions have been established for this inert.

No residues are expected in the raw agricultural commodity corn resulting from the use of this inert.

There are no regulatory actions pending against the inert and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The metabolism of 2,2-dichloro-*N*-(1,3-dioxolan-2-ylmethyl)-*N*-2-propenylacetamide is adequately delineated for the use. Analytical method, gas chromatography using a nitrogen-specific detector, is available for determining residues of PPG–1292. However, regulatory action is not anticipated in the case of the exemption. Since no detectable residues are expected in corn from the use, residues are not expected in meat, milk, poultry, or eggs.

The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption would protect the public health and is established as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612) the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950). (Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e))).

List of Subjects in 40 CFR Part 180

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

Dated: February 9, 1983.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended by adding § 180.1077 to read as follows:

§ 180.1077 2,2-Dichloro-N-(1,3-dioxolan-2-ylmethyl)-N-2-propenylacetamide; exemption from the requirement of a tolerance.

2,2-Dichloro-*N*-(1,3-dioxolan-2-ylmethyl)-*N*-2-propenylacetamide is exempted from the requirement of a tolerance when used as an inert ingredient in formulations of the herbicides *S*-ethyl dipropyl-thiocarbamate and *S*-ethyl diisobutyl thiocarbamate when applied to corn fields before corn plants emerge from the soil at a maximum rate of 0.5 pound per acre.

[FR Doc. 83-4382 Filed 2-18-83; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Area Health Education Center Programs

AGENCY: Public Health Service, HHS.

ACTION: Final regulations.

SUMMARY: These regulations set forth requirements for cooperative agreements entered into by the Secretary of Health and Human Services with schools of medicine or osteopathy for the planning, development, and operation of area health education center programs.

The regulations conform provisions in 42 CFR Part 57, Subpart MM—Area Health Education Center Programs to Nurse Training Amendments of 1979 Pub. L. 96–76), the Federal Grant and Cooperative Agreement Act (Pub. L. 95–224), and the Omnibus Reconciliation Act of 1981 (Pub. L. 97–35). Also in response to public comments to the interim final regulations published in the **Federal Register** on November 27, 1978, clarification of several provisions were made to the final regulations.

EFFECTIVE DATES: Changes made solely to conform these regulations to the Federal Grant and Cooperative Agreement Act (Pub. L. 95–224) were effective February 3, 1978; to the Nurse Training Amendments of 1979 (Pub. L. 96–76) were effective September 29, 1979; and to the Omnibus Budget and Reconciliation Act of 1981 (Pub. L. 97–35) were effective August 13, 1981. All other changes are effective March 24, 1983. See Supplementary Information for details.

FOR FURTHER INFORMATION CONTACT: Kenneth P. Moritsugu, M.D., M.P.H., Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Center Building, Room 3–22, 3700 East-West Highway, Hyattsville, Maryland 20782 (301–436–6418).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 27, 1978 (43 FR 55242), the Assistant Secretary for Health, Department of Health, Education and Welfare, with the approval of the Secretary, added a new Subpart MM, entitled "Area Health

Education Center Programs," to Part 57 of Title 42 of the Code of Federal Regulations. Section 781 of the Public Health Service Act authorizes the Secretary to enter into contracts with medical and osteopathic schools for projects to assist in the planning, development, and implementation of area health education center programs. The purposes of these programs are to improve the distribution, supply, quality, utilization, and efficiency of health personnel in the health service delivery system and to encourage the regionalization of educational responsibilities of health professions schools.

With the enactment of the Health Professions Educational Assistance Act of 1976 (Pub. L. 94–484), the Area Health Education Center projects previously funded under section 774(a) of the PHS Act were to come into compliance with the requirements of section 781 within a two-year grace period provided by section 802 of Pub. L. 94–484. Section 802 required that, in order to continue to receive payments, projects must provide assurances by September 30, 1978, that they would be in compliance with the requirements of section 781 of the Act by September 30, 1979. In order to codify these assurances, the regulations implementing these requirements were published as interim-final regulations without benefit of proposed rulemaking procedures. Nevertheless, comments were invited on the regulations and twelve letters were received during the comment period.

These final regulations implement amendments made to section 781 of the Act by the Nurse Training Amendments of 1979 (Pub. L. 96–76), the Federal Grant and Cooperative Agreement Act (Pub. L. 95–224), and the Omnibus Budget and Reconciliation Act of 1981 (Pub. L. 97–35). In addition, the regulations have been revised to reflect the comments received in response to the invitation in the November 27, 1978 Notice.

It should be noted that these final regulations provide for support for Area Health Education Center (AHEC) Programs in the form of cooperative agreements, rather than contracts. Although the authorizing statute, section 781, provides for the award of contracts, under the Federal Grant and Cooperative Agreement Act of 1977, the Department is required to use the most appropriate instrument for implementing the program, choosing from grant, contract, or cooperative agreement, as defined in that Act, regardless of the terms of the authorizing statute (in this case, section 781). The Secretary has determined that the AHEC program is most appropriately administered through cooperative agreements because it is an assistance type of program which contemplates substantial government involvement during the performance of the project (see section 6 of Pub. L. 95–224), rather than by contract, which is principally a procurement instrument (see section 4 of Pub. L. 95–224), or by grant, which is principally assistance without substantial government involvement (see section 5 of Pub. L. 95–244). Section 57.3810 of these regulations describes how the Department will participate in the operation of AHEC programs.

As a result of Pub. L. 97–35 (The Omnibus Budget Reconciliation Act of 1981), the Secretary is authorized to provide assistance to schools of medicine and osteopathy which had previously received Federal financial assistance for an area health education center program under section 802 of the Health Professions Educational Assistance Act of 1976 in Fiscal Year 1979 for (a) projects that improve the distribution, supply, quality, utilization, and efficiency of health personnel in the health services delivery system; (b) projects to encourage the regionalization of educational responsibilities of the health professions schools; and (c) projects designed through preceptorships and other programs, to assist individuals subject to service obligation under the National Health Service Corps scholarship program.

Nine schools applied for the funds under this provision in Fiscal Year 1982. The Bureau of Health Professions, which administers the program, notified each of the eleven eligible AHECs of the availability of these funds by letter and in an invitational meeting held on February 3, 1982 in Hyattsville, Maryland. The purpose of the meeting was to inform the eligible applicants of the criteria to be applied in determining funding of requests for these projects. Each eligible AHEC will similarly be given personal notice of available funds in the future.

For clarity, the comments on the November 1978 Notice, the responses to those comments, and revisions in the regulations have been arranged according to the sections of the interim-final regulations to which they pertain.

General Comments

Several respondents expressed concern that the regulations are unduly restrictive and more specific than they ought to be in light of the diverse environments in which the AHEC projects exist.

While it was recognized that many of these features of the regulations are mandated by section 781 of the Act and, therefore, are not subject to administrative change, several respondents urged that the Department propose certain legislative changes to give more flexibility to the projects. Congress enacted some of these changes in Pub. L. 96–76 and Pub. L. 97–35, and these regulations incorporate those changes.

Section 57.3802 Definitions

One respondent stated that the definitions of "area health education center" and "area health education center program" are confusing and need to be clarified. The Department believes that these definitions clearly set forth the organizational structure contemplated by statute by distinguishing between the responsibilities and interrelationships of a "center" and a "school" in jointly comprising a "program." Therefore, no change has been made.

One respondent wanted the definition of "AHEC" modified to include the regional campus model of organization. In light of the separate and distinct responsibilities of the schools and area health education centers and the legislative history of section 781, it is the Department's view that neither a school of medicine or osteopathy, its parent institution, nor any of its subunits (e.g., branch campuses) may serve as an area health education center. Therefore, the Department has not accepted this recommendation.

One respondent suggested that "optometry" be specifically included throughout the regulations to insure that AHECs involve the profession in all geographical areas. The broad definition of "health professional" under this section includes optometrists. The Secretary believes that it would not be appropriate to require the involvement of optometrists in every instance and, therefore, this recommendation has not been accepted.

Section 57.3803 What entities are eligible to submit proposals

Three persons expressed displeasure over the fact that only schools of medicine or osteopathy are eligible to submit proposals. They felt that this requirement is unnecessarily restrictive. Since the statute clearly restricts eligibility to medical or osteopathic schools, this section cannot be revised.

Section 57.3805(d) Requirements for schools of medicine or osteopathy

Two respondents expressed confusion as to whether the requirements for schools of medicine or osteopathy under

§ 57.3805(d) apply only to those schools awarded the prime Federal contract, the schools with which the Secretary enters into cooperative agreements.

Section 781(c) explicity provides that each school of medicine or osteopathy participating in an area health education center program must meet all the applicable requirements of section 781(c). The regulations exempt, from meeting those requirements, schools whose sole function is to provide resources by purchase agreement to a center. Hence, no change has been made.

One respondent suggested that the phrase "medical or osteopathic" be deleted and "medical (M.D. or D.O.)" be substituted both times it appears in § 57.3805(d). The respondent also suggested that "general practice" and "osteopathic principles and practice" be added to the list of clinical education fields in § 57.3805(d)(3).

The Department believes that the suggestions do not improve the clarity of this section. Further, the regulation, as currently written, is broad enough to cover the proposed clinical education. Therefore, the section remains unchanged.

Several respondents expressed confusion concerning the requirements of § 57.3805(d)(4). In accordance with section 781(b)(3) of the Act, this section requires that a participating medical or osteopathic school must be responsible for or conduct a program for the training of either physician assistants or nurse practitioners. The school, not the center, must meet this requirement, and the school needs to conduct or be responsible for only one type of program, not both.

In addition, the Department has revised § 57.3805(d) to reflect the amendment made to section 781(c) of the Act by Pub. L. 96–76, the "Nurse Training Amendments of 1979." The effect of this amendment is to provide that a school of medicine or osteopathy must meet the requirement of § 57.3805(d)(4) only if no other school of medicine or osteopathy participating in the program meets this requirement.

Pub. L. 97–35 allows the Secretary, with written evidence of good cause submitted by applicants, to waive all or part of the requirement of section 781(c)(2) relating to the requirement placed upon the medical schools that ten percent of their students must receive their training in remote sites. The Department has integrated this change in § 57.3804(d)(3).

Concerning the requirement of § 57.3805(d)(4) that the school give special consideration in the enrollment in physician assistant or nurse practitioner programs to individuals who are from, or who plan to practice in, the area served by the center, respondents stated that the admission policies of an academic institution are the prerogative of the institution and not the concern of the Federal Government. The Secretary believes that this requirement does not impinge upon the academic freedom of the institution, since it is not dictating admission policies but only requiring the school to give "special consideration" to these individuals in order to qualify for participation in the program. The Department believes that this requirement is a reasonable means of advancing the intent of the law and, therefore, retains the requirement.

One respondent requested that schools of optometry be included in § 57.3805(d)(5)(i) as required participating schools. Section 57.3805(d)(5)(ii) permits schools of optometry to participate in the educational program. The Department believes that it is inappropriate to require the participation of schools of optometry and, therefore, the section has not been changed.

Section 57.3805(e) Requirements for Area Health Education Centers

A respondent suggested that § 57.3805(e)(1), requiring an AHEC to designate a geographic area or medically-underserved population which it will serve, be rewritten to make it clear that "remote" means "geographically remote." The Department believes that this change is both unnessary and undesirable. "Remote," in its ordinary sense, connotes geographic distance. However, the Department does not want to impose specific geographic distance requirements since the concept of remoteness also includes sociological barriers.

Three respondents felt that § 57.3805(e)(3), pertaining to assessment of area health manpower needs, is in direct conflict with the responsibilities of Health Systems Agencies (HSAs). They suggested that the section be rewritten to state clearly that wherever possible AHECs should use HSA data and be encouraged to cooperate with existing HSA. The Department agrees that the language contained in this section did not clearly express the cooperative relationship between the AHEC and the HSAs. Therefore, the Department has integrated this clarification into the current § 57.3804(e)(3) of the regulations.

Also, Pub. L. 97–35 clarifies medical internships to include specifically osteopathic interns in the fulfillment of the residency training requirement under section 781(d)(2). The Department has integrated this change in the current § 57.3804(e)(4) of the regulations.

With respect to the requirement in § 57.3805(e)(5) that the center provide opportunities for continuing medical education to health professionals practicing within the area served by the center, the Department believes that the assessment of the needs of health professionals in the area should include those of professionals working in Federally-supported health care delivery settings, such as those in migrant health centers supported under section 329 and community health centers supported under section 330.

One respondent suggested that the word "most," as applied to the forms of training required in § 57.3805(e)(5), be changed to "should." Since the section requires these forms of training only as appropriate, the Department did not adopt this suggestion.

One respondent suggested that in § 57.3805(e)(5)(ii), instead of requiring AHECs to distribute announcements to all health professionals, health professionals should be made aware of opportunities through usual and less costly communication channels. The Department recognizes the reasonableness of this suggestion and has revised this provision to allow such flexibility.

Four respondents interpreted § 57.3805(e)(6), which requires the provision of continuing medical education and other support services to the National Health Service Corps, as meaning that the AHEC program should become a health care delivery system rather than an educational and health care service support system. In Pub. L. 97–35, Congress clarified this requirement, as stated in section 781(d)(2)(E) of the Act, to indicate that the "support services" provided by the AHEC to be "educational support services." Therefore, the Department has integrated this clarification into the current § 57.3804(e)(6).

One respondent suggested that § 57.3804(e)(8)(A) be rewritten to insure that the osteopathic general practice program will be eligible for educational opportunities at health facilities in the service area of the center. Although the support of osteopathic general practice programs is not required, these programs are eligible to participate in AHEC-supported activities. Therefore, no change has been made.

One respondent expressed concern that the term "reasonably divided" relating to the advisory board required by § 57.3804(e)(9)(i) might be interpreted

to mean "equally divided" between providers and nonproviders. The same respondent also felt that if an AHEC already has an established board which performs advisory functions, it should not be dismantled, but be allowed to continue. Another respondent suggested that "hospital administrator" be added to the list of health care providers. In addition, one respondent wanted the definition of consumer members broadened to include practitioners receiving continuing education and technical assistance.

It should be stressed that the requirement is that membership on the advisory board be "reasonably divided," not necessarily equally divided, between providers and nonproviders. The Department intends that representation will be fair, based on sound judgment, and generally reflect the population of the area served by the center. If an existing advisory board meets the requirements of § 57.3804(e)(9)(i), that board may continue to serve as the advisory board.

This provision does not preclude participation of practitioners or hospital administrators as members of an advisory board. The Department believes, however, that imposing additional requirements would be unduly burdensome in some instances and that it is preferable to retain flexibility. Therefore, this provision has not been revised.

Section 57.3809 Restrictions on the amount and use of funds

One respondent expressed concern that the requirement of § 57.3809(b), that 75 percent of the funds provided must be spent in the center, would result in too few resources for the administrative staff and participating faculty of the contracting university.

Since the requirement in this section is a stuatutory requirement contained in section 781(e)(1) of the Act, the Department has made no change. However, the Department points out that a well-planned program which uses all available options would not rely solely on Federal funds. The 75 percent requirement pertains only to funds provided by the Secretary, and does not prohibit the recipient institution from using resources from other sources. Further, during the initial planning and development phases for establishing an AHEC program, funds spent by the participating schools for the planning and development of any AHEC may be counted as funds expended in the center.

Finally, several changes of an editorial or technical nature have been made to clarify the regulations.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) does not apply to these rules, since the interim-final rule was published prior to January 1, 1981.

Paperwork Reduction Act

The Department is required to submit to the Office of Management and Budget for review and approval §§ 57.3804, 57.3811 and 57.3812 which include reporting and/recordkeeping requirements, as well as the application forms and instructions which will be used to implement the AHEC cooperative agreements. The recordkeeping and reporting requirements in §§ 57.3804, 57.3811, and 57.3812 and the application forms and instructions for this cooperative agreement program have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. OMB Approval Numbers are 0935–0066 for the continuation application form and 0935–0065 for the competing application form.

Executive Order 12291, Federal Regulation

The Department has determined that this is not a major rule for the purpose of Executive Order 12291, Federal Regulation because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 42 CFR Part 57

Dental health, Education of disadvantaged, Educational facilities, Educational study programs, Emergency medical services, Grant programs—education, Grant programs—health, Health facilities, Health professions, Loan programs—health, Medical and dental schools, Scholarships and fellowships, Student aid.

PART 57—[AMENDED]

Accordingly, Subpart MM of 42 CFR Part 57 is revised as set forth below.

(*Catalog of Federal Domestic Assistance*, No. 13.824, Area Health Education Centers).

Dated: December 8, 1982.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: January 10, 1983.

Richard S. Schweiker,

Secretary.

Subpart MM—Area Health Education Center Program

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); sec. 781 of the Public Health Service Act, 90 Stat. 2312 (42 U.S.C. 295g–1), as amended.

Subpart MM—Area Health Education Center Program

§ 57.3801 To what programs do these regulations apply?

The regulations of this subpart apply to cooperative agreements entered into by the Secretary under section 781 of the Public Health Service Act (42 U.S.C. 295g–1) with schools of medicine or osteopathy for the planning, development, and operation of area health education center programs.

§ 57.3802 Definitions.

"Act" means the Public Health Service Act.

"Allied health personnel" means individuals as defined in 42 CFR 58.502.

"Area health education center" or "center" means a public or nonprofit private entity which has a cooperative arrangement with one or more schools of medicine or osteopathy for the planning, development, and operation of an area health education center program. A center must be an entity which is recognized under the laws of the State in which it is located and which has as one of its principal functions the operation of the area health education center.

"Area health education center program" or "project" means a cooperative program among one or more schools of medicine or osteopathy and one or more area health education centers, which is capable of performing the functions described in sections 781(c) and (d) (2) of the Act and § 57.3804 of these regulations, and which is designed to improve the distribution, supply, quality, utilization, and efficiency of health personnel in the health services delivery system and to encourage the regionalization of educational responsibilities of health professions schools.

"Cooperative agreement" means a legal instrument that reflects an assistance relationship between the Federal Government and the recipient in which substantial programmatic involvement is anticipated between the Federal agency and the recipient during performance of the contemplated activity.

"Clerkship" means supervised clinical training.

"Continuing medical education" or "continuing education" means any education for the purpose of maintaining or enhancing the knowledge, attitudes or abilities of a health professional in his or her field which does not lead to any formal advanced standing in the profession.

"Health professional" means any physician, dentist, optometrist, podiatrist, pharmacist, nurse, nurse practitioner, physician assistant or allied health personnel.

"Nurse practitioner" means an individual as defined in 42 CFR 57.2402.

"Physician assistant" means an individual as defined in 42 CFR 57.802.

"Preceptorship" means an educational experience in which the student works with a designated health professional, the preceptor, who teaches in the student's field of study and personally supervises the student's clinical activity.

"School of medicine, osteopathy, dentistry, optometry, podiatry, pharmacy, public health or veterinary medicine" means a school as defined in section 701(4) of the Act which is accredited as provided in section 772(b) of the Act.

"School of nursing means a collegiate, associate degree or diploma school of nursing as defined in section 853 of the Act.

"Training center for allied health professions" means a training center as defined in 42 CFR 58.402

"Secretary" means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

"State" means, in addition to the several States, only the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 57.3803 Who is eligible to apply for a cooperative agreement?

(a) Any public or nonprofit private school of medicine or osteopathy located in a State is eligible to submit a proposal.

(b) More than one accredited school of medicine or osteopathy may submit a joint proposal for the planning, development and operation of an area health education center program. In this case, each school must conduct the activities required by section 781(c) of the Act and § 57.3804(d) of these regulations.

§ 57.3804 Project requirements.

A project supported under this subpart must be conducted in accordance with the following requirements:

(a) Each area health education center program must have a program director who holds a faculty appointment at a medical or osteopathic school participating in the program and who is responsible for the overall direction and coordination of the program.

(b) Each area health education center program must have a program advisory committee to advise the program director on all aspects of the conduct of the program including administration, education and evaluation. This committee must include representatives of schools and programs of health professions which actively participate in the area health education center program under § 57.3804(d)(5) of this subpart and section 781(c)(4) of the Act, individuals with training and experience in the fields of medicine or osteopathy, dentistry, nursing, and an allied health profession, as well as a representative of each of the centers cooperating in the program.

(c) Each area health education center program must annually evaluate its activities to ascertain the extent to which it is meeting the purposes described in section 781(a) of the Act.

(d) *Requirements for schools of medicine or osteopathy.* A school of medicine or osteopathy participating in an area health education program (with the exception of a school whose only function is to provide resources by purchase agreement to a center) must meet the following requirements. However, a school of medicine or osteopathy must fulfill the requirement of § 57.3804(d)(4) only if no other school of medicine or osteopathy participating in the program meets this requirement. Each school of medicine or osteopathy must:

(1) Have a cooperative arrangement with an area health education center, as evidenced by a written agreement. This agreement must provide at a minimum that the schools participating in the program will perform the following functions:

(i) Provide faculty to assist in the conduct of the center's educational activities, as necessary;

(ii) Provide an agreed upon amount of funds to the center to assist the center in meeting the costs of its activities, including those described in section 781(d)(2) of the Act;

(iii) Be responsible for the quality of the education received in the center, including evaluating the quality of the educational programs required by section 781(d)(2) of the Act and the performance of its students while receiving clinical training in the center. The area health education center must agree to conduct the activities described in section 781(d)(2) of the Act and these regulations, and assist the schools participating in the program in meeting the requirements in section 781(c) of the Act and these regulations.

(2) Provide for the active participation in the program by individuals who are associated with the administration of the school, and staff or faculty members of each of the departments (or specialties if the school has no departments) of internal medicine, pediatrics, obstetrics and gynecology, surgery, psychiatry and family medicine. These persons may participate in the program in either the school or center and must perform, among others, the following functions: provide guidance on educational program or curriculum development and operation; instruct students (including residents and other practicing health professionals); perform student or program evaluation; and assist in program administration.

(3) Conduct no less than 10 percent of all undergraduate medical or osteopathic clinical education of the school in one or more centers and in clinical settings which are part of or affiliated with a center and in which the center arranges and supports the clinical education. The school shall assure that, annually, the ratio of student weeks of clinical education received by its undergraduate students in centers to the total number of student weeks of clinical education received by its

undergraduate students, in any location, is no less than 0.10. For purposes of this paragraph, undergraduate medical or osteopathic clinical education means any clerkships, preceptorships, or other educational activities which are offered in the following fields: family medicine, internal medicine and its subspecialties, pediatrics and its subspecialties, dermatology, obstetrics and gynecology, surgery and its subspecialties, anesthesiology, psychiatry and its subspecialties, neurology, physical medicine and rehabilitation, emergency medicine, nuclear medicine and general preventive medicine, including community medicine. Courses, seminars, and other educational programs which are entirely didactic or laboratory in nature or which are primarily in anatomy, biochemistry, physiology, microbiology, pharmacology, or pathology are not included in this definition.

(i) The Secretary may waive, for good cause shown, all or part of the requirement of this paragraph if another such school participating in the same program meets the requirement.

(ii) To obtain a waiver, a school must submit a written request to the Secretary fully describing and documenting the good cause and stating which school meets the requirement. This request must include the following information:

(A) The extent to which the school for which the waiver has been requested has attempted to meet this requirement. A description of efforts and the reasons why the school cannot meet the requirement must demonstrate that the school has made a good faith effort, but constraints beyond its control have caused these efforts to be unsuccessful.

(B) The length of time for which this waiver is requested, and a plan and timetable for meeting the requirement.

(C) The alternative mechanisms the schools will use to provide clinical experiences in locations removed from the site of the teaching facilities where the major part of the educational program of any participating schools is conducted if the waiver is granted.

(4) Be responsible for, or conduct a program for the training of physician assistants, which meets the requirements of 42 CFR Part 57, Subpart I, or nurse practitioners, which meets the requirements of 42 CFR Part 57, Subpart Y Appendix. If one school which is participating in the area health education center program provides for or conducts a program for the training of physician assistants or nurse practitioners meeting this requirement, other schools participating in the program may, but need not, provide for or conduct a physician assistant or nurse practitioner program. Where the school is responsible for, but does not conduct one of these programs, it must participate in the presentation, review, and evaluation of one of these programs at an affiliated institution so that at least part of the education in the program is provided by faculty of the school. The school must give special consideration to the enrollment in these programs of individuals from or who plan to practice in the area served by the center by either:

(i) Giving preference to applicants whose place of residence has been in the area served by the center at any time prior to application; or

(ii) obtaining a signed statement from applicants, indicating an intent to practice the skills acquired in the program in the areas.

(5) Provide for the active participation of at least two schools or programs of other health professions in the educational program conducted in the area served by the center(s). In meeting this requirement:

(i) One of the participating schools or programs must be a school of dentistry, if there is one affiliated with the university with which the school of medicine or osteopathy is affiliated;

(ii) Only the following schools or programs of other health professions may be included to meet the requirement of this paragraph:

(A) Training centers for the allied health professions;

(B) Schools of nursing;

(C) Schools of optometry;

(D) Schools of pharmacy;

(E) Schools of podiatry; or

(F) Schools of public health.

(iii) Each school or program participating in the area health education center program under this paragraph must have a written agreement with the school(s) of medicine or osteopathy, under which the school or program agrees to assist and participate, as is appropriate, in the activities of each center as required under section 781(d)(2) of the Act.

(iv) Each school or program participating in the area health education center under this paragraph must have a written agreement with each center, under which the school or program agrees to provide some or all of its students with educational experiences in the center or in settings affiliated with the center, and the center agrees to arrange for and support the provision of the educational programs. This agreement may be part of the agreement required by paragraph (d)(1) of this section.

(e) *Requirements for area health education centers.* Each area health education center participating in an area health education center program must:

(1) Designate either a geographic area or medically underserved population which it will serve ("the area served by the center"). This area or population must be in a location remote from the main site of the teaching facilities of the schools which participate in the program. For purposes of this requirement,

(i) A medically underserved population means the population of a geographic area designated as a primary medical personnel shortage area under section 332 of the Act or a population group designated under section 332 of the Act as having a shortage of primary medical care personnel;

(ii) An area or population will meet this requirement if its location is removed from the site of the teaching facilities where the major part of the educational program of any participating school is conducted. The area served by the center must not duplicate, in whole or in part, the area served by any other center.

(2) Provide for or conduct training in health education services, in the area served by the center. This training must consist of courses and programs to train health professionals to instruct the public or patients in medical self-help, disease prevention, accident prevention, nutrition, physical fitness, and other subjects relating to health maintenance, and must include the principles of nutrition, the evaluation of nutritional status, and nutritional counseling. The training must be oriented toward the ethnic and cultural backgrounds of the people in the area.

(3) Assess the health manpower needs of the area served by the center and assist in the planning and development of training programs to meet these needs. In meeting this requirement, the center should work with existing health systems agencies designated for the area served by the center and other appropriate entities by cooperatively developing and sharing data on health personnel needs of the area for the next 10 years and in developing a plan for training programs to meet these needs. In areas where HSAs exist, the planned training programs must be consistent with the health personnel projections developed by the health systems agencies. At a minimum, the center must assess the need for (i) personnel to provide health education and nutrition counseling services; (ii) primary care health personnel including physicians in family practice, general internal

medicine, general pediatrics, and obstetrics and gynecology, physician assistants, and nurse practitioners; (iii) mental health practitioners; (iv) dentists; and (v) nurses. In carrying out its responsibility to assess health personnel needs in the area, the center shall, to the maximum extent practicable, use existing data (including data used for the designation of shortage areas under sections 332 and 836(h) of the Act).

(4) Provide for or conduct a rotating osteopathic internship or medical residency training program in family practice, general internal medicine or general pediatrics, or osteopathy in which no fewer than six persons are enrolled in first-year positions in the program. If one center which is participating in the area health education center program provides for or conducts a medical residency training program meeting this requirement, other centers participating in the program may, but need not, provide for or conduct a medical residency training program in these fields. In meeting this requirement:

(i) A family practice residency for allopathic and osteopathic physicians must meet the requirements of section 786(a) of the Act, and implementing regulations.

(ii) A general internal medicine or general pediatrics residency must meet the requirements of 42 CFR 57.3104, except for the requirements in paragraphs (h) and (i) of that section.

(iii) The center must conduct the medical residency training program at a site which is part of the center or provide for the conduct of this program, by written affiliation agreement with an appropriate entity located in the area served by the center.

(5) Provide opportunities for continuing medical education (including education in disease prevention) to all physicians and other health professionals practicing within the area served by the center.

This continuing medical education must include courses, seminars, lectures, grand rounds, clinical pathological conferences, mini-residencies, library services, or in-house training, as appropriate, for all health professionals in the area. In meeting this requirement:

(i) The center must assess the need for providing continuing medical education taking into consideration the numbers, needs and location of health professionals in the area as well as educational activities available through other entities.

(ii) The center must announce the availability of continuing medical education activities offered in the center, as well as those provided through other entities in the area, through appropriate and usual distribution channels.

(6) Provide continuing medical education and other educational support services to the National Health Service Corps (Corps) members assigned to the area served by the center, after notification of the assignment(s) by the Secretary. In meeting this requirement, the center must:

(i) Establish an organized program which will provide for the assessment of the continuing medical education needs of the members of the Corps and offer to members of the Corps, at a cost not to exceed the cost to any other participant, continuing medical education relevant to these identified needs.

(ii) Assist in identifying resources for and encouraging the provision of:

(A) Consultation services, if needed, including telephone consultation to Corps personnel.

(B) A patient referral system, if necessary, to Corps patients and assistance to these patients in obtaining laboratory and pathological services at accessible locations.

(C) Supervision and consultation for non-physician and non-dentist members of the Corps in the area.

(D) Temporary substitutes for Corps personnel, as needed.

(7) Encourage the utilization of nurse practitioners and physician assistants in the area and the recruitment of individuals for training in these professions at the participating medical or osteopathic schools. In meeting this requirement, the center must:

(i) Inform potential employers in the area regarding the following, among other subjects;

(A) The function and utilization of nurse practitoners and physician assistants;

(B) State laws and regulations governing nurse practitioners and physician assistants; and

(C) Reimbursement and malpractice coverage for services rendered by nurse practitioners and physician assistants.

(ii) Determine employment opportunities for nurse practitioners and physician assistants and participate in referral and recruitment of persons for these positions.

(iii) Distribute information in the area concerning the nurse practitioner or physician assistant training program(s) provided for or conducted by the schools of medicine or osteopathy participating in the program, and participate in recruiting persons in the area for the programs.

(8) Arrange and support educational opportunities for medical and other students at affiliated health facilities, ambulatory care centers, and health agencies throughout the area served by the center. In meeting this requirement, the center must:

(i) Coordinate the conduct of the following programs, including assisting in their planning and development, obtaining the necessary resources and providing administrative support services for:

(A) Clinical education for undergraduate medical or osteopathic students in at least family practice, general internal medicine or general pediatrics;

(B) Education for undergraduate and, as appropriate, graduate students, at a school of dentistry, if one is participating in the program;

(C) Education for students of the other schools or programs participating in the area health education center program under paragraph (d)(5) of this section; and

(D) Orientation for high school and post-high school students in schools in the area to develop awareness of health careers and health opportunities.

(9) Have an advisory board of which at least 75 percent of the members are persons from the area served by the center, including health service providers and consumers. For this purpose, health service providers are individuals who derive more than 10 percent of their annual income from the health care industry. In meeting this requirement:

(i) The advisory board must be reasonably divided between:

(A) Providers of health care, including at least one physician, dentist, nurse, and allied health professional who is actively engaged in the practice of his or her profession in the area served by the center; and

(B) Consumers, including students, who reside in the area and are broadly representative of the population in the area in terms of demographic factors, such as race, ethnic background and sex. The advisory board shall advise the chief administrative official of the center on all major policies concerning the operation of the center, on the establishment of center program priorities and on other issues, as necessary.

§ 57.3805 When do the requirements of § 57.3804 apply?

(a) The period of time in which any entity will have to meet all the requirements or § 57.3804 will be negotiated on a case-by-case basis, depending upon the nature and scope of the planned area health education center program. No cooperative

agreement, however, shall provide funds solely for the planning or development of a program for a period of longer than two years.

(b) Each area health education center program must begin planning for at least one center during the first year of support so that at least one center is fully operational and meets all the applicable requirements of § 57.3804 during the third year of support. Additional centers may be phased in during the first four years of Federal support except that once planning for any center is initiated, it must become fully operational and meet all the applicable requirements of § 57.3804 within three years.

(c) Each school with which the Secretary enters into a cooperative agreement under this subpart must meet all the requirements of § 57.3804 during the first four years of Federal support, except that once planning to add any school is initiated, it must meet all the applicable requirements of § 57.3804 within three years.

§ 57.3806 How will applications be evaluated?

(a) After consulting with the National Advisory Council on Health Professions Education established by section 702 of the Act, the Secretary will award cooperative agreements to applicants whose projects will best promote the purposes of section 781 of the Act and these regulations, taking into consideration among other factors:

(1) The degree to which the proposed project adequately provides for the program requirements set forth in § 57.3804;

(2) The capability of the applicant to carry out the proposed project; and

(3) The extent of the need of the area to be served by the proposed area health education center.

(b) In determining the priority for funding of applications approved under paragraph (a) of this section, the Secretary will consider:

(1) The relative merit of the proposed project;

(2) The relative cost-efficiency of the proposed project; and

(3) Any special factors relating to national needs as the Secretary may from time to time announce in the **Federal Register**, such as the provision of substantial training opportunities in the health professions for disadvantaged persons.

The Secretary will give preference to competing continuation applications over new applications.

§ 57.3807 How is the amount of the award determined?

(a) The amount of the award will be based on the Secretary's estimate of the sum necessary for the approved activity.

(b) The Secretary will not provide in any year under this subpart more than 75 percent of the total operating funds of an area health education center program.

§ 57.3808 How long does support under a cooperative agreement last?

(a) The cooperative agreement will specify the length of time the Secretary intends to support the project without requiring the project to recompete for funds. In addition, the maximum period during which a project may be funded will be specified in each cooperative agreement.

(b) Generally, the project will initially be funded for one year, and subsequent continuation awards will also be for one year at a time. A school which enters into a cooperative agreement must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding levels of these continuation awards will be made after consideration of such factors as the applicant's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Secretary that continued funding is in the best interest of the Federal Government.

(c) Neither the approval of any application nor the entering into of any cooperative agreement commits or obligates the Federal Government in any way to make any additional, supplemental, continuation or other award with respect to any approved application or portion of an approved application.

(d) Any balance of Federally obligated funds remaining unobligated by the school at the end of a budget period may be carried forward to the next budget period, for use as prescribed by the Secretary, provided a continuation award is made. If at any time during a budget period it becomes apparent to the Secretary that the amount of Federal funds awarded and available to the school for that period, including any unobligated balance carried forward from prior periods, exceeds the school's needs for the period, the Secretary may adjust the amounts awarded by withdrawing the excess. A budget period is an interval of time (usually 12 months) into which the project period is divided for funding and reporting purposes.

§ 57.3809 For what purposes may cooperative agreement funds be spent?

(a) A school which is awarded a cooperative agreement shall only spend funds it receives under this subpart according to the approved application and budget, the authorizing legislation, terms and conditions of the cooperative agreement award, applicable cost principles specified in Subpart Q of 45 CFR Part 74, and these regulations.

(b) The area health education center program must spend at least 75 percent of the funds provided under this subpart in any year in area health education centers.

(c) Schools which are awarded cooperative agreements may not spend cooperative agreement funds for sectarian instruction or for any religious purpose.

§ 57.3810 How will the Department participate in a cooperative agreement?

The Secretary anticipates substantial Federal involvement in the management of the project supported under the cooperative agreement. This involvement may include, as determined necessary, the following activities, among others:

(a) Reviewing and approving plans, upon which continuation of the cooperative agreement is contingent, to permit appropriate direction and conduct of activities;

(b) Reviewing and approving all contracts between the cooperating school of medicine, other health professions schools, and area health education centers;

(c) Participating with project staff in the development of funding projections;

(d) Developing with project staff data collection systems and procedures; and

(e) Participating with project staff in the design of project evaluation protocols and methodologies.

§ 57.3811 What additional Department regulations apply to awardees?

Several other regulations apply to cooperative agreements under this subpart. These include, but are not limited to:

42 CFR Part 50—PHS grant appeals process.

45 CFR Part 16—Department grant appeals process.

45 CFR Part 46—Protection of human subjects.

45 CFR Part 74—Administration of grants.

45 CFR Part 75—Informal grant appeals procedures (indirect cost rates and other cost allocations).

45 CFR Part 76—Debarment and Suspension from Eligibility for Financial Assistance.

45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance from the Department—Implements Title VI of the Civil Rights Act of 1964.

45 CFR Part 81—Practice and procedure for hearings under Part 80.

45 CFR Part 83—Nondiscrimination on the basis of sex in the admission of individuals to training programs.

45 CFR Part 84—Nondiscrimination on the basis of handicap in Federally-assisted education programs.

45 CFR Part 86—Nondiscrimination on the basis of sex in Federally-assisted programs.

45 CFR Part 91 [1]—Nondiscrimination on the basis of age in Department programs or activities receiving Federal financial assistance.

§ 57.3812 What other audit and inspection requirements apply?

Each school which enters into a cooperative agreement must, in addition to the requirements of 45 CFR Part 74, meet the requirements of section 705 of the Act concerning audit and inspection.

§ 57.3813 Additional conditions.

The Secretary may impose additional conditions on any award before or at the time of any award if the Secretary determines that these conditions are necessary to assure or protect the advancement of the approved activity, the continued viability of the school, the interest of the public health, or the conservation of public funds.

[FR Doc. 83-3891 Filed 2-18-83; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 82-018b]

Ports of Documentation

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule revokes the designation of 53 locations as ports of documentation and shifts all services to 15 regional documentation offices.

The regulations will permit the Coast Guard to provide more efficient and effective service to the public by improvements in the documentation program through enhanced uniformity, specialization, and expertise. Regional documentation ports will enable the Coast Guard to operate within budgetary constraints in concert with efforts to reduce the Federal Budget.

Since July 1, 1982, documentation regulations permit most submissions to be made by mail, decreasing the need for applicants to appear in person at documentation offices. Therefore these closings should not result in significant inconvenience to the public.

DATE: This rule is effective July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Commander Michael J. DeWitt (Project Manager), Office of Merchant Marine Safety, Room 2406, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593; (202) 426-1483.

Drafting Information: The principal persons involved in drafting this proposal are Commander Michael J. DeWitt (Project Manager) and Lieutenant Commander William B. Short (Project Attorney), Office of the Chief Counsel.

Discussion of regulation:

Documentation is required for the operation of certain vessels which engage in the fisheries, Great Lakes trade, or coastwise trade. To provide the necessary documentation services to the affected public, the Coast Guard has designated numerous Ports of Documentation throughout the country.

This amendment to the documentation regulations relates solely to the number of designated Ports of Documentation within the internal agency organization and will not reduce the documentation services now afforded. A general notice of proposed rulemaking is not required by 5 U.S.C. 553(6)(3)(A). The rule simply consolidates existing offices and personnel positions into fifteen regional locations to lower overhead costs and to facilitate installation of a computer support system *currently under development.* Consolidation is necessary to accomplish the transition from a decentralized, labor-intensive system to a centralized, capital-intensive system.

This system will improve internal management efficiency and the level of service to the public. The end result, a centralized, automated vessel documentation system coupled with the simplified procedures and mailing services afforded under the Documentation Act of 1980, in effect since 1 July 1982, will offer the following advantages to the public:

a. Reduction and eventual elimination of service backlogs will mean faster and, eventually, immediate service.

b. Full exploitation, through automation, of the advantages offered by simplified forms, processing and mailing procedures.

c. Enhanced uniformity of interpretation and application of vessel documentation laws and regulations.

d. More effective utilization of manpower and greater productivity through task assignments on the basis of specialization and expertise.

e. Reduced Coast Guard Commercial Vessel Safety operating expenses, and thus reduced total cost of the vessel documentation program to the taxpayer.

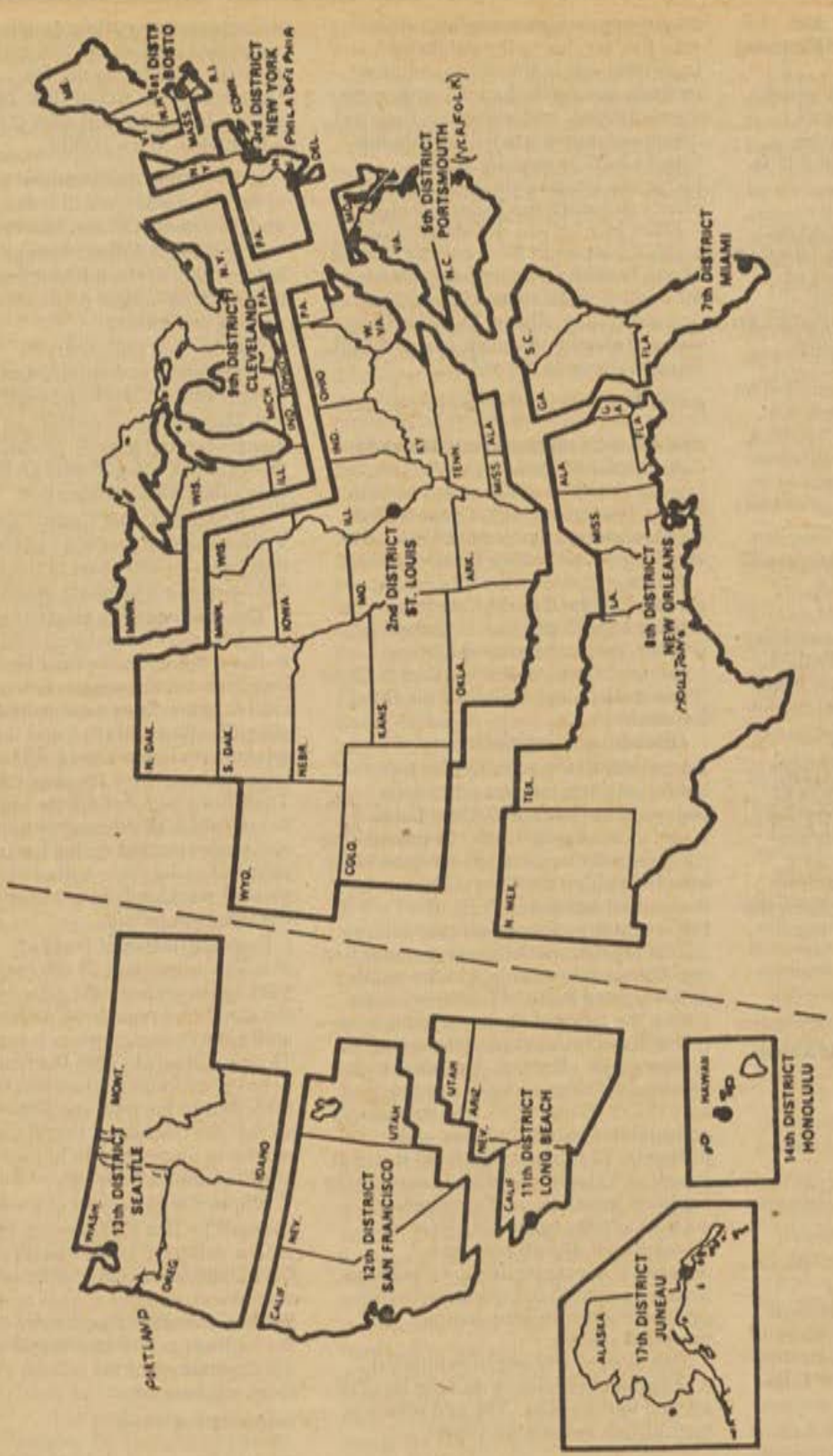
The only negative effect of these changes upon the public could be reduced ability to conduct business in person in the documentation offices. The mail-in procedures established by the simplification initiative and the advantages noted above will offset this adverse impact for the majority of users. The fifteen regional offices are located in areas of high documentation activity and were selected on the basis of physical co-location with district offices, present workload, and accessibility for the maritime public.

Regionalization of Ports of Documentation will be effected on 1 July 1983, one year from the effective date of the simplified regulation published under the Documentation Act of 1980. This will coincide with the time required to integrate existing documentation records into the new simplified system so that the necessary vessel data base will be in place prior to implementation of the automated system.

Where the home port of a vessel is changed by this amendment, the change will be reflected in the vessel's Certificate of Documentation at the time of renewal, without charge to the public. Further, the amendment does not change the hailing port for any vessel validly documented as of the effective date of these regulations.

BILLING CODE 4910-14-M

[1] Refer to 45 CFR Part 90 until Part 91 is finalized.


U.S. Coast Guard Districts
1st DISTRICT BOSTON
2nd DISTRICT NEW YORK
3rd DISTRICT PHILA
5th DISTRICT PORTSMOUTH
7th DISTRICT MIAMI
8th DISTRICT CLEVELAND
2nd DISTRICT ST. LOUIS
8th DISTRICT NEW ORLEANS
13th DISTRICT SEATTLE
12th DISTRICT SAN FRANCISCO
11th DISTRICT LONG BEACH
14th DISTRICT HONOLULU
17th DISTRICT JUNEAU
PORTLAND
BILLING CODE 4910-14-C

For the information of the reader the general limits of each district are shown in the diagram reproduced in this notice. In those cases where district particulars are necessary, complete boundaries are set forth in 33 CFR Part 3.

On the effective date of this rule the Coast Guard will:

1. Close the port of documentation offices at: Gloucester, MA; Portland, ME; Rockland, ME; New Bedford, MA; Providence, RI.

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, 447 Commercial Street, Boston, MA 02109;

(b) Designate Boston as the home port of all vessels now having Gloucester, New Bedford, MA, Portland or Rockland, ME, and Providence, RI, as their home port.

2. Close the port of documentation offices at: Cincinnati, OH; Minneapolis, MN; Louisville, KY; Greenville, MS; Memphis, TN; Nashville, TN; Pittsburgh, PA.

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, 210 N. Tucker Blvd., St. Louis, MO 63101;

(b) Designate St. Louis as the home port of all vessels now having Cincinnati, OH, Minneapolis, MN, Louisville, KY, Greenville, MS, Memphis or Nashville, TN, Pittsburgh, PA, as their home port.

3. Close the port of documentation offices at: Bridgeport, CT; New London, CT; Albany, NY.

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, Battery Park Bldg., New York, NY 10004;

(b) Designate New York as the home port of all vessels now having Bridgeport or New London, CT, Albany, NY, as their home port.

4. Close the port of documentation office at Wilmington, DE, and

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, 601 Custom House, Philadelphia, PA 19106;

(b) Designate Philadephia as the home port of all vessels now having Wilmington, DE, as their home port.

5. Close the port of documentation offices at: Elizabeth City, NC; Reedville, VA; Baltimore, MD; Washington, DC; Beaufort-Morehead City, NC; Wilmington, NC.

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, Norfolk Federal Bldg, 200 Granby Mall, Norfolk, VA 23510;

(b) Designate Norfolk as the home port of all vessels now having Elizabeth City, Beaufort-Morehead City, or Wilmington, NC, Reedville, Va. Baltimore, MD, or Washington, DC, as their home port.

6. Close the port of documentation offices at: Key West, FL; Charleston, SC; Jacksonville, FL; San Juan, PR; Savannah, GA; Tampa, FL.

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, 51 S.W. 1st Avenue, Miami, FL 3130;

(b) Designate Miami as the home port of all vessels now having Key West, Jacksonville, or Tampa, FL, Charleston, SC, San Juan, PR, or Savannah, GA, as their home port.

7. Close the port of documentation offices at: Baton Rouge, LA; Houma, LA; Morgan City, LA; Biloxi, MS; Mobile, AL; Pensacola, FL.

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, F. Edward Hebert Bldg., 600 South Street, New Orleans, LA 70130;

(b) Designate New Orleans as the home port of all vessels now having Baton Rouge, Houma, or Morgan City, LA, Biloxi, MS, Mobile, AL, or Pensacola, FL, as their home port.

8. Close the port of documentation offices at: Brownsville, TX; Corpus Christi, TX; Galveston, TX; Port Arthur, TX.

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, 7300 Wingate Street, Houston, TX 77011;

(b) Designate Houston as the home port of all vessels now having Brownsville, Corpus Christi, Galveston, or Port Arthur, TX, as their home port.

9. Close the port of documentation offices at: Detroit, MI; Buffalo, NY; Oswego, NY; Chicago, IL; Ludington, MI; Duluth, MN; Milwaukee, WI.

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, 601 Rockwell Avenue, Rockwell Building, Cleveland, OH 44114;

(b) Designate Cleveland as the home port of all vessels now having Detroit, MI, Chicago, IL, Buffalo or Oswego, NY, Ludington, MI, Duluth, MN, or Milwaukee, WI, as their home port.

10. Close the port of documentation office at San Diego, CA, and

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, 165 North Pico Ave., Los Angeles-Long Beach, CA 90802;

(b) Designate Los Angeles-Long Beach as the home port of all vessels now having San Diego, CA, as their home port.

11. Close the port of documentation office at Eureka, CA, and

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, Bldg. 14, Government Island, Alameda, CA 94501;

(b) Designate San Francisco as the home port of all vessels now having Eureka, CA, as their home port.

12. Close the port of documentation office at: Port Angeles, WA; Tacoma, WA.

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, 1519 Alaskan Way S, Seattle, WA 98134;

(b) Designate Seattle as the home port of all vessels now having Port Angeles or Tacoma, WA, as their home port.

13. Close the port of documentation office at: Astoria, OR; Coos Bay, OR.

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, 6767 N. Basin Avenue, Portland, OR 97217;

(b) Designate Portland as the home port of all vessels now having Astoria or Coos Bay, OR, as their home port.

14. Close the port of documentation offices at: Ketchikan, AK; Anchorage, AK.

(a) Transfer documentation records to the Office of Documentation Officer, U.S. Coast Guard, 612 Willoughby Ave., Juneau, AK 99801;

(b) Designate Juneau as the home port of all vessels now having Ketchikan or Anchorage, AK, as their home port.

15. The amendment to the regulations will also clearly define home port designations.

Where a vessel owner has no domicile in the U.S. or does not have a permanent address, the home port may be any port of documentation. If the vessel is owned by the Federal Government or any agency thereof, the home port will be Norfolk, VA.

For a vessel which is owned by a state, territory, possession, or any agency thereof, the home port will be, except in the Third, Eighth, and Thirteenth Coast Guard Districts, the port of documentation for the Coast Guard District in which the capital of the entity is located.

For vessels owned by the State of New York, New Jersey, or Connecticut, or any agency thereof, the home port will be New York. For vessels owned by the State of Pennsylvania, Delaware, or any agency thereof, the home port will be Philadelphia. For vessels owned by the State of Texas or New Mexico, or any agency thereof, the home port will be Houston. For vessels owned by the State of Louisiana, Mississippi or Alabama, or any agency thereof, the home port will be New Orleans. For vessels owned by the State of Washington or Montana, or any agency thereof, the home port will be Seattle.

For vessels owned by the State of Oregon or Idaho, or any agency thereof, the home port will be Portland.

For a vessel which is owned by a political subdivision of a state, territory, possession, or any agency thereof, the home port will be, except in the Third, Eighth, and Thirteenth Coast Guard Districts, the port of documentation for the Coast Guard District in which the political subdivision is located. For vessels owned by a political subdivision of the State of New York, New Jersey, or Connecticut, or any agency thereof, which subdivision is located in the Third Coast Guard District, the home port will be New York. For vessels owned by a political subdivision of the State of Delaware or Pennsylvania, or any agency thereof, which subdivision is located within the Third Coast Guard District, the home port will be Philadelphia. The home port for a vessel owned by a political subdivision of the State of Texas or New Mexico, or any agency thereof, will be Houston. The home port for vessels owned by a political subdivision of the State or Louisiana, Mississippi, Georgia, Florida, or Alabama, or any agency thereof, which subdivision is located within the Eighth Coast Guard District, will be New Orleans. The home port for a vessel owned by a political subdivision of the State of Washington or Montana, or any agency thereof, will be Seattle. For vessels owned by a political subdivision of the State of Oregon or Idaho, or any agency thereof, the home port will be Portland.

Evaluation and Initial Regulatory Flexibility Analysis

Although Executive Order 12291 does not apply to rules of agency organization, the Coast Guard has nevertheless evaluated the rule and determined that it is not a major rule. In addition, this regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulation (DOT Order 2100.5 of 5–22–80). Further the rule has been evaluated under Pub. L. 96–345 (94 Stat. 1168) and is certified as having no significant economic impact on a substantial number of small entities. The rule simply changes the number of documentation offices to fifteen regional locations and does not have an effect on the total annual number of transactions. There should be little or no economic burden on the public as a result. In the past, many documentation transactions required the applicant or agent to appear in person at a documentation office. With the procedures adopted under the Documentation Act of 1980, all transactions can be conducted by mail.

Environmental Statement

The Coast Guard has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that this action is categorically excluded from further environmental documentation.

List of Subjects in 46 CFR Part 67

Vessels, Documentation.

In consideration of the foregoing, the Coast Guard amends Part 67 of Title 46 of the Code of Federal Regulations to read as follows:

1. By revising Appendix D to Part 67 to read as follows:

Appendix D to 46 CFR Part 67
Ports of Documentation

The following is a list of Coast Guard Districts indicating the ports of documentation offices within each District. With the exception of the Third, Eighth, and Thirteenth Coast Guard Districts, the ports of documentation serve the entire geographic units of the districts in which they are located. In the Third District, Philadelphia is the port of documentation for the Philadelphia Marine Inspection Zone and New York is the port of documentation for the remainder of the district. In the Eighth District, Houston is the port of documentation for the States of Texas and New Mexico. New Orleans is the port of documentation for the remainder of the district. In the Thirteenth District, Seattle is the port of documentation for the States of Washington and Montana. Portland is the port of documentation for the States of Oregon and Idaho. Boundaries for the Coast Guard districts are set forth in 33 CFR Part 3. Boundaries of the Philadelphia Marine Inspection Zone are set forth in 33 CFR 3.15–25.

District	Regional port of documentation offices	Address
1st	Boston, MA	USCG Marine Safety Office, Boston, MA.
2d	St. Louis, MO	USCG Marine Safety Office, St. Louis, MO.
3d	New York, NY	USCG Marine Inspection Office, New York, NY.
	Philadelphia, PA	USCG Marine Inspection Office, Philadelphia, PA.
5th	Norfolk, VA	USCG, Hampton Roads Marine Safety Office, Norfolk, VA.
7th	Miami, FL	USCG Marine Safety Office, Miami, FL.
8th	New Orleans, LA	USCG Marine Inspection Office, New Orleans, LA.
	Houston, TX	USCG Marine Safety Office, Houston, TX.
9th	Cleveland, OH	Commander Ninth CG District (mvd), Cleveland, OH.
11th	Los Angeles-Long Beach, CA.	USCG Marine Safety Office, Long Beach, CA.
12th	San Francisco, CA	USCG Marine Safety Office, Alameda, CA.
13th	Seattle, WA	USCG Marine Safety Office, Seattle, WA.
	Portland, OR	USCG Marine Safety Office, Portland, OR.
14th	Honolulu, HI	USCG Marine Safety Office, Honolulu, HI.
17th	Juneau, AK	USCG Marine Safety Office, Juneau, AK.

2. In § 67.13–3, paragraphs (b) (1)–(9) are revised to read as follows:

§ 67.13–3 Home port designations.

* * * * *

(b) * * *

(1) Except in the Third, Eighth, and Thirteenth Coast Guard Districts, the home port of a vessel owned by one person must be the port of documentation for the district in which the domicile of the owner is located. Where the domicile of the owner is located in the Philadelphia Marine Inspection Zone, the home port must be Philadelphia. Where the domicile of the owner is any place in the Third Coast Guard district other than one in the Philadelphia Marine Inspection Zone, the home port must be New York. Where the domicile of the owner is in the State of Texas or New Mexico, the home port must be Houston. Where the domicile of the owner is any place in the Eighth Coast Guard District other than a place in the State of Texas or New Mexico, the home port must be New Orleans. Where the domicile of the owner is in the State of Washington or Montana, the home port must be Seattle. Where the domicile of the owner is in the State of Oregon or Idaho, the home port must be Portland.

(2) Where two or more persons with different domiciles own a vessel, the home port is determined according to the rules set forth in paragraph (b)(1) of this section, using the domicile of any one of the owners.

(3) If a vessel is owned by a partnership, the home port is determined according to the rules set forth in paragraph (b)(1) of this section, using the location of the business address of the partnership.

(4) If a vessel is owned by a corporation, the home port is determined according to the rules set forth in paragraph (b)(1) of this section, using the location of either its address within

its state of incorporation or the address of its principal place of business.

(5) Where the vessel is owned in a trust arrangement, the home port is determined in accordance with paragraphs (b) (1), (3), or (4) of this section, as appropriate, using the address of any one of the trustees.

(6) Where the vessel owner has no domicile in the United States or does not have a permanent address in the United States, the home port may be any port of documentation.

(7) Where the vessel is owned by the Federal Government, or any agency thereof, the home port must be Norfork.

(8) Where the vessel is owned by a state, territory, possession, or any agency thereof, the home port must be, except in the Third, Eighth, and Thirteenth Coast Guard Districts, the port of documentation for the Coast Guard District in which the capital is located. The home port of a vessel owned by the State of New York, New Jersey or Connecticut, or any agency thereof, must be New York. The home port of a vessel owned by the State of Pennsylvania or Delaware, or any agency thereof, must be Philadelphia. The home port for a vessel owned by the State of Texas or New Mexico, or any agency thereof, must be Houston. The home port of a vessel owned by the State of Louisiana, Mississippi or Alabama, or any agency thereof, must be New Orleans. The home port for a vessel owned by the State of Washington or Montana, or any agency thereof, must be Seattle. The home port of a vessel owned by the State of Oregon or Idaho, or any agency thereof, must be Portland.

(9) Where the vessel is owned by a political subdivision of a state, territory, possession, or any agency thereof, the home port must be, except in the Third, Eighth, and Thirteenth Coast Guard Districts, the port of documentation for the Coast Guard District in which the political subdivision is located. The home port of a vessel owned by a political subdivision of the State of New York, New Jersey or Connecticut, or any agency thereof, which subdivision is located in the Third Coast Guard District, must be New York. The home port of a vessel owned by a political subdivision of the State of Delaware or Pennsylvania, or any agency thereof, which subdivision is located within the Third Coast Guard District, must be Philadelphia. The home port for a vessel owned by a political subdivision of the State of Texas or New Mexico, or any agency thereof, must be Houston. The home port of a vessel owned by a political subdivision of the State of Louisiana, Mississippi, Florida, Georgia, or Alabama, or any agency thereof, which subdivision is located within the Eighth Coast Guard District, must be New Orleans. The home port for a vessel owned by a political subdivision of the State of Washington or Montana, or any agency thereof, must be Seattle. The home port for a vessel owned by a political subdivision of the State of Oregon or Idaho, or any agency thereof, must be Portland.

* * * * *

3. In § 67.13–7, paragraph (c) is revised to read as follows:

§ 67.13–7 Hailing port designation.

* * * * *

(c) When the home port of a vessel is determined in accordance with § 67.13–3(b)(6), the hailing port must be the home port of the vessel.

* * * * *

(Sec. 103, Pub. L. 96–594, 94 Stat. 3453 (46 U.S.C. 65a), sec. 105, Pub. L. 96–594, 94 Stat. 3454 (46 U.S.C. 65c), sec. 124 Pub. L. 96–594, 94 Stat. 3458 (46 U.S.C. 65v))

Dated: February 14, 1983.

L. N. Hein,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 83–4164 Filed 2–18–83; 8:45 am]

BILLING CODE 4910–14–M

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46 CFR Part 80

[CGD 79–180]

Disclosure of Safety Standards and Country of Registry

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations that apply to the disclosure of safety standards and country of registry for domestic and foreign passenger vessels. Past regulations were misleading and failed to correctly express the intent of Congress. This document clarifies disclosure standards by accurately defining the requirements imposed on the passenger vessel industry when advertising or selling passage aboard vessels of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers.

EFFECTIVE DATE: This amendment is effective on March 24, 1983.

FOR FURTHER INFORMATION CONTACT: CDR John P. Deleonardis (G–MVI–2/24), Room 2612, U.S. Coast Guard, 2100 Second Street, SW., Washington, D.C. 20593. [Tele. 202–426–2190].

SUPPLEMENTARY INFORMATION: The Coast Guard published a notice of proposed rulemaking (NPRM) concerning these amendments on August 2, 1982 (47 FR 33284). A ninety day comment period was provided. No written comments or requests for a public hearing were received on the proposal. No public hearing is scheduled.

Drafting Information

The principal persons involved in the drafting of these rules are: CDR John P. Deleonardis, Project Manager, Office of Merchant Marine Safety and LT Mark Hanlon, Project Attorney, Office of the Chief Counsel.

Discussion

Subsection 362(b) of Title 46, United States Code, requires owners, operators, agents, or any persons selling passage on subject vessels to disclose the vessels' compliance with certain safety standards. This disclosure requirement applies to passenger vessels, unless otherwise exempted, of 100 gross tons or more, having berth or stateroom accommodations for fifty or more persons Congress did not deem it necessary to apply the disclosure requirements to smaller vessels, such as passenger ferries, day cruisers, etc.

The statute requires direct notification of each prospective passenger embarking on subject vessels from United States ports. In order to prevent circumvention of these passenger notification requirements by vessels embarking passengers at ports outside, rather than within the United States, Congress extended the disclosure requirements to advertisements in the United States for passage on such vessels for ocean voyages anywhere in the world, and also required disclosure of country of registry.

In discussing promotional literature or advertising, the statute speaks to offers of passage or soliciting passengers, rather than the size of vessels covered or persons subject to the requirement. There is an implication that the advertising disclosure requirement applies to the same size vessels as the passenger notification requirement. This has led some to believe that the embarkation of passengers at United States ports is also a prerequisite to applicability of the advertising disclosure requirements. The legislative history of the statute indicates that the advertising disclosure requirement applies to the same size vessels as the passenger notification requirement, and that disclosure must occur in all advertising even though the vessel

concerned does not embark passengers at U.S. ports.

Past regulations in Part 80 of Title 46, Code of Federal Regulations, were misleading in that the statutory ambiguity was not resolved. The embarkation of passengers at United States ports, as a prerequisite to application of the passenger notification requirement (46 CFR 80.25), was not explicitly stated in § 80.10(a). The advertising disclosure requirement (46 CFR 80.30) was not explicitly made applicable to only subject vessels in § 80.10(b). The statutory language "ocean voyage anywhere in the world" was not defined.

In order to resolve these ambiguities and to reflect actual Coast Guard practice in applying these regulations, these amendments revise the applicability of the regulations to read in terms of persons who are subject thereto. The vessel size description is clearly set out. Applicability is no longer defined in terms of subject vessels and voyages or advertising activities. A definition of "ocean voyage anywhere in the world" is also included to clarify Congressional intent that a seagoing voyage on exposed waters, as opposed to a voyage on inland or protected waters, is contemplated. The definition of the regulated activities therefore are now found in the substantive subparts implementing the statutory passenger notification and advertising disclosure requirements (46 CFR 80.25, as revised by these amendments, and § 80.30, respectively). The amendments more accurately define the scope of the regulations and more effectively implement the intent of Congress.

A final ambiguity requiring clarification concerns the minimum type size of printed country of registry statements. Prior §§ 80.25(b) and 80.30(c)(1) required a minimum type size for prescribed safety information statements, which included country of registry information. Prior § 80.20(b), which required country of registry statements concerning vessels otherwise exempt from safety information statement requirements, failed to specify the minimum type size requirement. That section is now amended to include this requirement. This action follows the Congressional intent that country of registry statements be made in a manner which reasonably discloses that information.

Evaluation

The Coast Guard has determined, in accordance with E.O. 12291 and DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated 5 May, 1980 that these amendments are not major and not significant. These amendments consist of mere editorial changes and a new minimum type size requirement. The minimum type size requirement is the least costly method of implementing the Congressional intent that the country of registry information be reasonably disclosed. Specifying a minimum type size, in order to ensure that the information is clearly disclosed, adds no additional reporting cost. Consequently, no evaluation has been prepared.

Regulatory Flexibility Analysis

The regulations have been evaluated under Pub. L. 96-354 (94 Stat. 1168) and are certified as having no significant economic impact on a substantial number of small entities. A six point American type size requirement to disclose country of registry has no significant economic impact since there will be no increase in the reporting cost. The remaining amendments are purely editorial with no economic impact.

List of Subjects in 46 CFR Part 80

Advertising, Marine safety, Passenger vessels, Penalties, Travel and Foreign trade.

In consideration of the foregoing, Chapter I of Title 46 of the Code of Federal Regulations is amended as follows:

PART 80—DISCLOSURE OF SAFETY STANDARDS AND COUNTRY OF REGISTRY

1. By revising § 80.10 to read as follows:

§ 80.10 Applicability.

Except as exempted in § 80.20, this part applies to—(a) owners, operators, agents, or any persons selling passage on a foreign or domestic vessel of one hundred gross tons or over having berth or stateroom accommodations for fifty or more passengers and embarking passengers at a United States port for a coastwise or an international voyage; and (b) owners, operators, agents, and other persons involved in the publishing and distribution of promotional material in or over any medium of communication within the United States offering passage or soliciting passengers for an ocean voyage anywhere in the world, by a vessel of one hundred gross tons or over having berth or stateroom accommodations for fifty or more passengers, regardless of whether passengers are embarked at United States ports for said voyage.

2. By revising § 80.15 to read as follows:

§ 80.15 Ocean voyage.

An ocean voyage for the purposes of this part means:

A voyage on any body of water seaward of the low water mark such as an ocean or arm thereof, other major bodies of water such as seas, gulfs, and straits, except voyages exclusively within harbors and small coastal indentations.

3. By revising § 80.20(b) to read as follows:

§ 80.20 [Amended]

* * * * *

(b) If the exception in paragraph (a) of this section applies, the country of registry must appear in printed advertising or promotional literature as described in § 80.30(a), in a type no smaller than six points, American point system.

4. By revising § 80.25(a) to read as follows:

§ 80.25 Notification of safety standards.

(a) Each owner, operator, agent, or other person, selling passage for a coastwise or an international voyage embarking passengers at a United States port shall give to a prospective passenger, in writing, at the time of or before passage is booked, separately from any promotional literature or advertising used, a document containing the following information for each vessel concerned—

* * * * *

(R.S. 4400, as amended, Pub. L. 89-777, 80 Stat. 1356; Pub. L. 91-154, 83 Stat. 427 [46 U.S.C. 362]; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: January 25, 1983.

Clyde T. Lusk, Jr.,

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

[FR Doc. 83-4380 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[G.O. 13; Amdt. 14]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This document corrects citation references appearing in 46 CFR Part 536, relating to publishing and filing tariffs by common carriers in the foreign commerce of the United States.

DATE: Effective February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: A review of 46 CFR Part 536 reveals certain incorrect citation references which should be amended.

1. Part 536 publishes rules and regulations governing tariffs filed by common carriers in the foreign commerce of the United States. Section 536.5(d)(9), which publishes rules applicable to freight forwarder compensation contains a reference to "§ 510.24(f)." Part 510 was revised by the Commission effective October 1, 1981, at which time § 510.24(f) was revised and redesignated as § 510.33(d). The reference to "§ 510.24(f)" in § 536.5(d)(9) should therefore be amended to read "§ 510.33(d)."

2. The reference to "§ 536.10(c)(6)" in § 536.10(c)(7) is incorrect. The section intended to be referenced is "§ 536.10(c)(5)."

Therefore, pursuant to 5 U.S.C. 553 and section 43 of the Shipping Act, 1916 (46 U.S.C. 841a) Part 536 of Title 46 CFR is amended in the following respects.

§ 536.5 [Amended]

1. In § 536.5 *Tariff Contents*, the reference in paragraph (d)(9) to "§ 510.24(f)" is amended to read "§ 510.33(d)."

§ 536.10 [Amended]

2. In § 536.10 *Amendment to tariffs*, the reference in paragraph (c)(7) to "§ 536.10(c)(6)" is amended to read "§ 536.10(c)(5)."

Notice and opportunity to comment are not necessary for these amendments because they contain no substantive changes.

By the Commission, February 4, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-4385 Filed 2-18-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-596; RM-4145]

Radio Broadcast Services; TV Broadcast in Crockett, Texas, Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 40 to Crockett, Texas, as its first television assignment, in response to a petition filed by Holt-Robinson Communications.

EFFECTIVE DATE: April 12, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: January 26, 1983.

Released: February 11, 1983.

In the matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Crockett, Texas); BC Docket No. 82-596, RM-4145; report and order (Proceeding terminated).

1. The Commission herein considers the Notice of Proposed Rule Making, 47 FR 40457, published September 14, 1982, which invited comments on a proposal to assign UHF television Channel 40 to Crockett, Texas, in response to a petition filed by Holt-Robinson Communications ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its interest in applying for the channel, if assigned. No opposing comments were received.

2. We believe that the petitioner has adequately demonstrated the need for a first commercial television assignment to Crockett, Texas, and that the public interest would be served by assigning UHF television Channel 40 to that community.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective April 12, 1983, the Television Table of Assignments, § 73.606(b) of the Rules, is amended with respect to the community listed below:

City	Channel No.
Crockett, Texas	40

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-4340 Filed 2-18-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[RM-4122; FCC 83-36]

Amateur Radio Service; Authorization of the Digital Code "AMTOR" for Use by Stations in the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Amateur Radio Service Rules to allow amateur radio stations to use the digital radioteleprinter code AMTOR on frequencies below 50 MHz. This amendment is necessary for amateur radio operators for experimentation and reliable communications under marginal propagation conditions. With AMTOR, amateur stations will derive the inherent benefit of reliable, error-free copy at the receiving teleprinter.

EFFECTIVE DATE: February 22, 1983.

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

FOR FURTHER INFORMATION CONTACT: Steven W. Lett, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 97

Radio.

Adopted: January 27, 1983.

Released: February 8, 1983.

By the Commission: Commissioner Sharp concurring in the result.

In the Matter of Authorization of the digital code "AMTOR" for use by stations in the Amateur Radio Service. RM-4122, Order.

Introduction

1. The Commission has before it a petition for rule making, RM-4122, submitted by the American Radio Relay League, Inc. (the League) and received by the Commission on May 26, 1982. The petition requests "* * * that the Commission amend § 97.69 of its Rules to permit transmission by amateurs of the digital teleprinter code specified in Recommendation No. 476-2 (1978) of the International Radio Consultative Committee (CCIR), known in the Amateur Radio Service as 'AMTOR,' in

the amateur high-frequency bands."[1] The petition describes AMTOR as "* * * an automatic request-repeat radioteleprinter system * * * developed for the commercial maritime service * * *" (and commonly known by the trade name "Sitor" in that service).

2. The League's petition states that AMTOR has the inherent benefit of "* * * reliable, error-free copy at the receiving teleprinter, and the certainty of the sending operator that the data has been received correctly." A station utilizing the AMTOR code "* * * transmits data in blocks of three characters, pausing after each to obtain from the receiving station either an acknowledgement or instructions to re-send." According to the League, "The automatic 'hand-shaking' technique of AMTOR transmissions allows reliable communication even under marginal and fading high-frequency propagation conditions." The two digital codes currently authorized for use in the high frequency bands, Baudot and ASCII,[2] do not support this feature.

Discussion

3. In a recent action in the Commission's proceeding dealing with the use of additional digital codes in the Amateur Radio Service, the use of any code was authorized in all amateur frequency bands above 50 MHz.[3] However, in the Notice of Proposed Rule Making in that proceeding,[4] the Commission did not propose to make such a blanket authorization for the frequencies below 50 MHz in consideration of our international obligations. The Commission, in that Notice, reiterated its concern, expressed in at least one prior proceeding,[5] that the authorization of any and all codes, on frequencies where international propagation of radio signals is unavoidable, could be a violation of Article 41 of the International Telecommunication Union (ITU) Regulations. That article states, in part, that "* * * transmissions between amateur stations of different countries * * * shall be in plain language." The Commission, therefore, is obligated to consider, on a case-by-case basis, whether a particular digital code is standardized sufficiently worldwide in order to be considered "plain language." Such finding was made in the proceeding in Docket 20777 when the use of ASCII was authorized.

4. As the League has carefully pointed out in its petition, AMTOR is an internationally recognized code recommendation for the commercial maritime mobile service. Because of this, we believe that it can clearly be characterized as "plain language." Accordingly, we are authorizing the use of the AMTOR code by amateur radio stations operating in the HF bands.

Conclusion

5. We find that good cause exists to dispense with the prior notice and comment procedure provisions of the Administrative Procedure Act (APA) as unnecessary in this proceeding since it is unlikely that any objections would be received in view of the obvious benefits which are being conferred.[6][7] The APA's effective date requirements are also not applicable to these rule amendments because they either relieve a restriction or are interpretative.[8]

6. Accordingly, IT IS ORDERED that, effective on the date of publication of this Order in the **Federal Register**, Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, IS AMENDED as set forth in the attached Appendix. IT IS FURTHER ORDERED that RM-4122 IS GRANTED. This action is taken pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Further information on this matter may be obtained by contacting: Steve Lett (202) 632-4964, Federal Communications Commission, Private Radio Bureau, Washington, D.C. 20554.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment: Appendix.

[1] The high frequency (HF) bands are those bands between 3 and 30 MHz.

[2] Baudot is the common name for the International Telegraph Alphabet No. 2. ASCII (American Standard Code for Information Interchange) is defined by the American National Standards Institute (ANSI) Standard X3.4-1968.

[3] See Report and Order in PR Docket No. 81-699, 47 FR 42751, September 29, 1982.

[4] 46 FR 50993, October 16, 1981.

[5] See Third Report and Order in Docket 20777, 45 FR 8990, February 11, 1980.

[6] See 5 U.S.C. 553(b)(3)(B).

[7] Some of the other rule amendments in this action are interpretative and, therefore, exempt from the prior notice and comment provisions of 5 U.S.C. 553(b)(3)(A). These amendments merely codify our longstanding interpretation that stations operating on frequencies where international propagation is unavoidable must not only use codes which are internationally recognizable but also must employ modulation techniques which enable the transmissions to be monitored. In this regard we are explicitly requiring that transmissions of all digital codes specified by the Commission be made with frequency shifts of less than 900 hertz. They also clarify the Commission's requirement that radioteleprinter operation be confined to the frequencies where F1 emissions are authorized.

[8] See 5 U.S.C. 553(d).

Appendix

PART 97—[AMENDED]

Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, is amended as follows:

In § 97.69, paragraphs (a) and (b) are revised to read as follows:

§ 97.69 Digital communications.

* * * * *

(a) The use of the digital codes specified in paragraph (b) of this section is permitted on any amateur frequency where F1 emission is permitted, subject to the following requirements:

(1) The sending speed shall not exceed the following:

(i) 300 baud on frequencies below 28 MHz;

(ii) 1200 baud on frequencies between 28 and 50 MHz;

(iii) 19.6 kilobaud on frequencies between 50 and 220 MHz;

(iv) 56 kilobaud on frequencies above 220 MHz.

(2) When type A2, F1 or F2 emissions are used, the radio or audio frequency shift (the difference between the frequency for the "mark" signal and that for the "space" signal), as appropriate, shall be less than 900 Hz.

(3) When type A2 or F2 emissions are used, the highest fundamental modulating frequency shall be less than 3000 Hz.

(b) Except as provided for in paragraph (c) of this section, only the following digital codes, as specified, may be used:

(1) The International Telegraph Alphabet Number 2 (commonly known as Baudot); provided that transmission shall consist of a single channel, five unit (start-stop) teleprinter code conforming to the International Telegraph Alphabet Number 2 with respect to all letters and numerals (including the slant sign or fraction bar); however, in the "figures" positions not utilized for numerals, special signals may be employed for the remote control of receiving printers, or for other purposes indicated in this section.

(2) The American Standard Code for Information Interchange (commonly known as ASCII); provided that the code shall conform to the American Standard Code for Information Interchange as defined in American National Standards Institute (ANSI) Standard X3.4-1968.

(3) The International Radio Consultative Committee (CCIR) Recommendation 476-2 (commonly known as AMTOR); provided that the code, baud rate and emission timing

shall conform to the specifications of CCIR 476–2 (1978) Mode A or Mode B.

* * * * *

[FR Doc. 83-4341 Filed 2-18-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 30214-26]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; Correction

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

ACTION: Technical correction.

SUMMARY: NOAA issues a technical correction to the final regulations for the Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California. This correction will ensure that the recreational fishing seasons off California will begin and end on the appropriate dates.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, (206) 527–6150.

SUPPLEMENTARY INFORMATION: On September 1, 1982, final regulations for the Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California were published in the Federal Register (47 FR 38545). Section 661.21, "Recreational fishing," listed the season in Subareas E and F (California) as beginning on February 13 and ending on November 14. Although those dates were correct for 1982, the regulation should have read and is hereby corrected to read "begins on the Saturday closest to February 15 and ends on the Sunday closest to November 15."

Signed at Washington, D.C., this day of February 1983.

(16 U.S.C. 1801 *et seq.*)

Dated: February 15, 1983.

Carmen J. Blondin,

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

PART 661—[AMENDED]

50 CFR Part 661 is amended by revising § 661.21(a)(5) to read as follows:

§ 661.21 Recreational fishing.

(a) * * *

(5) Subareas E and F (California): The season for all salmon species, including coho, begins on the Saturday closest to February 15 and ends on the Sunday closest to November 15.

* * * * *

[FR Doc. 83-4318 Filed 2-18-83; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 36
Tuesday, February 22, 1983

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is proposing regulations to require simultaneous submission of Federal Employees Health Benefit (FEHB) carriers' benefit and rate proposals. These regulations would enhance OPM's ability to manage the FEHB contract negotiation cyle and to assess the impact of benefit and rate proposals on both the Government and enrollees.

DATE: Comments must be received on or before March 24, 1983.

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

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

SUPPLEMENTARY INFORMATION: In 1982, OPM asked FEHB carriers to submit benefit and rate changes simultaneously for their 1983 contracts. OPM plans to repeat this new procedure and wishes to confirm this practice in these proposed regulations. Regulations which provide for simultaneous submission of benefit and rate proposals would enhance OPM's ability to manage the FEHB negotiation cycle through improved coordination of benefit proposals, rate proposals and the Administration's budget. Specifically, simultaneous submission makes it possible to evaluate the impact of carrier proposals on the budget and on enrollee premiums much earlier than current regulations which require benefit proposals by April 30, but allow rate submissions as late as July 31.

Therefore, these regulations would provide that approximately nine months (March 31) prior to the expiration of the current contract period (calendar year), OPM will invite benefit and/or rate changes for simultaneous submission not less than seven months (May 31) prior to the end of the current contract period, if in the opinion of the Director of OPM, it is deemed beneficial to enrollees and the FEHB Program. The proposed regulations would also permit the Director of OPM discretion to vary the dates for requesting and submitting proposals.

For consistency, the proposed revision to the regulations would also require a new plan desiring entry into the Program to make application to OPM nine months (March 31) before the end of the current contract period and to demonstrate that the plan meets all requirements for approval at least seven months (May 31) before the end of the current contract period. Currently, new plans must submit all evidence required for plan approval at least six months (June 30) before the end of the current contract period.

The Director has determined that the comment period on this proposal will be 30 days because of the desirability of having these proposed regulations in effect before the next FEHB negotiation cycle begins.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that, within the scope of the Regulatory Flexibility Act, this regulation will not have a significant economic impact on a substantial number of small entities because the regulations would simply increase OPM's ability to administer the FEHB Program, and rearrange the timeframe in which health benefit carriers must submit information.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Claims, Government employees, Health insurance, Retirement.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM proposes to amend 5 CFR Part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. In § 890.203, the last sentence of paragraph (a)(1) is removed and two sentences are inserted in its place:

§ 890.203 Application for approval of, and proposal of amendments to, health benefit plans.

(a)(1) * * * Participation of an approved plan becomes effective on the first day of the contract period which is (i) at least nine months after OPM receives the application, and (ii) at least seven months after OPM receives benefit and rate proposals and all evidence to demonstrate that the plan has met all requirements for approval. At any time, OPM may make a counterproposal or propose changes on its own motion.

* * * * *

2. In § 890.203, paragraph (b) is revised to read as follows:

§ 890.203 Application for approval of, and proposal of amendments to, health benefit plans.

* * * * *

(b) Changes in rates and benefits for approved health benefits plans shall be considered at the discretion of the Director of OPM. If the Director of OPM determines that it is beneficial to enrollees and the Federal Employees Health Benefits Program to invite health plan benefit and/or rate changes for a given contract period, a "call letter" shall be issued to the carrier approximately 9 months prior to the expiration of the current contract period. Any proposal for change shall be in writing, specifically describe the change proposed, and be signed by an authorized official of the carrier. OPM will review any requested proposal for change and will notify the carrier of its decision to accept or reject the change. OPM may make a counterproposal or at any time propose changes on its own motion. Benefits changes and rate proposals, when requested by OPM, shall be submitted not less than 7 months before the expiration of the then current contract period, unless the Director of OPM determines that a later

date is acceptable. The negotiation period shall begin approximately 7 months before the expiration of the current contract period, and OPM shall seek to complete all benefit and rate negotiations no later than 3 months preceding the contract period to which they will apply.

(5 U.S.C. 8913)

[FR Doc. 83-4402 Filed 2-18-83; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1004, 1007, 1011, and 1046

[Docket No. AO-366-A20 et al.]

Milk in the Georgia and Certain Other Marketing Areas; Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

7 CFR part	Marketing area	AO Nos.
1007	Georgia	AO-366-A20.
1004	Middle Atlantic	AO-160-A60.
1011	Tennessee Valley	AO-251-A25.
1046	Louisville-Lexington-Evansville	AO-123-A51.

SUMMARY: This hearing is being held to consider proposals by a cooperative association to amend four Federal milk marketing orders that regulate the handling of milk in the marketing areas listed above. The proposals would provide in each order during March through June 1983 a hauling credit on certain Class II and Class III milk transferred or diverted to unusually distant outlets for surplus disposition. The proponent cooperative has requested that these proposals be adopted on an expedited basis so that the amendments can be made effective for the spring months of 1983. The cooperative claims that the proposed action is needed because of increased production, declining fluid milk sales, and the loss of manufacturing capacity in the area over the past several years.

DATE: The hearing will convene March 1, 1983.

ADDRESS: The hearing will be held at the Holiday Inn Airport North, 1380 Virginia Avenue, Atlanta, Georgia 30320-0773, 404/762-8411, beginning at 9:30 a.m., local time.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202/447-4829.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Holiday Inn Airport North, 1380 Virginia Avenue, Atlanta, Georgia, beginning at 9:30 a.m., local time, on March 1, 1983, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Georgia; Middle Atlantic; Tennessee Valley; and Louisville-Lexington-Evansville marketing areas. In view of the request for expedited action, the Department has concluded that less than 15 days' notice of the hearing is warranted in this proceeding.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to Proposals Nos. 1 through 4.

Actions under the Federal milk order program are subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to endure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

List of Subjects in 7 CFR Parts 1004, 1007, 1011 and 1046

Milk marketing orders, Milk, Dairy products.

Proposed by Dairymen, Inc.

PART 1007—MILK IN THE GEORGIA MARKETING AREA

Proposal No. 1

In § 1007.60, revise paragraph (g) to read as follows:

§ 1007.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed during the period of March through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II or Class III milk pursuant to § 1007.42(b)(3) or § 1007.42(d)(2) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 350 miles (as determined by the market administrator) from the nearest of the following locations: the city hall in Atlanta, Georgia; the city hall in Augusta, Georgia; the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Proposal No. 2

In § 1004.60, revise paragraph (f) to read as follows:

§ 1004.60 Pool obligation of each pool handler.

* * * * *

(f) With respect to milk marketed during the period of March through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II milk pursuant to § 1004.42(d) or § 1004.42(e)(3) by a rate for each

truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 200 miles (as determined by the market administrator) from the nearest of the following locations: the city hall in Philadelphia, Pennsylvania; the zero milestone in Washington, D.C., the city hall in Baltimore, Maryland; the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

Proposal No. 3

In § 1011.60, revise paragraph (b) to read as follows:

§ 1011.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed during the period of March through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II or Class III milk pursuant to § 1011.42(b)(3) or § 1011.42(d)(2) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 350 miles (as determined by the market administrator) from the nearest of the following locations: the city hall in Bristol, Tennessee; the city hall in Knoxville, Tennessee; the city hall in Chattanooga, Tennessee; the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Proposal No. 4

In § 1046.60, revise paragraph (g) to read as follows:

§ 1046.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed during the period of March through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II or Class III milk pursuant to § 1046.42(b)(3) or § 1046.42(d)(2) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 250 miles (as determined by the market administrator) from the nearest locations: the city hall in Louisville, Kentucky; the city hall in Lexington, Kentucky; the city hall in Evansville, Indiana; the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to class I.

PARTS 1007, 1004, 1011, AND 1046—[AMENDED]

Proposed by the Diary Division, Agricultural Marketing Service: Proposal No. 5

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the market administrator of each of the orders for the aforesaid specified marketing areas or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington Office only)
Office of the Market Administrator of each of the orders for the aforesaid specified marketing areas.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on February 15, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-4349 Filed 2-18-83; 8:45 am]
BILLING CODE 3410-02-M

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7 CFR Parts 1033 and 1036

[Docket Nos. AO-166-A51, AO-179-A46]

Milk in the Ohio Valley and Eastern Ohio-Western Pennsylvania Marketing Areas; Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: This hearing is being held to consider proposals by Milk Marketing, Inc. (MMI), to amend the Ohio Valley and Eastern Ohio-Western Pennsylvania milk orders. The proposed amendments would reduce the current price for producer milk used to produce butter, dry milk powder and cheese by 40 cents per hundredweight during the months of April-July 1983. MMI has requested that the proposals be adopted on an expedited basis so that amendments can be made effective beginning April 1983. The cooperative claims that the proposed amendments are needed immediately to prevent disorderly marketing, provide a mechanism for clearing these markets of an unusual surge of milk production, and assure more equitable sharing of the burden of handling this surplus milk.

DATE: The hearing will convene March 3, 1983.

ADDRESS: The hearing will be held at the Holiday Inn, 7230 Engle Road (Jct. I-71 & Bagley Road), Middleburg Heights, Ohio

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202/447-6273.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Holiday Inn, 7230, Engle Road (Jct. I–71 and Bagley Road), Middleburg Heights, Ohio, beginning at 9:30 a.m., on March 3, 1983, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Ohio Valley and Eastern Ohio-Western Pennsylvania marketing areas. In view of the request for expedited action, the Department has concluded that less than 15 days' notice of the hearing is warranted in this proceeding.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to Proposals Nos. 1 through 4.

Actions under the Federal milk order program are subject to the "Regulatory Flexibility Act" (Pub. L. 96–354). This act seeks to ensure that within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order programs, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

List of Subjects in 7 CFR Parts 1033 and 1036

Milk marketing orders, Milk, Dairy products.

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Milk Marketing, Inc.

PART 1033—[AMENDED]

Proposal No. 1

Amend § 1033.41 by adding a new paragraph (d) to read as follows:

§ 1033.41 Classes of utilization.

* * * * *

(d) *Class III(A) milk.* Class III(A) milk shall be all producer milk used to produce dry milk powder, cheese (except cottage cheese and cottage cheese curd) and butter during the months of April, May, June and July 1983.

Proposal No. 2

Amend § 1033.51 by adding a new paragraph (d) to read as follows:

§ 1033.51 Class prices.

* * * * *

(d) *Class III(A) price.* The Class III(A) price for the months of April, May, June and July 1983 shall be the basic formula price for the month less 40 cents.

PART 1036—[AMENDED]

Proposal No. 3

Amend § 1036.40 by adding a new paragraph (d) to read as follows:

§ 1036.40 Classes of utilization.

* * * * *

(d) *Class III(A) milk.* Class III(A) milk shall be all producer milk used to produce dry milk powder, cheese (except cottage cheese and cottage cheese curd) and butter during the months of April, May, June and July 1983.

Proposal No. 4

Amend § 1036.50 by adding a new paragraph (d) to read as follows:

§ 1036.50 Class prices.

* * * * *

(d) *Class III(A) price.* The Class III(A) price for the months of April, May, June and July 1983 shall be the basic formula price for the month less 40 cents.

Proposed by the Dairy Division, Agricultural Marketing Service:
Proposal No. 5

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the market administrator, P.O. Box 29226, Columbus, Ohio 43229; market administrator, P.O. Box 30128, Cleveland, Ohio 44130; or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington Office only)
Office of the Market Administrator, Ohio Valley marketing area
Office of the Market Administrator, Eastern Ohio-Western Pennsylvania marketing area

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on February 16, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-4422 Filed 2-18-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions affecting the regulatory status of milk plants under the Nebraska-Western Iowa milk order. The action was requested by a cooperative association that operates supply plants under the order and which is the principal supplier of milk to other handlers in the market. The proposed action would make inoperative for March through August 1983 the provisions that require a cooperative to deliver at least 51 percent of its member producer milk to pool distributing plants each month to qualify its supply plants as pool plants under the order. The cooperative claims that the action is

needed to avoid inefficient handling and transportation of the milk and to assure that its member dairy farmers who have regularly been associated with the market will continue to share in the market's fluid milk sales.

DATE: Comments are due by the March 1, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4829.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required suspension procedures and the inclusion of March 1983 in the suspension period if this is found necessary. The initial request for this action was received February 1, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area is being considered for March through August 1983:

PART 1065—[AMENDED]

§ 1065.7 [Amended]

In § 1065.7(c), the words "51 percent or more of the".

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include March 1983 in the suspension period.

The comments that are received will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

This proposed action would make inoperative for March through August 1983 the provisions that require a cooperative to deliver at least 51 percent of its member producer milk to pool distributing plants each month to qualify its supply plants as pool plants under the order. The suspension was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that operates supply plants under the order and which is the principal supplier of milk to other handlers in the market.

The cooperative indicated that it had experienced considerable difficulty in meeting the 51 percent delivery requirement during 1982 and that the requirement was suspended for July and August of last year in recognition of its problem. The cooperative also pointed out that in certain other months during 1982 it did not pool the milk of certain dairy farmers or else shifted some producers to other markets in order to maintain pool status for its supply plants.

To the extent possible, the cooperative wants to avoid such costly and inefficient milk handling and hauling practices during the spring and summer months of this year solely for the purpose of pooling its supply plants and the milk of its members producers who regularly have supplied the fluid needs of the market.

Mid-Am indicated that its deliveries to handlers under the order during December 1982 were about 6 percent below its deliveries in the same month a year earlier. Moreover, the cooperative stated that it expects the normal seasonal increase in milk production to begin earlier this year because of the mild winter. The association does not believe its supply-demand situation will improve significantly until schools reopen in the fall. Accordingly, the cooperative has proposed that the delivery requirement be suspended for March through August 1983.

The cooperative contends that unless the suspension is granted, pool status for all of the milk regularly associated with its supply plants could be maintained during March through August 1983 only by shifting the milk of some producers to other markets or by withholding the milk of some dairy farmers from any pool. In the cooperative's view, either of these methods would be disruptive to producers who have been regularly associated with the fluid needs of the market. According to Mid-Am, the requested suspension is needed to avoid the development of such uneconomic and disorderly marketing conditions.

List of Subjects in 7 CFR Part 1065

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on February 16, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-3408 Filed 2-18-83; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 329

Clarification of Regulations Respecting Payment of Interest on Deposits Situated Outside of the Continental United States

Correction

In FR Doc. 83–3997 beginning on page 6718 in the issue of Tuesday, February 15, 1983, the comment date should read March 17, 1983.

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

Proposed Advisory Circular; Active Flight Controls

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed Advisory Circular (AC) 25–XX, and request for comments.

SUMMARY: This advisory circular sets forth an acceptable means of compliance with the provisions of Part 25 of the Federal Aviation Regulations (FAR) pertaining to the certification requirements of active flight controls. The procedures set forth apply to load

alleviation systems (LAS), stability augmentation systems (SAS), and flutter suppression systems (FSS).

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

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Regulations and Policy Office, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Iven Connally, Regulations and Policy Office, at the address above, telephone (206) 764-7053.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Communications should identify AC 25-XX and be submitted to the address specified above. All communications received on or before the closing date for comments will be considered by the Regulations and Policy Office before issuing the final AC.

Discussion

Stability augmentation systems (SAS) have been successfully used on transport airplanes for several years. The earlier SAS were limited in authority to assure acceptable handling qualities with the system malfunctioning or inoperative. Although the SAS provided some alleviation of flight loads, no credit was given since the SAS effectiveness in relieving loads was not assessed against system reliability.

In recent years, significant developments in active controls technology have advanced the state-of-the-art of active flight control systems in both effectiveness and reliability to the point some alleviation from flight loads can be achieved. Flutter suppression systems (FSS) may also be installed in conjunction with the load alleviation system (LAS) to provide flutter margins.

The procedures set forth in the proposed AC were developed jointly by the FAA and the aerospace industry (Aerospace Industries Association of America (AIA) for use in certification of active controls. Adherence to these criteria will provide a level of safety in airplanes equipped with these systems consistent with the level of safety found in airplanes without them.

Issued In Seattle, Washington, on February 8, 1983.

H. A. Parker,

Acting Manager, Aircraft Certification Division, ANM-100

[FR Doc. 83-4320 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-NM-117-AD]

Airworthiness Directives; Short Brothers Limited Model SD3-30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require inspection and modification of the fuel lines and their protective shrouds on certain Short Brothers Limited Model SD3-30 airplanes. Leaks in fuel lines resulting in fuel vapor leaks into the passenger compartment have been reported in several cases. These conditions create a fire hazard which could lead to the loss of the airplane.

DATE: Comments must be received no later than Apirl 11, 1983.

ADDRESS: Submit comments to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82-NM-117-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

The applicable service information may be obtained from Shorts Aircraft, 1725 Jefferson Davis Highway, Suite 510, Arlington, Virginia 22202 or may also 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) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82-NM-117-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion: The Civil Aviation Authority of the United Kingdom (CAA) has classified Short Brothers Limited Service Bulletins SD3-53-47, Revision 1; SD3-28-17; and SD3-28-16, Rev. 1, as mandatory. Nine cases of fuel line pin hole leaks have been reported on the SD-30 airplanes in service. The pin holes are believed caused by corrosion and microorganisms. Also, some existing flexible fuel vapor shrouds have failed pressure tests. The service bulletins prescribe:

A. Modification of the fuel vapor exhaust duct and changes in the installation for testing the seal setup for the fuel vapors;

B. Replacement of the flexible vapor proof shrouds covering fuel lines in the passenger compartment with an improved shroud; and

C. Inspection and replacement, if necessary, of fuel lines and pressure checks for leaks in the fuel line shrouds inside the passenger compartment.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require the previously mentioned inspections and modifications.

It is estimated that 50 airplanes will be affected by this AD, that it will take approximately 186 man-hours per airplane to accomplish the required actions, and that the average labor cost will be $35 per man-hour. Repair parts are estimated at $450 per airplane. Based on these figures, the total cost impact of this AD is estimated to be $348,000. For these reasons, the proposed rule is not considered to be a

major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Short Brothers Limited: Applies to all models of the SD3–30 airplane, certificated in all categories, with the serial numbers specified below. To prevent a potential fuel fire hazard, accomplish the following within the next 60 days after the effective date of this AD, unless already accomplished.

A. For aircraft serial numbers SH3002 to SH3091 inclusive, modify the fuel vapor exhaust ducting in accordance with paragraph 2, Accomplishment Instructions, of Shorts Service Bulletin No. SD3–53–47, Revision 1, dated October 5, 1982.

B. For aircraft serial numbers SH3002 tro SH3089 inclusive, replace the existing flexible vapor proof shrouds covering fuel lines in the passenger compartment in accordance with paragraph 2, Accomplishment Instructions, of Shorts Service Bulletin No. SD3–28–17, dated October 5, 1982. Note: The actions of paragraph A must be accomplished before performing all the requirements of paragraph B.

C. For aircraft with serial numbers defined in paragraph 1, Planning Information, of Shorts Service Bulletin No. SD3–28–16, Revision 1, dated September 30, 1982, inspect, replace components if necessary, and pressure check the fuel lines as required in accordance with paragraph 2, Accomplishment Instructions, fo the service bulletin. Note: The actions of paragraphs A. and B. must be accomplished before performing all the requirements of paragraph C.

D. 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.

E. Special flight permits 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.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble: the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and procedures (44 FR February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities since it involves few, if any, small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Wash., on February 11, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-4405 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83–ASO–8]

Proposed Designation of Transition Area, Choctaw, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate the Choctaw, Florida, transition area in the vicinity of Navy Outlying Field (OLF) Choctaw. This action, which will lower the base of controlled airspace from 1,200 to 700 feet above the surface, will provide controlled airspace for Instrument Flight rule (IFR) operations in the vicinity of OLF Choctaw. An instrument approach procedure, predicated on the Santa Rosa TACAN facility, has been developed to serve OLF Choctaw and additional controlled airspace is required for protection of IFR operations.

DATE: Comments must be received on or before: March 30, 1983.

ADDRESSES: Send comments on the proposal in triplicate to:

Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decision on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83–ASO–8." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this reulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communication must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that will designate the Choctaw, Florida, transition area to provide controlled airspace for protection of IFR operations in the vicinity of OLF Choctaw. If the proposed designation is found acceptable, the operating status of the airfield will be changed from VFR to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was

republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Proposed Amendment

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

Choctaw Outlying Field, FL—New

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of OLF Choctaw (Lat. 30°30'28"N., Long. 86°57'20"W.); excluding that airspace that coincides with the Pensacola and Milton transition areas.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 110.65)

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

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

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-4331 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-30]

Proposed Alteration of Transition Area; Superior, Wisconsin

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Superior, Wisconsin, transition area by designating an additional amount of airspace necessary for a new VOR-A instrument approach procedure to serve Sky Harbor Airport, Duluth, Minnesota.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATE: Comments must be received on or before March 24, 1983.

ADDRESSES: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-30, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The airspace involved would be an area within a 5-mile radius of the Sky Harbor Airport, excluding the portion overlying the Duluth, Minnesota, 700' transition area. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AGL-30." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

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

Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Superior, Wisconsin.

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Proposed Amendment

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

Superior, WI

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Richard I. Bong Airport (latitude 46°40'5" N., longitude 92°05'35" W.) within a 5-mile radius of the Sky Harbor Airport

(latitude 46°43'18" N., longitude 92°02'36" W.); excluding those portions within the Duluth, MN, 700' transition area.

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

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routing amendments are necessary to keep them operationally current. Therefore, it is certified that this—(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 Des Plaines, Illinois, on January 28, 1983.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 83-4332 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-31]

Proposed Alteration of Control Zone; Williston, North Dakota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this federal action is to convert the Williston, North Dakota, control zone from a part-time status to a full-time status. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions on a 24-hour basis.

DATES: Comments must be received on or before March 24, 1983.

ADDRESSES: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-321, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: This action was initiated as a result of notification from Sloulin Field International Airport officials that required weather reporting is currently available on a 24-hour basis. The National Weather Service operates a full-time weather bureau facility located at the Sloulin Field International Airport and observes and disseminates weather 24 hours per day, 7 days per week. The alteration in this case deletes the two sentences "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airport/Facility Directory.", from the published description for the Williston, ND, control zone.

Aeronautical maps and charts will continue to reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AGL-31." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

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

Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control of zone near Williston, North Dakota.

Section 71.171 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Williston, ND

Within a 5-mile radiou of the Sloulin International Airport (latitude 48°10'37" N., longitude 103°38'18" W.); within 1.5 miles each side of the Williston VORTAC, and within 2 miles north and 3 miles south of the 126° bearing from the Sloulin International Airport, extending from the 5-mile radius area to 10 miles southeast of the airport.

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

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(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 Des Plaines, Illinois on January 31, 1983.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 83-4333 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. Rm82-32-000]

Limitation on Incentive Prices for High-Cost Gas to Commodity Values

February 10, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to modify the maximum lawful price of high-cost gas designated by the Commission under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA), to ensure that the ceiling prices do not go above the commodity value of the natural gas. The Commission proposes to establish a ceiling price for this gas at the lesser of (1) an imputed commodity value based on the price of alternative fuels, or (2) the incentive ceiling price which would otherwise apply to that gas.

DATES: Comments must be submitted on or before March 28, 1983. Requests for a public hearing must be made on or before March 3, 1983.

ADDRESSES: All filings should refer to Docket No. RM82-32-000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information Room 1000, 825 North Capitol Street, N.E., Washington D.C. 20426, during regular business hours.

FOR FURTHER INFORMATION CONTACT: Fred A. Wolgel, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing to modify the maximum lawful price of high-cost gas designated by the Commission under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA), to ensure that the ceiling prices do not go above the commodity value of the natural gas. Specifically, the Commission proposes to establish a ceiling price for section 107(c)(5) high-cost gas at the lesser of an imputed commodity value calculated with respect to a reference fuel or the otherwise applicable incentive ceiling price for the relevant gas.

II. Background

Under section 107(b) of the NGPA, 15 U.S.C. 3301-3432 (Supp. IV 1980), the Commission has authority to "prescribe a maximum lawful price, applicable to any first sale of any high-cost natural gas, which exceeds the otherwise applicable maximum lawful price to the extent that such special price is necessary to provide reasonable incentives for the production of such high-cost natural gas." The term "high-cost natural gas" is defined in section 107(c)(5) to mean, among other things, gas which is "produced under such other conditions as the Commission determines to present extraordinary risks or costs."

To date, the Commission has designated two categories of natural gas as high-cost natural gas eligible for an incentive price, and has proposed two other categories for designation as section 107 high-cost gas. First, in Order No. 99,[1] the Commission determined that natural gas produced from tight formations is produced under conditions which present extraordinary risks and costs and that an incentive price of up to 200 percent of the section 103 maximum lawful price is necessary to provide reasonable incentives to produce such gas.

Second, in Order No. 107,[2] the Commission established an incentive price for certain intrastate gas produced from wells on which production enhancement work has been performed.

The incentive price established by the Commission for qualified production enhancement gas may go no higher than the section 109 price or the renegotiated contract price, provided that the increase in revenue attributable to the incentive price divided by the incremental production does not exceed 200 percent of the section 103 price (the "incremental cap").[3]

The two additional categories which the Commission has proposed for designation as section 107 high-cost gas eligible for special incentive prices are the following: (1) gas produced from deep water [4] and (2) gas produced from depths between 10,000 and 15,000 feet ("intermediate deep drilling").[5] With respect to deep water gas, the Commission agreed in principle on December 30, 1981, to set the incentive price at 200 percent of the section 103 price. The incentive price for intermediate deep gas was proposed to be set at 150 percent of the section 103 price. The Commission is still considering both rulemakings and no final rule has been issued in either docket.

III. Discussion

A. Proposal to Limit Incentive Prices to Commodity Values

The special incentive ceiling price set by the Commission in Order No. 99 for tight formation gas was determined by using both a cost-related and commodity-related approach. The Commission established a range of prices using both approaches. The commodity-value approach, which set the higher end of the price range, looked at the relationship of the wellhead price of tight formation gas to the delivered price of competing fuels (on an

[1] 45 FR 56034 (August 22, 1980) (Docket No. RM79-76), FERC Stat. and Regs. Preambles ¶30,183.

[2] 45 FR 77421 (November 24, 1980) (Docket No. RM80-50), FERC Stat. and Regs. Preambles ¶30,210.

[3] For example, assume a well had a section 105 price of $1.00 per Mcf and produced 100 Mcf per day in January 1983. Through the application of a qualified production enhancement technique, the well produced 125 Mcf per day. The maximum lawful price for each of the Mcf would be the section 109 price ($2.254 per Mcf for January 1983) or a lesser price if the additional revenues exceed 200 percent of the section 103 maximum lawful price. The incremental cap formula would be calculated as follows. The incremental production of 25 Mcf would be multiplied by 200 percent of the section 103 price for January 1983, or $5.44. This would be added to the revenues permitted under the well's current price structure (100 Mcf × $1.00 per Mcf):

$136 ($5.44 × 25 Mcf)
$100 ($1.00 × 100 Mcf)

$236

This figure would be divided by the total production (125 Mcf) to yield a price ceiling of $1.888 per Mcf for all production. Since the section 109 price is higher ($2.254 per Mcf), the $1.888 figure would be the maximum lawful price.

[4] 45 FR 47863 (July 17, 1980) (Docket No. RM80-38), FERC Stat. and Regs. ¶32,074.

[5] 45 FR 638 (January 6, 1982) (Docket No. RM82-8) FERC Stat. and Regs. ¶32,187.

equivalent Btu basis), such as No. 6 (residual) fuel oil and No. 2 (distillate) fuel oil, after adjusting the prices by subtracting the average costs of transporting and distributing gas to the end user. The Commission sought to provide the greatest possible production incentive for tight formation gas that could be supported by both cost-related and commodity-related concepts, and therefore adopted a price near the high end of the range, *i.e.*, 200 percent of the section 103 price. The Commission also used 200 percent of the section 103 price as a "cap" on the incremental gas production resulting from the application of production enhancement techniques in Order No. 107.[6]

In 1980, at the time the Commission sought to maximize incentives for the production of high-cost gas in Order Nos. 99 and 107, it did so against a backdrop of rising oil prices, a stronger economy and relatively little experience with the effects of the NGPA on gas supplies and pricing. In the two years since that period, oil prices have declined in real terms and the economy has stagnated, resulting in substantially decreased demand for gas and all other fuels. At the same time, gas prices have risen steadily, due both to the pricing mechanisms built into the NGPA and the contracting practices of pipelines and producers.

Currently, as a general matter, demand for natural gas at the end user level is falling, while gas prices have only slowly and reluctantly responded to the decreased demand.[7] The pricing provisions of conventional gas purchase contracts do not permit downward pricing flexibility and market forces have not restrained producers from receiving the full ceiling prices established for high-cost gas under section 107(c)(5) and from receiving even higher prices for deregulated gas. At the same time, the delivered price for gas in many areas is now higher than the delivered price of competing fuels, and many distributors and pipelines claim to have lost industrial customers who can switch to cheaper No. 6 fuel oil. The result is still higher prices to residential and other customers who remain, since the transmission and distribution fixed costs are spread among fewer customers.

It is apparent, therefore, that the average price for gas has reached or exceeded market-clearing levels in some U.S. gas markets. It is also clear that the Commission must now consider whether its own decisions in setting incentive ceilings under NGPA section 107(c)(5) are exacerbating the current gas pricing problems. The Commission believes that a ceiling price in excess of the commodity value of gas, as measured by reference to the prices of competing fuels, is contrary to the public interest. Accordingly, the Commission is proposing to limit the incentive prices for high-cost gas already established by the Commission to the commodity value of the gas for any month in which the applicable incentive ceiling price would otherwise exceed the adjusted price of alternative fuels.[8] In other words, the incentive ceiling price would be "capped" at an imputed commodity value based on the price of alternative fuels. In the case of production enhancement gas, this imputed commodity value would be applied to the incremental cap calculations.

The Commission believes that the same rationale which applies to tight formation gas and production enhancement gas also applies to the two categories currently proposed for designation as high-cost gas. That is, any incentive prices established by the Commission should not exceed the commodity value for such gas, as measured by reference to the prices of competing fuels. Therefore, with respect to deep water and intermediate deep gas, the Commission is also proposing in this rulemaking to make those categories of high-cost gas, including any others which may be proposed for designation as high-cost gas, subject to the "cap" if any final rules are issued.

B. Alternative Methodologies for Computing Commodity Value

The Commission is considering two methodologies for computing a commodity value reference price, but invites other proposals. Both proposed methodologies would impute a wellhead price based on a "rolling three month average" price of a reference fuel.

1. *Fuel Oil Prices.* Under this approach, the Commission would use a rolling three month average retail price of fuel oil as the reference price and subtract average natural gas transportation and distribution costs to impute a commodity value applicable to the wellhead price of high-cost gas. The Commission believes that the price of No. 6 fuel oil is the most appropriate fuel oil to use as a reference, since it more accurately reflects the commodity value of gas than the price of No. 2 fuel oil. While No. 2 fuel oil may be the primary fuel other than natural gas used by residential and commercial consumers, their consumption represents only 40 percent of the total natural gas demand. Approximately 60 percent of the natural gas market is consumed by industrial or electric utilities, the vast majority of which would, or could, rely on No. 6 residual fuel oil as an alternative fuel.[9] Consumers who burn No. 6 fuel oil are more representative of the alternative fuel market because of their dual burning capability; that is, they have the facilities to easily switch from burning one fuel to another. Moreover, consumers who are capable of burning No. 6 fuel oil are likely to abandon the use of natural gas if the price increases, or to consume additional gas if a more plentiful supply reduces the price. Thus, it is more appropriate to establish a "cap" based on the price of No. 6 fuel oil, as it reflects the value of the alternative fuel used by the marginal gas consumers.

There are several methods for calculating a cap based on No. 6 fuel oil as the reference price. The Commission is considering using the most recently available Btu-equivalent delivered price for No. 6 fuel oil to electric utility facilities, as reported by the U.S. Department of Energy's Energy Information Agency (EIA).[10] For example, in setting the cap for February 1983, the Commission would take the delivered price of No. 6 fuel oil to electric utilities for June, July, and August 1982, the three most recent months for which data are available from the EIA, and average these three figures. The Commission would then establish an imputed transportation cost by subtracting the average wellhead price of natural gas from the average delivered price of natural gas to electric utilities, also as reported by the EIA. This imputed figure would be derived for June, July, and August 1982, the three most recent months for which data are available from the EIA, and would be averaged. Using this approach, a commodity value would be computed as set forth below:

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[6] 45 FR 77421 at 77423–24 (November 24, 1980).

[7] *See* Take or Pay Provisions in Gas Purchase Contracts, Statement of Policy, Docket No. PL83–1–000, issued December 16, 1982, 21 FERC ¶61,304.

[8] *See, e.g.*, petition for rulemaking filed by the Citizen/Labor Energy Coalition, Docket No. RM82–33–000, on March 8, 1982, filed as comments in Docket No. RM79–76–000 (Ohio-2).

[9] *See* EIA's "Monthly Energy Review," April 1982, at 19–27.

[10] Cost and Quality of Fuels for Electric Utility Plants, Table 24 (DOE/EIA–0075).

	Prices of No. 6 fuel oil per MMBtu [1]	Imputed gas transportation and distribution costs per MMBtu [2]
June 1982	$4.79	$1.16
July 1982	4.68	1.24
August 1982	4.59	1.16
Total	14.06	3.58
3-mo average	4.69	1.19

[1] Cost and Quality of Fuels for Electric Utility Plants, June 1982, July 1982, and August 1982, at Table 24 (EIA).
[2] Monthly Energy Review, December 1982 at p. 89 (EIA). This figure is derived by subtracting the Average Wellhead Value from the Delivered to Electric Plant reported price.

Subtracting the $1.19 average imputed transportation cost from the $4.69 average No. 6 fuel oil price would yield a "cap" for February 1983 equal to $3.50 per MMBtu. To derive the "cap" for March 1983, the June 1982 data would be dropped, and September 1982 data would be added.

In Order No. 99, the Commission considered the Btu-equivalent price of No. 2 fuel oil rather than that of No. 6 fuel oil as the upper limit of commodity values, stating that using the then current deflated prices of residual fuel oil would not provide an adequate incentive. While the Commission believes that the adjusted prices of No. 6 fuel oil more accurately reflect the commodity value of gas, comments are invited as to whether No. 2 fuel oil, or some combination of No. 2 and No. 6 fuel oil prices, should be used as the reference fuel.

If No. 2 fuel oil was used as the alternative fuel, the commodity value would be computed by suing the same methodololgy used for No. 6 fuel oil. However, because No. 2 fuel oil is used primarily for residential heating purposes, the commodity value would be based on the average price of No. 2 fuel oil to residential users, and the imputed transportation and distribution cost would be based on the difference between the average price of natural gas to residential users and the average wellhead price of natural gas, as reported by EIA. The resulting commodity value would be computed as set forth below:

	Prices of No. 2 heating oil per MMBtu [1]	Imputed gas transportation and distribution costs per MMBtu [2]
June 1982	$8.39	$3.21
July 1982	8.36	3.14
August 1982	8.36	3.07
Total	25.11	9.43
3-mo. average	8.37	3.14

[1] Monthly Energy Review, December 1982 at 81 (EIA). The reported Retail No. 2 Heating Oil Average price, expressed in cents per gallon, was multiplied by 42 to reach a per barrel price, and divided by 5.82 to reach a per MMBtu price. See Conversion Factors on the inside rear cover page of the Monthly Energy Review.
[2] Monthly Energy Review, December 1982 at 89 (EIA). This figure is derived by subtracting the Average Wellhead Value from the Average Residential Heating reported price.

The $3.14 average imputed transportation cost would be subtracted from the $8.37 average No. 2 fuel oil price to yield a "cap" for February 1983 equal to $5.23 per MMBtu. To derive the "cap" for March 1983, the June 1982 data would be dropped, and September 1982 data would be added.

2. *Crude Oil Prices.* Alternatively, a floating cap could be based on a stated percentage of refiners' crude oil acquisition costs. For example, refiner acquisition costs for crude oil (expressed on a Btu-equivalent basis) for July, August, and September 1982 were $5.47, $5.42, and $5.41, respectively, yielding a three month average of $5.43.[11] This three month average figure could then be multiplied by a percentage figure to yield an appropriate cap. For example, it has been projected that if natural gas prices were deregulated, the average wellhead price of natural gas would rise to roughly 70 percent of the equivalent price of crude oil.[12] If the commodity value were based on the projected relationship between decontrolled prices of crude oil and the hypothetical decontrolled price of natural gas, it would yield a "cap" of $3.80 per MMBtu when applied to the three month average derived above.

Comments are requested as to the appropriate percentage that should be applied and the basis for deriving an appropriate percentage. Is the 70 percent figure estimated by DOE a reasonable approximation of the relationship between an imputed decontrolled price of natural gas and the price of crude oil?

Comments are also invited to suggest alternative methodologies. In addition, comments are also solicited as to whether some adjustments should be made in order to compensate for the "lag time" involved in applying actual EIA data to a current month, *e.g.* using estimated, rather than actual data, in order to compute a "cap". For example, the incremental pricing program under Title II of the NGPA measures the changes in prices reported in Platt's Oilgram as a means of adjusting the EIA data to account for recent price trends. Comments are requested as to whether the Commission should employ a lag adjustment similar to the procedure used in the incremental pricing program.

[11] Monthly Energy Review, December 1982 at 80 (EIA). The monthly reported Composite Refiner Acquisition Cost of Crude Oil was divided by 5.8 to obtain a Btu-equivalent value.
[12] "A Study of Alternatives to the Natural Gas Policy Act of 1978," U.S. Department of Energy, Office of Policy, Planning and Analysis (November 1981) at 19.

C. The Proposed Amendments

With respect to tight formation gas, § 271.703(a) would be amended so that for new tight formation gas, the surface drilling of which commenced after the date of publication of this Notice in the **Federal Register**, the incentive ceiling price would be set at the *lesser* of an imputed commodity value or the otherwise applicable incentive ceiling price for the gas. With respect to recompletion tight formation gas from wells completed for production after date of publication of this Notice in the **Federal Register**, the incentive ceiling price would also be set at the lesser of an imputed commodity value or the otherwise applicable incentive ceiling price for the gas. The purpose of this proposal is to ensure that the price of incentive gas will not exceed its commodity value. A definition of "imputed commodity value" would be added in § 271.703(b). Two alternative definitions are proposed, one for each of the two alternative methodolgies. If the commodity value is based on the price of No. 6 fuel oil or No. 2 fuel oil, "imputed commodity value" would be defined as the average cost of No. 6 fuel oil (or No. 2 fuel oil, as appropriate) to electric utility facilities (or the retail cost of No. 2 heating oil) less the average cost of transporting and distributing natural gas for the three most recent months for which data are available from the Energy Information Administration, as set forth in Table I of § 271.101(a). If the commodity value is based on a percentage of refiners' crude oil acquisition costs, "imputed commodity value" would be defined as 70 percent (or some other percentage determined to be appropriate and adopted by the Commission in the final rule) of the average acquisition cost of crude oil for domestic refiners for the three most recent months for which data are available, as set forth in Table I of § 271.101(a).

With respect to wells on which production enhancement work commenced after the date of publication of this Notice in the **Federal Register**, § 271.704(c)(1)(v) would be amended to provide that the projected increase in revenues, when divided by the projected increase in units of gas production, cannot exceed the lesser of the imputed commodity value for such production or 200 percent of the section 103 price. A definition of "imputed commodity value" would be added in § 271.7804(b) identical to that definition proposed for tight formation gas in § 271.703(b).

Under each of the two alternatives, the imputed commodity value would be set forth in Table I of § 271.101(a). For any month in which the imputed commodity value is less than 200 percent of the section 103 maximum lawful price (the otherwise applicable incentive ceiling price for tight formation gas), the imputed commodity value would be the applicable ceiling price for tight formations. Likewise, for any such month, the imputed commodity value rather than 200 percent of the section 103 price would be used in the production enhancement calculation.

In addition, whatever regulatory language is adoapted in this proceeding for tight formation and production enhancement gas would also be incorporated into proposed § 271.706 (relating to intermediate deep gas) and proposed § 271.705 (relating to deep water gas), as appropriate, in the event the Commission issues final rules in those two proceedings.

D. Applicability of Proposed Rule

The Commission is proposing to make these amendments applicable only to the following high-cost gas wells: (1) New tight formation gas the surface drilling of which began after the date of publication of this Notice in the **Federal Register**; (2) recompletion tight formation gas from wells which were completed for production after the date of publication of this Notice in the **Federal Register**; and (3) wells on which production enhancement work was commenced after the date of publication of this Notice in the **Federal Register**. This qualifying date also will apply to deep water gas and intermediate deep gas when, and if, those proposed rules go into effect.

However, the Commission is specifically considering expanding the applicability to include future maximum lawful prices for all tight formation, production enhancement, intermediate deep and deep water gas. Under one alternative, the maximum lawful prices for the types of high-cost gas wells described above could be required to float downward to the imputed commodity value for that month if it is less than the otherwise applicable maximum lawful price. A second alternative would set the maximum lawful price in effect for that category of high-cost gas on the date of publication of this Notice in the **Federal Register** as a "floor", so that the commodity value would not be allowed to go below that "floor." The Commission requests comment on whether it has the statutory authority to make this rule applicable to such wells, and on the policy issues raised in connection with the exercise of our authority with respect to such wells. Comments are also specifically requested as to any impacts such a rule would have on production under existing contracts for high-cost gas which may have been premised on receipt of a higher price.

IV. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act (RFA) [13] requires certain statements, descriptions, and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities." [14] The Commission is not required to make an initial regulatory flexibility analysis if it certifies that a proposed rule will not, if promulgated, have a "significant economic impact on a substantial number of small entities." [15]

There are approximately 10,000 natural gas producers in the United States, many of which would be classified as small entities under the statutory definition. [16] Approximately one to two percent of the nation's total gas supply is from tight formation and production enhancement gas. In addition, assuming conservatively that there are about 600,000 total producing oil and gas wells in the United States, only 2 percent of the nation's total wells may be affected by this rule. Thus, the total volumes of natural gas production and supplies that might be affected by this proposed rule constitutes an insignificant percentage of the nation's total natural gas production and supplies. Accordingly, the Commission certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

V. Comment Procedures

The Commission invites interested persons to submit written comments, data, views and other information concerning the matter set out in this Notice. An original and 14 copies of such comments should be filed with the Commission by 4:30 p.m. E.S.T. March 28, 1983. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. RM82-32-000.

All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours.

In addition, an opportunity for a public hearing to receive oral comments will be afforded in accordance with section 502(b) of the NGPA. Any person seeking to appear to give oral comments must file a request to do so with the Secretary by March 3, 1983.

If a public hearing is held, the time will be published in the **Federal Register.**

(Department of Energy Organization Act, 42 U.S.C. 7101-7352; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (Supp. IV 1980), Natural Gas Act 15 U.S.C. 717-717W (Supp. IV 1980))

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, High-cost gas, Tight formations.

PART 271—[AMENDED]

In consideration of the foregoing, the Commission proposes to amend Part 271, Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 271.703 is amended by revising paragraph (a)(2) and by adding new paragraphs (a) (3), (a) (4) and (b)(7) to read as follows:

§ 271.703 Tight formations.

(a) *Maximum lawful price for tight formation gas.* * * *

(2) 200 percent of the maximum lawful price specified for Subpart C of Part 271 in Table I of § 271.101(a); or

(3) with respect to new tight formation gas, the surface drilling of which began after February 22, 1983, the imputed commodity value for such gas; or

(4) with respect to recompletion tight formation gas from wells completed for production after February 22, 1983, the imputed commodity value for such gas.

(b) *Definitions.* * * *

(7) "Imputed commodity value" means:

Alternative #1: the average cost of No. 6 fuel oil to electric utility facilities [the average retail price of No. 2 heating oil] less the average cost of transporting and distributing natural gas for the three most recent months for which data are available from the Energy Information Administration, as set forth in Table I of § 271.101(a).

[13] 5 U.S.C. 601 through 612 (Supp. IV 1980).

[14] *Id.* at 603(a).

[15] *Id.* at 605(b).

[16] *Id.* at 601(3) *citing to* section 3 of the Small Business Act, 15 U.S.C. 632 (Supp. IV 1980). Section 3 of the Small Business Act defines "small-business concern" as a business which is independently owned and operated and which is not dominant in its field of operation.

Alternative #2: seventy (70) percent of the average acquisition cost of crude oil for domestic refiners for the three most recent months for which data are available from the Energy Information Administration, as set forth in Table I of § 271.101(a).

* * * * *

2. Section 271.704 is amended by adding a new paragraph (b)(5) and by revising paragraph (c) (1) (v) to read as follows:

§ 271.704 Qualified production enhancement gas.

* * * * *

(b) *Definitions.* * * *

(5) "Imputed commodity value" means:

Alternative #1: the average cost of No. 6 fuel oil to electric utility facilities [the average retail price of No. 2 heating oil] less the average cost of transporting and distributing natural gas for the three most recent months for which data are available from the Energy Information Administration, period, as set forth in Table I of § 271.101(a).

Alternative #2: seventy (70) percent of the average acquisition cost of crude oil for domestic refiners for the three most recent months for which data are available from the Energy Information Administration, as set forth in Table I of § 271.101(a).

(c) *Qualified production enhancement gas.* For purposes of this section:

(1) Qualified production enhancement gas is natural gas: * * *

(v) The production of which (as calculated by the seller for a five-year period beginning from the month of application ("test period")), based on estimates filed pursuant to § 274.205(f)(4) will result in a projected increase in revenue which, when divided by the projected increase in units of production, does not exceed:

(A) For wells on which production enhancement work was commenced on or before February 22, 1983, 200 percent of the maximum lawful price specified for Subpart C of Part 271 in Table I § 271.101(a) for the month that the application is filed;

(B) For wells on which production enhancement work was commenced after [the date of publication of this Notice in the **Federal Register**], the lesser of (*1*) the imputed commodity value for the month that the application is filed, or (*2*) 200 percent of the maximum lawful price specified for Subpart C of Part 271 in Table I of § 271.101(a) for the month that the application is filed.

* * * * *

[FR Doc. 83-4404 Filed 2-18-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 78N-0372]

Stearic Acid and Calcium Stearate; Proposed Affirmation of GRAS Status

Correction

In FR Doc. 83-2484, beginning on page 4486, in the issue of Tuesday, February 1, 1983, make the following corrections.

1. On page 4486, third column, second paragraph of **"SUPPLEMENTARY INFORMATION"**, first line, "Stearic and acid" should read "Stearic acid".

2. On page 4488, first column, fifth and eighth lines, "NCR" should read "NRC".

BILLING CODE: 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 456]

Fiddletown Viticultural Area

Correction

In FR Doc. 83-4071 beginning on page 6724 in the issue of Tuesday, February 15, 1983, the comment date should read March 17, 1983.

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-160]

Health Standards; Methods of Compliance

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is reviewing its policy relating to the use of engineering controls and respirators for air contaminants. Current OSHA standards require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace to within the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, are not yet installed or are not adequate. This policy has been criticized as being too inflexible, not cost-effective and often unnecessary for health protection.

OSHA intends to perform a careful review of the relevant issues and to consider, as a first action, the possible revision of two standards, 29 CFR 1910.1000(e) (Air Contaminants) and 29 CFR 1910.134(a)(1) (Respiratory Protection).

DATE: Comments should be submitted by June 22, 1983.

ADDRESSES: Written submissions in response to this notice should be sent to the OSHA Docket Officer, Docket No. H-160, Room S-6212, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210; telephone 202-523-7894. All submissions will be available for inspection and copying in Room S-6212 at this address.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Office of Information, Room N-3637, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210; telephone 202-523-8148.

SUPPLEMENTARY INFORMATION: Various OSHA health standards require that employee exposure to toxic materials and harmful physical agents not exceed specified limits. In achieving compliance with these standards employers can use engineering controls, administrative controls, work practice controls and personal protective equipment. Engineering controls are modifications to plant, equipment, processes or materials to reduce an employee's exposure. Administrative controls include scheduling or rotating assignments so as to reduce individual exposures. Work practice controls can reduce exposures by modifying the way in which a task is performed. Personal protective equipment includes devices, such as respirators, that are worn by an employee for protection against a contaminant in the immediate work environment.

It has been OSHA's policy to require that employers use feasible engineering, work practice and administrative controls to prevent employee exposures above permissible limits, and that respirators may be used as an alernative

only when other methods are not adequate, are not feasible, or have not yet been installed. This policy is, in particular, stated in the OSHA Respiratory Protection Standard, 29 CFR 1910.134(a)(1), which applies to all exposures to airborne toxins, and in the Air Contaminant Standard, 29 CFR 1910.1000(e), which applies to exposures to all substances listed in Tables Z–1, Z–2, and Z–3.

The policy was inherent in national consensus standards which were adopted by OSHA in 1971 pursuant to section 6(a) rulemaking provisions of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, *et seq.*). These standards were adopted without rulemaking proceeding under Section 6(b) of the Act with its extensive public record and public input. They are, therefore, appropriate for reconsideration.

Many other health standards also require the same preference for engineering and work practice controls over respirators. Each of these later standards, however, applies only to a specific substance and was developed on the basis of a public record developed through section 6(b) rulemaking proceedings. Although the present proceeding may develop information that would be relevant to a reexamination and revision of these substance-specific standards, OSHA has chosen not to reexamine these standards at this time.

Responses to this notice will be analyzed with respect to drafting proposed revisions to 29 CFR 1910.134(a)(1) and 29 CFR 1910.1000(e).

Reasons For This Proceeding

There are four considerations which motivate this proceeding.

The first is health protection. There is great diversity in the types and sizes of workplaces that are affected by OSHA standards. Because conditions in these workplaces are so variable, it is important to be sure that methods of compliance for each workplace are the most effective in achieving the objective of protection against the particular hazard(s) involved. Such assurance may sometimes be achieved by engineering or administrative controls, but there may be circumstances in which respirators are more effective.

A second consideration is that respirator technology and applications have experienced significant progress since the two standards under review were adopted. New methods and procedures for fit testing have been developed. The concept of protection factors, under which the effectiveness of different types of respirators can be quantified and applied to requirements for particular categories of air contaminants, has been developed. The powered air purifying respirator has been introduced. Numbers of types of respirators and filters have increased substantially, especially types and sizes of inexpensive, disposable respirators. Different size facepieces are now available, thus providing for better fit and more reliable protection.

As a result of many of these advances, the consensus of industry concerning what constitutes a reasonable, effective respirator program has changed, as demonstrated by the recent issuance of the American National Standards Institute (ANSI) Z88.2–1980 standard, entitled "Practices For Respiratory Protection," a revision of the 1969 ANSI standard. All of the foregoing represent improvements which would give respirators a more significant role in air contaminant protection than they have had before.

The third consideration is cost-effectiveness. There may be instances where the expected costs of engineering controls exceed the expected costs of respiratory protection and yet the use of respirators can clearly provide adequate employee protection. Should such instances exist, reasonable allowances for their consideration should be made.

The fourth consideration involves the scope of effect of the current OSHA policy. Places of employment affected range from those with few employees to others with many thousands. They involve exposures to toxic materials which are relatively innocuous, such as the chlorofluorocarbons, and those which are hazardous to life and health, such as parathion. A more flexible policy may be better suited to providing adequate health protection under such disparate circumstances.

For the foregoing reasons, OSHA has concluded that it is timely and appropriate to formally reexamine its policy regrading methods of compliance with the following objectives:

1. To explore whether a revised policy will allow employers to institute more cost-effective compliance strategies.

2. To investigate whether advances in respirator design, technology and applications may permit increased reliance on respirators.

3. To attempt to identify processes, operations and circumstances appropriate for particular compliance stategies.

4. To assess actual workplace conditions and employee health in industries and operations employing different compliance strategies.

Related Information

In an advance notice of proposed rulemaking concerning respiratory protection (Docket No. H-049) that was published on May 14, 1982 (47 FR 20803), OSHA sought data and views on a number of issues regarding the adequacy of respiratory protection programs and equipment. In that notice OSHA solicited general comment from the public concening the existing policy of primary reliance on engineering controls. The present notice discusses these issues in greater detail. Comments submitted in response to the May 14 notice and which address issues set forth here (i.e., answers to questions 30b and 32–34 of the May 14 notice) will be made a part of the record of this proceeding as well.

As indicated in the earlier notice, rational decisions concerning reliance on the use of respirators depend upon detailed knowledge of types and applications of respirators, the effectiveness of programs for their use and specific knowledge of their performance. Similarly, decisions concerning the use of any particular engineering control method must be based on valid information about the level of effectiveness that will result. The rulemaking on the respiratory protection standards will provide this necessary base of information with respect to respirators and respiratory protection programs. OSHA hopes to develop a similar base of data on engineering controls as a result of this notice.

In addition, each of OSHA's substance-specific health standards, as well as the Carcinogen Policy (29 CFR Part 1990), have considered the use of engineering controls and respirators in controlling exposures. To the extent practical, OSHA will abstract from the various rulemaking records of these standards information which may be relevant to this proceeding. Commentors responding to this notice may wish to make specific reference to data contained in other OSHA dockets to avoid resubmitting material already submitted by themselves or others.

Comments

Data, views, and arguments are solicited on all of the issues described below as well as on other relevant issues.

Since this policy affects a wide variety of industries, each commenter should provide as much detail as possible concerning conditions or circumstances used as a basis for the information submitted. To enable OSHA

to group and compare responses, please describe your work operation in terms of the following elements:

a. Job(s), operation(s) and process(es);

b. Toxic material(s) present;

c. Level of exposure without regard to respirators;

d. Frequency and duration of exposure;

e. Type and amount of work or physical labor, including frequency and duration;

f. Medical screening or surveillance already practiced;

g. Applicable environmental conditions—high or low temperatures, high humidity, skin irritants present, indoor or outdoor operation, etc.;

h. Description of work schedule, including breaks and rest periods;

i. Description of engineering controls already in use;

j. Size of facility, both in terms of space and in number of employees; and

k. Age of affected employees and any identifiable health conditions which would affect their ability to use respirators.

Issues

In this notice the Agency is soliciting comments from all interested parties on issues related to its policy with respect to engineering controls and respirators. These issues are presented in the form of questions to assist interested persons in developing their responses. Interested persons, of course, may wish to submit information and views on issues that are not specifically addressed by the questions or to respond only to some of the questions of special interest to themselves. All comments submitted will become part of the public record of any resulting rulemaking proceeding and will be carefully considered in the development of any proposed regulation on these matters. In the questions that follow, *the term engineering controls is intended to include the use of administrative or work practice controls as well.*

1.a. Should OSHA require the use of feasible engineering controls in preference to the use of respirators?

b. What factors indicate that engineering controls in the workplace better protect employee health?

c. What factors indicate that respirators in the workplace provide better protection of employee health?

d. On what basis could one conclude that, in some given situation, engineering controls and respirators provide a degree of protection that is equal or indeterminate?

e. What factors about a particular situation indicate that respirators will give protection at least equal to that provided by feasible engineering controls?

f. Are there reasons to prefer the use of engineering controls over the use of respirators despite analytical determinations that yield indeterminate or equal results concerning the degree of protection afforded?

2. In deciding on the use of engineering controls or respirators for a particular situation, or in general, how should OSHA or the employer take the following factors into account?

a. Number of exposed employees and number of employees with respirator fitting problems;

b. severity of effects of chronic exposure;

c. severity of effects of acute exposure;

d. length of periods of exposure;

e. frequency of periods of exposure;

f. availability and type of biological monitoring;

g. effectiveness of engineering controls;

h. effectiveness of respirators;

i. ability of the employer to measure and to ensure the adequacy of exposure control;

j. work rate (level of exertion) required of employees;

k. temperature and humidity of workplace;

l. reliability of both engineering controls and respirators; and

m. costs of engineering controls and of an effective respirator program.

n. What other factors should be considered?

3. The comparison of engineering controls and respirators can be based on the possible lapse of protection due to defects or malfunctions and on employee acceptance.

a. How are the respective probabilities of protection failure to be assessed?

b. How are the respective consequences of protection failure to be assessed?

c. How are engineering controls and respirators to be compared with respect to the degree of warning conveyed to the affected employees when protection lapses?

d. How can an employer guarantee that respirators are worn for all required periods?

e. How can employers ensure employee acceptance of respirators?

4. Is it practical to compare in general terms the overall effectiveness of engineering controls and respirators?

a. If yes, how is the comparison to be structured and evaluated?

b. If no, why not?

5.a. Can the peformance of engineering controls be predicted accurately at the design stage? Explain.

b. Can the effectiveness of engineering controls be described accurately for large classes or groups of controls or operations and processes controlled? Explain.

6.a. In instituting an employee protection program based on respirators, what sources of indirect or hidden costs are there, in addition to the obvious direct costs?

b. What are these costs on a per employee basis and on a plant wide basis?

c. What economies, either direct or indirect, will be realized from the institution of such a program (other than avoidance of engineering control costs)?

7.a. In instituting an employee protection program based on engineering controls, what sources of indirect or hidden costs are there in addition to the obvious direct costs?

b. What are these costs on a per employee basis and on a plant wide basis?

8. Have there been instances where the installation of engineering controls for industrial hygiene purposes has resulted in lower overall costs due to economy of resources, increased productivity, less employee time spent on the various aspects of a respirator program, or other reasons? If yes, please describe.

9.a. In what situations should engineering controls and respirators be used in combination for the reduction of exposure to the same hazard?

b. On what basis is the relative emphasis between the two to be arrived at?

10. Should OSHA assign a preferred hierarchy to different forms of engineering controls such as:

(i) Material substitution,

(ii) Process change,

(iii) Equipment changes,

(iv) Local exhaust ventilation,

(v) General dilution ventilation,

(vi) Equipment enclosures, and

(vii) Employee enclosures?

a. Is this an appropriate priority list?

b. Is some other priority list preferable?

c. Should employers be required to justify the use of lower priority measures when higher priority measures are feasible? If so, on what basis?

11. If OSHA allows employers to choose compliance strategies, should OSHA also require each employer who relies on respirators to prepare a compliance plan justifying the use of respirators and including such items as:

(i) Exposure level of each affected employee;
(ii) Review of possible consequences of exposure, both acute and chronic;
(iii) Complete schedule of frequency and duration of exposure;
(iv) Potential for emergency exposure situations;
(v) Engineering analysis of least expensive feasible engineering controls;
(vi) Justification for reliance on respirators instead of feasible engineering controls;
(vii) Estimated costs of installing engineering controls;
(viii) Description of appropriate respiratory protection programs;
(ix) Costs of instituting respiratory protection program; and
(x) Comparison of estimated costs to other company financial data?

12. In those cases where respirators have never been relied on and engineering controls have always been used to control toxic material exposure,
a. What property of the toxic material precludes the use of respirators?
b. Is there some specific reason respirators are not used?
c. When were the engineering controls installed, what was the cost, and what percentage is this of the yearly capital budget?
d. To what exposure level are the engineering controls designed to reduce airborne contaminants?

13. If OSHA regulations permitted more extensive reliance on respirators,
a. Would existing engineering controls be shut down or removed. If yes explain reasons.
b. What additional biological monitoring or medical testing, if any, should be instituted?
c. What type of respirator would be used?
d. Would other additional personal protective equipment also be required?
e. Should some exception be made for the pulmonary diseased employee?

14. In those cases where respirators are relied on,
a. How many employees use respirators?
b. What type of respirator is used (e.g. half mask cartridge; full facepieces air line; etc)?
c. What methods are used to determine that the respirator program is effective?
d. To what extent are engineering controls also used?
e. What medical surveillance (urine tests, x-rays, physical exams, etc.) is practiced?
f. Does employee resistance limit greater use of respirators?
g. Do inherent limitations of respirators limit greater use?
h. Does the supervision of employees to ensure proper respirator use pose any difficulties?

15. a. What programmatic or personnel problems have arisen attendant to the use of respirators?
b. How many people were affected?
c. Was the problem with the respirator itself, the fitting, or with the respirator program? Explain.
d. For what specific jobs or operations can respirators not be worn? Why?

16. In those cases where the use of respirators has been partially or completely abandoned in favor of engineering controls,
a. What factor(s) were instrumental in the decision to curtail the use of respirators?
b. What proplems were there with the use of respirators? What percentage of the workers were affected?
c. Was OSHA enforcement activity involved in the decision?
d. Have the engineering controls been effective?
e. Have the engineering controls created any problems?
f. To what exposure level are the engineering controls designed to reduce airborne contaminants?
g. What engineering controls were installed; what was the cost and percentage of yearly capital costs for the facility?

17. In some instances, feasible engineering controls significantly reduce the levels of airborne toxic materials yet fail to achieve full compliance with applicable standards.
a. Should such engineering controls nevertheless be required?
b. Would such controls reduce employee exposure even where respirators are also used?

All comments in response to this notice should be sent by June 22, 1983, to the OSHA Docket Officer, Docket No. H–160, Room S–6212, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210; telephone 202–523–7894.

List of Subjects in 29 CFR Part 1910

Chemicals, Diving, Electric power, Electronic products, Fire prevention, Gases, Hazardous materials, Health records, Noise control, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Signs and symbols.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655), 29 CFR 1911; Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C. this 14th day of February, 1983.

Thorne Auchter,

Assistant Secretary of Labor.

[FR Doc. 83–4130 Filed 2–18–83; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5–83–01]

Drawbridge Operation Regulations; Kent Island Narrows, Md.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Maryland Department of Transportation, the Coast Guard is considering a change in the regulations that govern the operation of the Kent Island Narrows Drawbridge at Grasonville, Maryland which will change the number and times of openings during summer weekend peak traffic periods. This proposal is being made because some summer weekend draw openings have contributed to large traffic backups in the vicinity of the drawbridge. This action is intended to accomodate the needs of vehicular traffic and still provide for the reasonable needs of navigation. The Commander, Fifth Coast Guard District has authorized a public hearing to be held to receive comments on the proposed regulation.

DATES: (a) The hearing will be held on March 24, 1983 at 7:30 p.m. (b) Written comments on this proposal may be submitted on or before April 9, 1983.

ADDRESSES: (a) The location of the hearing will be at Chesapeake College, Routes 50 and 213, Queen Anne's County, Maryland. (b) Written comments on this proposal may be submitted to and will be available for examination from 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, at the office of Commander (oan), Fifth Coast Guard District, Room 609, 431 Crawford Street, Portsmouth, Virginia 23705. Comments may also be hand-delivered to this address.

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

SUPPLEMENTARY INFORMATION: The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement describing the proposed regulation, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Contact Officer listed above by March 22, 1983. Such notification should include the approximate time required to make the presentation. A transcript will be made of the hearing and may be purchased by the public.

Interested persons who are unable to attend this hearing may also participate in the consideration of this proposed regulation by submitting their comments in writing. Each comment should state reasons for support or opposition, suggest any proposed changes to the regulation, and include the name and address of the person or organization submitting the comment. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope. All comments received will be considered before final action is taken on the proposed regulation. After the time set for the submission of comments, the Commander, Fifth Coast Guard District will determine a final course of action. The proposed regulation may be changed in light of comments received.

Drafting Information

The drafters of this notice are Ann B. Deaton, assistant project officer, and Commander David J. Kantor, project attorney.

Discussion of Proposed Regulations

The current regulations for this drawbridge for the period May 1 to October 31 require that it open for the passage of vessel traffic on the hour from 7 a.m. to 7 p.m. everyday, and that the draw need not open from 7 p.m. to 7 a.m. Because of severe traffic congestion, the Maryland Department of Transportation has requested that the drawbridge regulations for the Kent Island Narrows Bridge be changed during the summer months to limit draw openings. The bridge serves as the primary link between the Baltimore, Md. and Washington, D.C. areas and the Maryland-Delaware Eastern Shore and is used by many vacationers, particularly on weekends. According to the Maryland Department of Transportation, drawbridge openings contribute to large traffic back-ups in the vicinity of the drawbridge. To reduce the traffic congestion, the Maryland Department of Transportation requested in 1982 that the drawbridge remain closed to navigation during summer weekend hours when the average one direction traffic volume exceeded 2,000 vehicles. In furtherance of its request, Maryland submitted a proposed schedule based upon data supplied by its State Highway Administration. The proposed schedule would have closed the bridge to navigation for significant periods of time on Fridays, Saturdays, Sundays, and holidays falling on Monday. In response, the Coast Guard felt Maryland's proposal unduly restricted navigation and, instead, developed an alternate schedule which it felt would ease the traffic problem without unduly restricting navigation. This revised schedule was announced to the public in Public Notice 5-514 on April 13, 1982 and the public was invited to submit comments. Numerous written objections were received from maritime interests concerning this proposed change. Because of the public reaction, the Coast Guard's proposal was further modified and trial tested during the summer of 1982. During the trial period, data was collected on both modes of transportation in an attempt to reach an equitable solution. Based on data collected, as well as information gained at meetings with state officials and marine interest groups, it is felt the following proposed rule will best temper the existing traffic problem and yet not unreasonably restrict navigation.

The proposed rule has been carefully reviewed for its potential economic impact, especially on small business entities in the local community. Although there are on file several letters which express a concern based on economic impact, the quantifiable impact relates to the Coast Guard's first proposed schedule which was, as a result of public response, never implemented. The present proposed rule seeks to strike a better balance between vehicular and vessel traffic, but in so doing preserves numerous bridge openings, especially at most of the times where statistics have shown concentrated vessel traffic. In addition, new hours have been added to permit roundtrip passage by a vessel on any one day. While there may be some inconvenience to both the motorist and the mariner as a result of the proposed rule, economic impact should be minimal.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

PART 117—[AMENDED]

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

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

* * * * *

(b) From May 1 through October 31:

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

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

(3) On Saturday, the drawbridge shall open for the passage of vessel traffic at 6 a.m., 7 a.m., and 12 noon, and on the hour from 3 p.m. to 8 p.m., but need not open at any other time.

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

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

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

(c) All public vessels of the United States, and those State or local vessels on public safety missions, shall be passed at any time. The opening signal

from these vessels is five or more blasts of a whistle or horn. The opening signal from all other vessels is one long blast followed by one short blast.

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

Dated: February 15, 1983.

John D. Costello,

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

[FR Doc. 83-4381 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[W-2-FRL 2310-6]

Virgin Islands Department of Conservation and Cultural Affairs; Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the Territory of the Virgin Islands requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is not available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the application of the Virgin Islands Department of Conservation and Cultural Affairs to regulate Classes I, II, III, IV and V injection wells.

DATES: Requests to present oral testimony should be filed by March 14, 1983. The Public Hearings will be held on March 21, 1983 and March 22, 1983 at 7:30 p.m. and will continue until the end of the testimony. Written comments must be received by April 4, 1983. EPA reserves the right to cancel the hearing should there be no significant public interest. Those informing EPA of their intention to testify will be notified of the cancellation.

ADDRESSES: Comments and requests to testify should be mailed to Leon Lazarus, Water Supply Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, or Francine Lang, Division of Natural Resources Management, Department of Conservation and Cultural Affairs, P.O. Box 4240, St. Thomas, Virgin Islands 00801. Copies of the application and pertinent material are available at the following locations:

Environmental Protection Agency, Water Supply Branch, Room 824, 26 Federal Plaza, New York, New York 10278; (212) 264-1800, or

Division of Natural Resources Management, Department of Conservation and Cultural Affairs, Demco Building, Second Floor Subbase, St. Thomas, Virgin Islands 00801; (809) 774-6420.

The hearings will be held at 7:30 p.m. on March 21, 1983 at the Legislature Conference Room, #1 Contentment Road, Christiansted, St. Croix, and at 7:30 p.m. on March 22, 1983 at the Legislature Conference Room, Veterans Drive, Charlotte Amalie, St. Thomas.

FOR FURTHER INFORMATION CONTACT: Leon Lazarus, Water Supply Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, telephone (212) 886-6193.

SUPPLEMENTARY INFORMATION: The Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifers capable of yielding a significant amount of water containing less than 10,000 mg/1 of total dissolved solids. At present, the Territory of the Virgin Islands has no known Class I, II, III, or IV injection wells. The latest inventory identified 195 Class V wells. Upon program approval, existing Class V wells will be governed by rule. The Territory of the Virgin Islands does not intend to exempt any aquifers at this time.

Class V wells will be studied to assess whether further regulatory measures are required. In the meantime, existing Territory requirements will continue to be applied.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 123, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—Lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

This application from the Virgin Islands Department of Conservation and Cultural Affairs is for the regulation of all injection wells in the Territory. The application includes a description of the State Underground Injection Control Program, copies of all applicable statutes and rules, a statement of legal authority and a proposed memorandum of agreement between the Virgin Islands Department of Conservation and Cultural Affairs and Region II office of the Environmental Protection Agency.

Dates: February 16, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-4511 Filed 2-18-83; 8:45 am]

BILLING CODE 6560-50-M

OFFICE OF PERSONNEL MANAGEMENT

41 CFR Part 16-4

Procurement Regulations

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is proposing regulations to require simultaneous submission of Federal Employees Health Benefit (FEHB) carriers' benefit and rate proposals. These regulations would enhance OPM's ability to manage the contract negotiation cycle and to assess the impact of benefit and rate proposals on both the Government and enrollees.

DATE: Comments must be received on or before March 24, 1983.

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

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

SUPPLEMENTARY INFORMATION: In 1982, OPM asked FEHB carriers to submit benefit and rate changes simultaneously for their 1983 contracts. OPM plans to repeat this new prodecure and wishes to confirm this practice in these proposed regulations. Regulations which provide for simultaneous submission of benefit and rate proposals would enhance OPM's ability to manage the FEHB negotiation cycle through improved coordination of benefit proposals, rate proposals, and the Administration's

budget. Specifically, simultaneous submission makes it possible to evaluate the impact of carrier proposals on the budget and on enrollee premiums much earlier than current regulations which require benefit proposals by April 30, but allow rate submissions as late as July 31.

Therefore, these proposed regulations would provide that approximately nine months (March 31) prior to the expiration of the current contract period (calendar year), OPM will invite benefit and/or rate changes for simultaneous submission not less than seven months (May 31) prior to the end of the current contract period, if in the opinion of the Director of OPM, it is deemed beneficial to enrollees and the FEHB Program. The proposed regulations would also permit the Director of OPM discretion to vary the call and submission dates.

For consistency, the proposed revision to the regulations would also require a new plan desiring entry into the program to make application to OPM nine months (March 31) before the end of the current contract period and to demonstrate that the plan meets all requirements for approval at least seven months (May 31) before the end of the current contract period. Currently, new plans must submit all evidence required for plan approval at least six months (June 30) before the end of the current contract period.

The Director finds that because of the desirability of having these proposed regulations in effect before the next FEHB negotiation cycle begins, good cause exists for setting the comment period on this proposal at 30 days.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that, within the scope of the Regulatory Flexibility Act, this regulation will not have a significant economic impact on a substantial number of small entities because the regulations would simply increase OPM's ability to administer the FEHB Program, and rearrange the time frame in which health benefit carriers must submit information.

List of Subjects in 41 CFR Part 16–4

Administrative practice and procedure; Government contracts; Health insurance.

Office of Personnel Management.

Donald J Devine,

Director.

PART 16–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Accordingly, the Office of Personnel Management is proposing to amend Part 16–4 of Chapter 16, Title 41, Code of Federal Regulations, by revising §§ 16–4.152–3 and 16–4.152–4 to read as follows:

* * * * *

§ 16–4.152–3 Applications to participate in the FEHB Program.

By regulation (5 CFR 890.203), applications from carriers seeking participation in the FEHBP shall be submitted not later than the last day of the tenth month preceding the contract period to which they refer. Benefit and rate proposals for new plans shall be submitted not less than seven months before the expiration of the then current contract period, unless the Director of OPM determines that a later submission date is acceptable. In its solicitation for new plans, OPM shall request detailed information of each carrier expressing interest in participating in the FEHBP. The Office of the Assistant Director for Insurance Programs shall evaluate the information received as set out in 5 U.S.C. Chapter 89, 5 CFR Part 890, and this Chapter 16, and the contracting officer shall notify carriers meeting these requirements of their approval to participate in the FEHBP during the following contract period. Since each application is considered on its own merits, there is no competition between offerors as is the case in other types of procurements. OPM shall seek to complete all benefit and rate negotiations no later than three months preceding the contract year to which they apply.

§ 16–4.152–4 Proposals of existing FEHBP carriers.

Benefit and/or rate changes in health benefit plans will be considered at the discretion of OPM. If the Director of OPM determines that it is beneficial to enrollees and the FEHBP to consider health plan benefit and/or rate changes for a given contract period, a "call letter" shall be issued to the carrier approximately 9 months prior to the expiration of the current contract period. Any proposal for change shall be in writing, specifically describe the change proposed, and be signed by an authorized official of the carrier. OPM will review any requested proposal for change and will notify the carrier of its decision to accept or reject the change. OPM may make a counter-proposal or at any time propose changes on its own motion. Benefit changes and/or rate proposals, when invited by OPM, shall be submitted not less than 7 months before the expiration of the then current contract period unless the Director of OPM determines that a later date is acceptable. The negotiation period shall begin approximately 7 months before the expiration of the current contract period, and OPM shall seek to complete all benefit and rate negotiations no later than 3 months preceding the contract period to which they will apply.

(5 U.S.C. 8913; 40 U.S.C. 486(c))

[FR Doc. 83–4403 Filed 2–18–83; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Part 201

Grants to States for Public Assistance Programs; Adjustment of Federal Share for Uncashed or for Cancelled Checks

AGENCY: Social Security Administration, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This regulation provides that the Federal share of cancelled (voided) checks must be refunded quarterly to the Federal government since there has been no expenditure made by the State. The proposed regulation will also require States to refund to the Federal government the Federal share of all checks uncashed after 180 days from the date the checks are issued since these will no longer be considered amounts expended. A 1979 report by the General Accounting Office (GAO) recommended that uniform requirements be established for States to credit the Federal Government for its portion of uncashed Aid to Families with Dependent Children assistance (AFDC) checks. This regulation is intended to implement that recommendation.

DATE: We will consider your comments if we receive them on or before April 25, 1983.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Family Assistance, Social Security Administration, Room B–448, Transpoint Building, 2100 Second Street SW., Washington, D.C. 20201, between

8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: David Siegel, Office of Intergovernmental Communications, Office of Family Assistance, Social Security Administration, 2100 Second Street, SW., Washington, D.C. 20201, telephone (202) 245-2736.

SUPPLEMENTARY INFORMATION: A 1979 report by the General Accounting Office (GAO) recommended that uniform requirements be established for States to credit the Federal government for its portion of uncashed AFDC assistance checks. This regulation is intended to implement that recommendation.

Even though the GAO recommendations focused solely on uncashed AFDC assistance checks under a State's AFDC program, we are extending the scope of this regulation to apply: (1) To uncashed or cancelled (voided) checks to or behalf of AFDC recipients, and (2) to uncashed or cancelled (voided) checks to or on behalf of recipients under titles I, X, XIV, or XVI (AABD) being administered in Guam, Puerto Rico, and the Virgin Islands, and (3) to uncashed or cancelled (voided) checks for administrative costs under titles I, IV-A, X, XVI, or XVI (AABD). Since some States make payments in the form of warrants, the term "check" is defined in the regulation to include them as well.

The proposed regulation will require that the Federal share of checks outstanding for 180 days or more which have not been cancelled and cancelled checks be refunded to the Federal government each quarter. It is generally accepted banking practice to consider 180 days as a reasonable time period for checks to be presented to be cashed and banks often will not accept checks which are presented after that time frame. Moreover, the regulation is consistent with the new statutory provisions for the Supplemental Security Income program (SSI) as contained in section 1631(i) of the Social Security Act which applies a 180 day time period to outstanding SSI checks. Under this provision, the supplementary portion (provided by States) of Federal SSI checks which have not been cashed for 180 days would have to be refunded to the States, although negotiability of the SSI checks could occur thereafter.

Similarly, we are not requiring that AFDC checks be voided 180 days after issuance. To do this could cause unwarranted administrative expense to States. Thus, in the event that a check is honored for payment after the Federal share has been refunded to the Federal government, we are allowing States to submit new claims for Federal matching. The proposed regulations also codify a longstanding policy that the Federal share of a cancelled check must be refunded to the Federal government in the quarter in which the check is cancelled.

Since under current procedures a State, solely as an administrative convenience, may claim Federal financial participation for payments in the form of checks which are not yet cashed, it seems only reasonable for the proper and efficient administration of a State plan that there be this limit on the period of time that Federal funds, for which there has been in fact no State expenditure, may be retained by the State.

Because this requirement is a part of the grants process to States, we are amending 45 CFR 201.5(a)(3) by adding a cross reference to 45 CFR 201.67, the new section where this rule will be set out.

Regulatory Procedures

Executive Order 12291—Under this regulation, which provides for reimbursement of the Federal portion of uncashed or cancelled checks, the Federal government will collect approximately $1 million annually. Therefore, these regulations do not meet the criteria specified in Executive Order 12291 for a major regulation and no regulatory impact analysis is required.

Regulatory Flexibility Act—We certify that this regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities because it affects only the transfer of funds between the Federal government and the States. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act—Sections 45 CFR 201.5, 201.67(c)(2), and 201.67(d)(2) of this proposed rule contain information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, we have submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of these information collection requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to the agency official designated for this purpose whose name appears in this preamble, and to the Office of Information and Regulatory Affairs OMB, New Executive Office Building (Room 3208), Washington, D.C. 20503, ATTN: Desk Officer for HHS.

States will use the Quarterly Statement of Expenditures—SSA-41 in its present format to report adjustments to Federal matching funds granted for past periods for uncashed and cancelled checks. OMB has approved the present format of this report (OMB Number 0960-0294). We anticipate that OMB will approve these new requirements under this same OMB number.

(Secs. 3, 403, 1003, 1102, 1403, 1603 of the Social Security Act, as amended; 49 Stat. 621, as amended; 49 Stat. 628, as amended; 49 Stat. 646 as amended; 49 Stat. 647, as amended; 64 Stat. 556, as amended; 76 Stat. 200, as amended; 42 U.S.C. 303, 603, 1203, 1302, 1353, and 1383 (note))

(Catalog of Federal Domestic Assistance Program No. 13.809—Public Assistance—Maintenance Assistance (State Aid))

List of Subjects in 45 CFR Part 201

Aid to Families with Dependent Children, Grant programs—Social programs, Guam, Public assistance programs, Puerto Rico, Virgin Islands.

Dated: November 23, 1982.

John A. Svahn,

Commissioner of Social Security.

Approved: Febraury 1, 1983.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 201—[AMENDED]

Chapter II Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 201.5(a)(3) is revised as set forth below:

§ 201.5 Grants.

* * * * *

(a) *Form and manner of submittal.*

* * *

(3) The State agency must also submit a quarterly statement of expenditures for each of the public assistance programs under the Act. This is an accounting statement of the disposition of the Federal funds granted for past periods and provides the basis for making the adjustments necessary when the State's estimate for any prior quarter was greater or less than the amount the State actually expended in that quarter. The statement of expenditures also shows the share of the Federal Government in any recoupment, from whatever source, of expenditures claimed in any prior period, and also in expenditures not properly subject to Federal financial participation which are acknowledged by the State agency, including the share of the Federal Government for uncashed or cancelled

checks as described at 45 CFR 201.67 in this part, or which have been revealed in the course of an audit.

2. A new § 201.67 is added to read as set forth below:

§ 201.67 Treatment of uncashed and cancelled checks.

(a) *Purpose.* This section provides the rules to insure that States refund the Federal portion of uncashed or cancelled (voided) checks under titles I, IV–A, X, XIV, and XVI (AABD).

(b) *Definitions.* As used in this section—

"Cancelled (voided) check" means a check issued by the State agency or local agency which prior to its being cashed is cancelled (voided) by agency action, thus preventing disbursement of funds.

"Check" means a check or warrant that a State uses in order to make a payment.

"Uncashed check" means a check issued by the State agency or local agency which has not been cashed by the payee.

(c) *Refund of Federal financial participation (FFP) for uncashed checks.*—(1) *General provisions.* If a check remains uncashed beyond a period of 180 days from the date it was issued, it will no longer be regarded as an amount expended because no funds have actually been disbursed. If the State has claimed and received FFP for the amount of the uncashed check, it must refund the amount of FFP received.

(2) *Report of refund* At the end of each calendar quarter, the State must identify those checks which have not been cashed within 180 days after issuance. The State must report on the Quarterly Statement of Expenditures for that quarter all FFP received by the State for uncashed checks. Once reported on the Quarterly Statement of Expenditures for a quarter, an uncashed check is not to be reported on a subsequent Quarterly Statement of Expenditures. If an uncashed check is cashed after the refund is made, the State may submit a new claim for FFP.

(d) *Refund of FFP for cancelled (voided) checks.*—(1) *General provisions.* If the State has claimed and received FFP for the amount of a cancelled (voided) check, it must refund the amount of FFP received.

(2) *Report of refund.* At the end of each calendar quarter, the State must identify those checks which the State has cancelled (voided). The State must report on the Quarterly Statement of Expenditures for that quarter all FFP received by the State for these checks. Once reported on the Quarterly Statement of Expenditures for a quarter, a cancelled (voided) check is not to be reported on a subsequent Quarterly Statement of Expenditures.

[FR Doc. 83-4368 Filed 2-18-83; 8:45 am]
BILLING CODE 4910-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[CC Docket No. 80-584; RM-3304]

Policies Governing the Ownership and Operation of Domestic Satellite Earth Stations in the Bush Communities in Alaska

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of comment/reply periods.

SUMMARY: This action extends time for filing comments in a rulemaking involving Commission policies governing the ownership and operation of domestic satellite earth stations in the Bush communities in Alaska. Extension is granted in order to provide the parties adequate time in which to prepare informative comments which fully address the complex issues in this proceeding.

DATES: Comments must be filed on or before March 7, 1983. Reply comments must be filed on or before April 7, 1983.

ADDRESS: Submit comments and reply comments to the Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Cecily C. Holiday, Common Carrier Bureau, (202) 634–1682.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments

Adopted: February 3, 1983.
Released: February 7, 1983.

In the Matter of Policies governing the ownership and operation of domestic satellite earth stations in the Bush communities in Alaska, CC Docket No. 80–584, (10–28–80; 45 FR 71384).

The Commission herein considers the unopposed request of United Utilities, Inc. (United) for a one month extension of time in which to file comments in the above-captioned proceeding. United states that the extension of time is necessary in order to provide informative comments which fully address the complex issues involved in this proceeding.

Accordingly, in order to insure a full and responsive record in this proceeding, and pursuant to Sections 0.291 and 1.46 of the Commission's rules, we hereby extend the time to file comments in the above-captioned proceeding one month or until March 7, 1983. Reply comments must be filed on or before April 7, 1983.

Federal Communications Commission.

Jack D. Smith,

Deputy Bureau Chief (Operations), Common Carrier Bureau.

[FR Doc. 83-4342 Filed 2-18-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-538; RM-3983]

Hours of Operation of Daytime-Only AM Broadcast Stations; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule (Extension of time).

SUMMARY: This action extends the deadline for filing reply comments in this proceeding dealing with extended hours of operation for daytime-only AM stations. This action is taken in response to a request filed on behalf of Bonneville International Corporation.

DATE: Reply comments must be filed on or before March 8, 1983.

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

FOR FURTHER INFORMATION CONTACT: Jonathan David, Mass Media Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Reply Comments

Adopted: February 8, 1983.
Released: February 11, 1983.

In the Matter of Hours of Operation of Daytime-Only AM Broadcast Stations BC Docket No. 82–538 RM–3983, (9–3–82; 47 FR 38937.

1. On August 4, 1982, the Commission inaugurated this proceeding to explore possible relaxation of the restrictions which limit the hours of operation by daytime-only AM stations. Comments were to be filed on November 15, 1982, and reply comments were to be filed on December 15, 1982. At the request of the Clear Channel Broadcasting Service, the Commission granted a 60-day extension of the filing deadlines. Pursuant to this extension, comments were filed on January 14, 1983, and reply comments are due to be filed on February 15, 1983.

2. On February 4, 1983, the Commission received a request for extension of the reply comment deadline filed on behalf of Bonneville International Corporation. Counsel for Bonneville filed timely comments on January 14, 1983, and the day after had to be taken to the hospital. Several days later surgery was performed and he was not released from the hospital until January 27. Since then he has been recouperating. Counsel indicates that he is the only member of the firm familiar with the record and able to work on the preparation of reply comments. Because of his hospitalization he has not been able to complete his study of the extensive filings in the proceeding. Counsel requests a three-week extension so that he can evaluate the comments filed and respond to them in his reply filing.[1]

3. Although the Commission is eager to bring this proceeding to a prompt conclusion, the timing of Bonneville's counsel's unexpected hospitalization precludes timely filing of its reply comments. Under these circumstances we believe an extension is justified.

4. Accordingly, pursuant to authority contained in Section 4(i), and (j) of the Communications Act of 1934, as amended, it is ordered, that the time for filing reply comments in this proceeding is extended to and including March 8, 1983.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-4336 Filed 2-18-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-87; RM-4251]

FM Broadcast Station in Red Rock, Georgia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 292A to Red Rock, Georgia, in response to a petition filed by Malibu Broadcasting. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before April 4, 1983, and reply comments must be filed on or before April 19, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 3, 1983.

Released: February 15, 1983.

In the Matter of Amendment of § 73.202(b), Table of Assignments, RM Broadcast Stations. (Red Rock, Georgia), MM Docket No. 83-87 RM-4251.

1. A petition for rule making was filed November 10, 1982, by Malibu Broadcasting ("petitioner"), seeking the assignment of Channel 292A to Red Rock, Georgia, as its first local FM broadcast service. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

2. A site restriction of approximately 2.2 miles northwest of Red Rock is required due to Station WOKA in Douglas, Georgia.

3. In view of the fact that the proposed assignment could provide a first FM service to Red Rock, Georgia, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Red Rock, Ga		292A

4. The Commission's authority to institute rule making proceedings, showings requried, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 4, 1983, and reply comments on or before April 19, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634:6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly.

[1] The Commission also received an extension request from Clear Channel Broadcasting Service. It seeks a two-week extension to respond to the comments and the engineering studies which accompanied many of them. It points to the fact that 37 other parties filed extensive comments on the complex technical issues raised by the proceeding, and it asserts that more time is needed to responds properly to these issues.

Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-4339 Filed 2-18-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-82; RM-4264]

FM Broadcast Station in Kearney, Nebraska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 272A to Kearney, Nebraska, in response to a petition filed by The RAM Company. The proposal could provide a third FM service to that community.

DATE: Comments must be filed on or before April 4, 1983, and reply comments on or before April 9, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530

SUPPLEMENTARY INFORMATION.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Released: February 15, 1983.

Adopted: January 31, 1983.

In the Matter of Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Kearney, Nebraska), MM Docket No. 83-82 RM-4264.

1. A petition for rule making was filed December 2, 1982, by The RAM Company ("petitioner") proposing the assignment of Channel 272A to Kearney, Nebraska, as its third FM assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the assignment could provide a third FM service to Kearney, Nebraska, the Commission believes it is appropriate to propose amending the FM Table of Assignments § 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Kearney, Nebr.	225, 290	255, 272A, and 290

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 4, 1983, and reply comments on or before April 19, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Attachment: Appendix.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-4305 Filed 2-18-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-88; RM-4223]

FM Broadcast Station in Jersey Shore, Pennsylvania; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 228A to Jersey Shore, Pennsylvania as its second FM channel in response to a petition filed by Tiadaghton Broadcasting Company.

DATE: Comments must be filed on or before April 4, 1983, and reply comments must be filed on or before April 19, 1983.

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

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Jersey Shore, Pennsylvania), MM Docket No. 83-88, RM-4223.

Adopted: February 3, 1983.

Released: February 15, 1983.

1. A petition for rule making was filed October 18, 1982, by Tiadaghton Broadcasting Company ("petitioner") seeking the assignment of Channel 228A to Jersey Shore, Pennsylvania, as its second FM assignment. Petitioner stated that it would apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. A site restriction of 1.7 miles east is required to avoid short spacing to Station WQYX, Clearfield, Pennsylvania.

2. In view of the provision of the second FM broadcasting service to Jersey Shore, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Jersey Shore, Pa	249A	228A, 249A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 4, 1983, and reply comments on or before April 19, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Joel Rosenberg, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Attachment: Appendix.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, §73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-4337 Filed 2-18-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-89; RM-4217]

FM Broadcast Station in San Angelo, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 254 to San Angelo, Texas, in response to a petition filed by Walton A. Foster. The proposal could provide a sixth FM service to that community.

DATES: Comments must be filed on or before April 4, 1983, and reply comments must be filed on or before April 19, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 3, 1983.
Released: February 15, 1983.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (San Angelo, Texas), MM Docket No. 83-89, RM-4217.

1. A petition for rule making was filed October 12, 1982, by Walton A. Foster ("petitioner") proposing the assignment of Class C Channel 254 to San Angelo, Texas, as its sixth FM assignment.[1] Petitioner expressed an interest in applying for the channel, if assigned. A site restriction of 7.3 miles east of the city is required due to Station KTYE in Tye, Texas, and a Channel 252A assignment at Big Lake, Texas.

2. Since San Angelo is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires concurrence of the Mexican government.

3. In view of the fact that the proposed assignment could provide a sixth broadcast service to San Angelo, Texas, the Commission believes it is appropriate to propose that the FM Table of Assignments, § 73.202(b) of the Commission's Rules, be amended with respect to the following community:

City	Channel No.	
	Present	Proposed
San Angelo, Tex.	225, 230, 234, 248, and 298.	225, 230, 234, 248, 254, and 298.

4. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 4, 1983, and reply comments on or before April 19, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are

[1] Recently, Channel 298 was assigned to San Angelo, Texas in BC Docket 82-489, adopted January 13, 1983.

prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Attachment: Appendix.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (i), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making to which this Appendix is attached.*

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(b) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 83-4338 Filed 2-18-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 36
Tuesday, February 22, 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

Gates County Schools, RC&D Measure, North Carolina; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Gates County Schools, RC&D Measure, Gates County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, Telephone (919) 755–4210.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reducing flooding and for improving drainage on three school grounds. The planned works of improvement include installing catch basins, pipes and subsurface drainage tubing. Grading and shaping will be done to improve surface drainage and to eliminate ponding. All disturbed areas will be seeded with adapted permanent vegetation.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Coy A. Garrett.

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: February 11, 1983.

Coy A. Garrett,

State Conservationist.

[FR Doc. 83-4383 Filed 2-18-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Announcement of Approval of Reporting Requirements by the Office of Management and Budget Under the Paperwork Reduction Act (44 U.S.C. 35)

On January 5, 1983, the Office of Management and Budget approved revisions to the following reporting requirements:

"Special Reporting Required for the International Civil Aviation Organization (ICAO)"—approved through March 31, 1984, under OMB No. 3024–0044.

Robin A. Caldwell,

Chief, Information Management Division, Office of Comptroller.

February 10, 1983.

[FR Doc. 83-4397 Filed 2-18-83; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended February 11, 1983

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Feb. 7, 1983	41268	Pan American World Airways, Inc., c/o Richard D. Mathias, Suite 901, 1660 L Street, N.W., Washington, D.C. 20036. Application of Pan American World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests that the Board issue Pan Am a Certificate of Public Convenience and Necessity (Backup Authority) authorizing Pan Am to provide Miami-Madrid-Tel Aviv service in the event the Board awards primary authority to a carrier in this market and such carrier fails to provide service and further Pan Am requests that if awarded authority, it be coextensive with the authority granted the primary carrier.
Feb. 9, 1983	41282	United Air Carriers, Inc. d/b/a Overseas National Airways, c/o Richard J. Kendall, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036. Application of United Air Carriers, Inc. d/b/a Overseas National Airways, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance or amendment of a certificate of public convenience and necessity for authority to engage in scheduled air transportation of passengers, property and mail, as follows: a. Foreign scheduled air transportation between the United States and France; and/or b. Authority to combine the United States-France, service with service to the transatlantic points listed in ONA's certificate for Route 356F to the extent such operations are consistent with bilateral agreements between the United States and other countries. Conforming Applications, Motions to Modify Scope, and Answers may be filed by March 9, 1983.

Date filed	Docket No.	Description
Feb. 7, 1983	41151, 41152	Classic Air, Inc., c/o George L. Sellers, 18915 Nordhoff St., Suite 3, Northridge, California 91324. Supplemental Materials required by Order 83-1-2 of Classic Air, Inc. with respect to the Applications for certificates of public convenience and necessity to engage in interstate/overseas and foreign charter air transportation. Answers may be filed by March 7, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-4398 Filed 2-18-83; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Pennsylvania Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committee to the Commission will convene at 3:00 p.m. and will end at 5:00 p.m., on March 9, 1983, in the Council Room, on the Fourth Floor, at the I.L.G.W.U. Building, 35 South Fourth Street, Philadelphia, Pennsylvania, 19106. The purpose of this meeting will be to discuss the final report on the Lewisburg Federal Prison; status of the Commission's survey of block grant funding in 7 States; of the draft report on Equal Opportunity Contracting in the Northeast Corridor (Rail) Improvement project; and review of the violence and bigotry report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Joseph Fisher 35 South 4th Street, Philadelphia, Pennsylvania, 19106, (215) 351-0776 or the Mid-Atlantic Regional Office, 2120 L Street, Northwest, Room 510, Washington, D.C. 20037, (202) 254-6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 15, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-4421 Filed 2-18-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee.

The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various tyes of these devices.

Time and Place: March 9, 1983, at 9:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the general Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(c)(1) and properly classified under Executive Order 12356. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: February 15, 1983.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 83-4410 Filed 2-16-83; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers' Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: Importers and Retailers' Textile Advisory Committee was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool, and man-made fiber textile agreements.

Time and Place: March 22, 1983 at 10:30 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Agenda: (1) Review of import trends (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, and (4) Other business.

Public Participation: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Dated: February 16, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83-4408 Filed 2-18-83; 8:45 am]

BILLING CODE 3510-25-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

Time and Place: March 8, 1983, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

Agenda

General Session

1. Opening remarks by the Subcommittee Chairman.
2. Presentation of papers or comments by the public.
3. Letter to OEA based on January 11 comments by Mr. Meeks.
4. OEA responses on:
   a. Procedures on licenses for exhibits.
   b. Acceleration of post-COCOM procedures.
5. U.S. Customs Service: Report on rule making and quick response procedures.
6. Report on review of Distribution License policies.
7. Report on the status of DeLauer proposal for Section 379.
8. OEA work statement for automated license application processing.
9. Industry priority issues on export controls.
10. New Business.

Public Participation: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written Statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: February 16, 1983.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 83-444 Filed 2-18-83; 8:45 am]

BILLING CODE 3510-25-M

Management-Labor Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Managment-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

Time and Place: March 23, 1983 at 1:00 p.m. The meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Agenda: (1) Review of import trends (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, and (4) Other business.

Public Participation: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Dated: February 16, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83-4409 Filed 2-18-83; 8:45 am]

BILLING CODE 3510-25-M

Sodium Gluconate From the European Communities; Preliminary Results of Administrative Review and Proposed Supplement to Suspension Agreement

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review and proposed supplement to suspension agreement.

SUMMARY: The Department of Commerce has conducted an administrative review of the agreement suspending the countervailing duty investigation on sodium gluconate from the European Communities. The review covers the period November 30, 1981 through May 31, 1982. As a result of the review, the Department has preliminarily determined that Joh A Benckiser GmbH, a West German exporter of sodium gluconate to the United States, has complied with the terms of the suspension agreement. However, because Benckiser did not account for 85 percent of imports of sodium gluconate into the United States from the European Communities during the review period, other exporters must enter into an agreement in order for the suspension to remain in force. Akzo Chemie Nederland bv, a Dutch exporter of sodium gluconate to the United States, has indicated a willingness to do so. The addition of Akzo will meet the 85 percent required minimum coverage. Interested parties are invited to comment on these preliminary results and proposed supplemental agreement.

EFFECTIVE DATE: February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Tom Hodge or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On November 30, 1981, the Department of Commerce ("the Department") published in the Federal Register (46 FR 58132) a notice of suspension of countervailing duty investigation regarding sodium gluconate from the European Communities ("the EC"). The Department noted that the suspension agreement between Joh A. Benckiser GmbH ("Benckiser") and the Department met the criteria provided in section 704 (b) and (d) of the Tariff Act of 1930 ("the Tariff Act"). In the notice the Department also announced its intent to conduct an administrative review of the suspension agreement within twelve months, as provided for in section 751 of the Tariff Act. The Department has now conducted that administrative review.

Scope of the Review

Merchandise covered by the review is the chemical sodium gluconate,

currently classifiable under item 437.5250 of the Tariff Schedules of the United States Annotated. The review covers the period November 30, 1981 through May 30, 1982, and the two programs found to constitute subsidies in the preliminary affirmative countervailing duty determination (46 FR 45975, September 16, 1981): production refunds and export restitution payments. Funds for both programs are provided through the Guidance and Guarantee Fund, operated under the Common Agricultural Policy ("the CAP") of the EC. The Netherlands and Germany are member states of the EC.

Analysis of Programs

(1) Production Refunds

The EC provides production refunds to companies involved in the transformation of certain agricultural goods into manufactured products. Dextrose and glucose (ingredients used in the production of sodium gluconate) are manufactured products of corn and potatoes, and hence eligible for production refunds. During the period of review, Benckiser continued to purchase dextrose and glucose through arms length transactions from unrelated firms, thus receiving no production subsidy.

(2) Restitution payments

Restitution payments are fixed on a periodic basis and are granted only when the world price of sodium gluconate is lower than the EC "market" price. During the period of review, exporters of sodium gluconate were eligible for restitution payments of approximately 15 percent of f.o.b. value. Benckiser did not apply for or receive export restitution payments or any equivalent payments from the EC during the period of review.

Compliance With Agreement

In the suspension agreement, Benckiser renounced all existing benefits associated with the manufacture, production, or exportation of sodium gluconate to the United States, and agreed not to accept substitute or equivalent benefits. The suspension of the investigation can remain in effect only so long as shipments covered by exporter agreements are maintained at 85 percent of imports of such merchandise into the United States. We have found that Benckiser did not apply for or receive any benefits under the two CAP subsidy programs nor were substitute or equivalent benefits received by them during the period of review. The Department has found, however, that Benckiser did not account for 85 percent of U.S. imports of sodium gluconate from the EC during the period.

Akzo Chemie Nederland bv ("Akzo"), a Dutch producer of sodium gluconate, is willing to enter into a comparable agreement. If Akzo were to sign an agreement, the two signatories, Akzo and Benckizer, would together account for in excess of 85 percent of all sodium gluconate imports to the United States from the EC. Akzo has agreed to renounce all benefits from the two CAP programs, effective on the date of publication of the final results of this review, and not to apply for or receive benefits under substitute or equivalent programs. We are publishing the proposed Agreement in Annex I of this notice.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the aggregate net subsidy available during the review period for sodium gluconate exports to the U.S. from the EC is approximately 15 percent of the f.o.b. value. We further preliminarily determine that Benckiser did not receive benefits during the period and remains in compliance with the suspension agreement. However, because Benckiser does not account for 85 percent of imports of sodium gluconate into the U.S. from the EC, a supplement to the agreement, as proposed with Akzo, is required in order for the suspension to remain in force.

Interested parties may submit written comments on these preliminary results and proposed supplement within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review, including the results of its analysis of any issues raised in such written comments or at a hearing, and if appropriate the supplement to the agreement.

This administrative review, proposed supplement to the suspension agreement, and notice are in accordance with section 751(a)(1) of the Tariff act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: February 15, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

Annex I—Supplement to Suspension Agreement Sodium Gluconate From the European Communities

Pursuant to the provisions of section 704 of the Tariff Act of 1930 (the Act) and § 355.31 of the Commerce Regulations, the United States Department of Commerce ("the Department") enters into the following agreement with Akzo Chemie Nederland by., Amerfoort, Netherlands ("Akzo"). On the basis of this agreement, the Commerce Department shall not reopen its countervailing duty investigation with respect to sodium gluconate from the European Communities ("the EC") in accordance with the terms and provisions set forth below.

A. Product Coverage

This suspension agreement is applicable to all sodium gluconate manufactured by Akzo and exported to the United States for consumption therein either directly or through intermediaries and which is exported either directly from the Netherlands or is transshipped through third countries. Sodium gluconate is the sodium salt of gluconic acid and it is currently provided for in item 437.5250 of the Tariff Schedules of the United States Annotated.

B. Basis of Agreement

Akzo hereby voluntarily renounces the right to all export and production refunds on maize used in the sodium gluconate production chain for exportation to the United States provided by the EC under its Common Agricultural Policy ("the CAP"). Since 1979, Akzo's exports of sodium gluconate to the United States have averaged 8 percent of total EC export of sodium gluconate to the United States.

In addition, Akzo agrees that no substitute or equivalent benefits have been or will be received. This renunciation is applicable to all sodium gluconate produced from any basic agricultural product and exported to the United States.

Akzo will under no circumstances alter or terminate this renuciation without notifying the Department of Commerce in writing thirty days prior to such action. Any such alteration or termination of the renuciation will result in the reopening of the investigation in accordance with the provisions of paragraph D of this agreement.

C. Monitoring

Akzo agrees to supply to the Department such information as the Department deems necessary to demonstrate that it is in full complaince with this agreement. Akzo shall notify the Department whenever it: 1) Transships through third countries, 2) alters its mode of manufacture, production or exportation of sodium gluconate, 3) receives directly or indirectly any export or production refunds on any agricultural product used in the sodium gluconate production chain for exportation to the

United States provided by the EC under its CAP.

Furthermore, Akzo will permit such verification and data collection as is requested by the Department in order to monitor this agreement. The Department will request such information and perform such verifications periodically pursuant to reviews conducted under section 751 of the Act.

D. Violation of the Agreement

If the Department determines that the agreement is bieing or has been violated or no longer meets the requirements of sections 704 (b) or (d) of the Act, then the provisions of section 704(i) shall apply.

E. Other Provisions

In entering this agreement, Akzo agrees to be bound by the same terms and conditions as the agreement between Joh A. Benckiser GmbH, Benckiserplatz 1, D-6700 Ludwigshafen/Rehin, Federal Republic of Germany (Benckiser) and the United States Department of Commerce dated November 22, 1981.

It is understood that Akzo is entering this agreement to supplement Benckiser's annual imports, a review of which has revealed, account for less than 85 percent of the sodium gluconate exported to the United States from the EC. The effective date of this suspension agreement is the date of publication in the **Federal Register.**

Signed this ——— day of ——— 1982
Agreed to: Akzo Chemie Nederland bv by

I have determined that the provisions of paragraph B eliminated any subsidy the EC is providing on the manufacture, production, and exportation to the United States of sodium gluconate within the meaning of the countervailing duty law. Further, I have determined that the provisions of pragraph C ensure that this agreement can be monitored effectively pursuant to section 704(d). Therefore, I have determined that this agreement to suspend this investigation meets the requirements of section 704(d) of the Act and is in the public interest as required by section 704(d) of the Act.

United States Department of Commerce.

By:———

[FR Doc. 83-4807 Filed 2-18-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1983 services to be provided by workshops for the blind and other severely handicapped.

DATE: Comments must be received on or before: March 31, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1983, November 18, 1982 (47 FR 52101):

SIC 0782

Grounds Maintenance (Landscaping and Landscape Maintenance, and Minor Irrigation System Repair and Installation), Naval Weapons Center, China Lake, California

SIC 7349

Janitorial/Custodial Services, Vancouver Army Barracks, Vancouver, Washington

Janitorial Services, Buildings 20 and 34, Naval Air Station Whidbey Island, Oak Harbor, Washington

SIC 9199

Administrative Services, Department of Commerce, Herbert Hoover Building, 14th and Constitution Avenue, NW., Washington, D.C.

C. W. Fletcher,

Executive Director.

[FR Doc. 83-4337 Filed 2-18-83; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1983; Additions and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to and Deletion from Procurement List.

SUMMARY: This action adds to and deletes from Procurement List 1983 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: February 22, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On September 17, 1982, October 15, 1982, October 29, 1982, and December 23, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 41154, 47 FR 46126, 47 FR 49066, and 47 FR 57324) of proposed additions to and deletion from Procurement List 1983, November 18, 1982 (47 FR 52101).

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and service listed.

c. The actions will result in authorizing small entities to produce or provide commodities and a service procured by the Government.

Accordingly, the following commodities and service are hereby added to Procurement List 1983:

Class 6645

Clock, Wall, 6645-00-530-3342 (For GSA Region 5 only)

Class 8465

Binding, Snowshoe, Universal, 8465-00-965-2175

SIC 0782

Grounds Maintenance, Social Security Administration Complex, 6401 Security Boulevard, Baltimore, Maryland

Deletion

After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following service is hereby deleted from Procurement List 1983:

SIC 7699

Rebuilding of Typewriters, GSA Self-Service Stores, Chicago, Illinois

C. W. Fletcher,

Executive Director.

[FR Doc. 83-4328 Filed 2-18-83; 8:45 am]

BILLING CODE 6820-33-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2308-8]

Agency Forms 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 Management 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, SW.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Solid Waste Programs

• Title: Hazardous Waste Industry Studies (EPA ID 818).

Abstract: Using various methods, EPA is surveying certain chemical manufacturers in order to establish a data base to support more effective policy-making and regulation of hazardous wastes. The information collected deals with waste constituents, waste management practices, and the types, quantities and properties of waste.

Respondents: Organic chemical manufacturing industry.

Agency Forms Cleared by OMB between January 312 and February 8, 1983

EPA ID 0278, Notice of Supplemental Registration of a Distributor, was cleared on February 8, 1983 (OMB No. 2000-0014).

EPA ID 1008, Labor Standards Provision for federally assisted construction contracts, was cleared on January 31 (OMB #2030-0004).

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223) 401 M Street, SW., Washington, D.C. 20460

and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: February 15, 1983.

John Warren,

Acting Chief, Statistical Policy Staff.

[FR Doc. 83-4226 Filed 2-18-83; 8:45 am]

BILLING CODE 6560-50-M

[OLEC-FRL 2306-4]

Amended Findings of Administrator With Regard to Steel Industry Compliance Extension Act of 1981; Sharon Steel Corp.

AGENCY: Environmental Protection Agency.

ACTION: Notice of amended findings.

SUMMARY: The Administrator consents to the entry of a modification to the amended consent decree with Sharon Steel Corporation permitting the substitution of suppression technology for a canopy hood system at the blast furnace casthouse and the deletion of the requirement to build a modern steel strapping line at Sharon's Warren, Ohio facility. The Administrator also modifies her final findings of February 4, 1983. [48 FR 6773 (February 15, 1982).]

DATE: Effective on February 10, 1983.

FOR FURTHER INFORMATION CONTACT: Richard Ostrov, Staff Attorney, Office of Enforcement Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 (202) 382-2867.

SUPPLEMENTARY INFORMATION: On February 12, 1982, (47 FR 6483), the Administrator announced findings preliminary to the lodging of a consent decree under the Steel Industry Compliance Extension Act of 1981 to extend certain compliance deadlines for the Sharon Steel Corporation's Farrell, Pennsylvania, steel facility. In the announcement the Administrator gave her preliminary consent to the entry of a decree requiring capital expenditures for the installation at Farrell, Pennsylvania of a four-sided evacuated enclosure at the basic oxygen furnace no. 3 and a canopy hood system at the blast furnace casthouse; the construction of a modern steel strapping line at Warren, Ohio and a specialized cylindrical casting of electric arc ingots at Farrell, Pennsylvania.

On February 4, 1983 the Administrator signed final findings consenting to the lodging of an amended consent decree granting Sharon Steel Corporation's extension application. The final findings contained two amendments, one which amended finding 3(i) by requiring only a three-sided evacuated enclosure at the basic oxygen furnace no. 3 instead of a four-sided evacuated enclosure and the second amendment extending the schedules in the "phased program of compliance," finding 4, and schedules of integration of the "qualifying modernization investment" and "phased program of compliance" of finding 5. (See 48 FR 6773).

This notice amends finding 1, extended compliance obligations; finding 2, "qualifying modernization investments"; finding 3, capital expenditures for compliance; finding 4, "phased program of compliance"; and finding 5, the integration of the "phased program of compliance" and the "qualifying modernization investments." These findings are being amended because the proposed amended consent decree permits the Sharon steel Corporation to elect by February 14, 1983 whether or not to use suppression technology instead of a canopy hood evacuation enclosure at the Farrell, Pennsylvania blast frunace casthouse. The suppression technology costs $1 million while the canopy hood system costs $6 million thus reducing the compliance obligations of finding 1 from $8 million to $3 million. The "qualifying modernization investments" of finding 2(c) are amended to delete the requirement to build the steel strapping line at the Warren, Ohio facility, because of the reduced compliance obligations of amended findings 1 and 3.

The Administrator in final finding 1 found that the following compliance obligations to achieve compliance with the applicable provisions of the Pennsylvania State Implementation Plan (hereinafter "SIP") may be extended as indicated:

[In millions of dollars]

Project description	Required expenditure	Final Compliance date
(a) Emission control for blast furnace casthouse shared by both Farrell Works blast furnaces.	$6.0	Dec. 31, 1985
(b) Emission control (furnace enclosure project) for BOF Vessel No. 3.	$2.0	No later than Dec. 31, 1985

This notice amends finding 1 by substituting the following compliance obligation for (a) above.

Project Description	Required expenditure	Final Compliance date
(a) Emission control for blast furnace casthouse shared by both Farrell Works blast furnaces.	$1.0	Dec. 31, 1985.

The Administrator in final finding 2(c) found that the investments set forth below are to be made in communities (Warren, Ohio and Farrell, Pennsylvania) which already contain iron and steel-producing facilities.

QUALIFYING MODERNIZATION INVESTMENTS:

Project

(i) Construction of modern Steel Strapping Line at Sharon's Line at Sharon's Brainard Strapping Division in Warren, Ohio.

(ii) Specialized cylindrical casting of electric furnace ingots at Farrell, Pennsylvania Works.

The Administrator's finding 2 is amended by deleting the Warren, Ohio, "qualifying modernization project:"

(i) Construction of modern Steel Strapping Line at Sharon's Brainard Strapping Division in Warren, Ohio.

The Administrator in final finding 3 found that in order to achieve compliance with the Pennsylvania "SIP" at all sources in its iron and steel producing operation, Sharon will be required to make at least the following capital expenditure:

Source and project	Required expenditure
(i) Blast furnace casthouse emissions: Canopy hood system (or alternate equivalent system) to capture and clean casthouse emissions	$6.0
(ii) BOF vessel No. 3: Three-sided evacuated enclosure to capture and clean furnace emissions	$2.0

The Administrator's finding 3 is amended by substituting suppression technology (required expenditure of $1.0 million) for the canopy hood system at the blast furnace casthouse.

Source and project	Required expenditure
(i) Blast furnace casthouse emissions: Suppression technology to suppress the generation of emissions at the tap hole, trough runners and spouts	$1.0

The Administrator in finding 4 found that the "phased program of compliance" requires Sharon to make pollution control capital expenditures for the projects set forth in finding 3 on the following schedule, commencing with the entry of the amended decree:

Cumulative amount required to be expended	Date by which expenditure required
$4.00	By Mar. 1, 1984.
$6.00	By Mar. 1, 1985.
$8.00	By Dec. 31, 1985.

The Administrator's finding 4 is amended by substituting the following "phased program of compliance."

Cumulative amount required to be expended	Date by which expenditure required
$2.25	By Mar. 1, 1984.
$2.50	By Mar. 1, 1985.
$3.00	By Dec. 31, 1985.

The Administrator in finding 5 found that the integration of the "qualifying modernization investment" and the "phased program of compliance" schedule, when allowing for investments under Section 113(e)(1)(B) of the Act resulted in the following required schedule of capital expenditures:

Cumulative amount required to be expended	Date by which expenditure required
At least $8 million for qualifying modernization investment to improve efficiency and productivity.	By July 17, 1983.
At least $4 million in pollution control.	By Mar. 1, 1984.
At least $6 million in pollution control.	By Mar. 1, 1985.
At least $8 million in pollution control.	By Dec. 31, 1985.

The Administrator's finding 5 is amended by the following substitutions due to the amended findings 1 and 3.

Cumulative amount required to be expended	Date by which expenditure is required
At least $3 million for qualifying modernization investment to improve efficiency and productivity.	July 17, 1983.
At least $2.25 million in pollution control.	By Mar. 1, 1984.
At least $2.50 million in pollution control.	By Mar. 1, 1985.
At least $3.00 million in pollution control.	By Dec. 31, 1985.

Consent: I hereby give notice that the United States of America and Sharon Steel Corporation have successfully negotiated a modification to the proposed amended consent decree complying with the requirements of Section 113(e). I have consented to the entry of a modification which further amends the proposed amended consent decree. The consent decree was originally entered in the United States District Court for the Western District of Pennsylvania on August 26, 1981, Civil Action Nos. 79-1201 J and 80-869-J: *United States* v. *Sharon Steel Corporation*. The modification has been or is to be lodged with the District Court under 28 CFR 50.7 and an appropriate notification of lodging has been or will be published by the Department of Justice at that time. The notice will include an indication of how copies of the amended consent decree may be obtained and where public comment, if any, may be addressed.

Dated: February 10, 1983.

Anne M. Gorsuch,

Administrator.

[FR Doc. 83-4375 Filed 2-18-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-140031; TSH-FRL 2309-6]

Occupational Safety and Health Administration; Disclosure of Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Occupational Safety and Health Administration (OSHA) has requested EPA to provide it with access to certain information reported under the Asbestos Reporting Requirements rule promulgated under section 8(a) of the Toxic Substances Control Act (TSCA) and published in the **Federal Register** of July 30, 1982 (47 FR 33198). The EPA will provide OSHA with access to information reported on occupational exposure to asbestos. OSHA has stated that it requires access to this information in connection with the performance of its duties under the Occupational Safety and Health Act of 1970. Some of the information reported under this rule may be claimed as confidential.

DATES: Access to confidential business information will be provided to OSHA no sooner than March 4, 1983.

FOR FURTHER INFORMATION CONTACT: J. P. McCarthy, Acting Director, Industry Assistance Office (TS-799), Office of the Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800-424-9065). In Washington, D.C.: (554-1404). Outside the USA: (Operator: 202-554-1404).

SUPPLEMENTARY INFORMATION: Under the Occupational Safety and Health Act

of 1970, 29 U.S.C. 651 et seq., OSHA is responsible for assuring, so far as possible, that every working man and woman in the nation has safe and healthful working conditions. OSHA is charged under section 6(a)(5) of that Act with promulgating standards dealing with toxic materials or harmful physical agents in the workplace. OSHA has requested that designated OSHA employees, in connection with their official duties under the Occupational Safety and Health Act, be granted access to certain information submitted to EPA under section 8(a) of TSCA, 15 U.S.C. 2607(a).

Under Authority of section 8(a), EPA issued a final rule on Asbesto Reporting Requirements in the **Federal Register** of July 30, 1982 (47 FR 33198). The rule requires asbestos manufacturers, importers, and processors to report such information as quantities of asbestos used in making products, employee exposure data, waste disposal and pollution control equipment data. The EPA will consider this information in calculating the extent of exposure from asbestos and in determining whether and where exposures present an unreasonable risk.

OSHA has requested access to information reported to EPA under the Asbestos Reporting Requirements rule which concerns occupational exposure to asbestos. Some of the information reported to EPA under the rule may be claimed confidential. The EPA will provide OSHA with access to this confidential business information in accordance with section 14(a)(1) of TSCA and 40 CFR 2.209(c), which applies to information submitted under TSCA through 40 CFR 2.306(h).

As required by 40 CFR 2.209(c), this notice is published to inform submitters that confidential information reported under the section 8(a) Asbestos Reporting Requirements rule will be provided to OSHA no sooner than ten days after publication of this notice. Designated OSHA employees will be cleared for access to confidential business information in accordance with the provisions of the TSCA Confidential Business Information Security Manual and will be required to sign a confidentiality agreement.

Confidential business information will be reviewed by OSHA employees at EPA only, and no information will be permitted to be removed from EPA's premises. OSHA will be notified that this confidential business information was acquired by EPA under authority of TSCA and that any knowing disclosure of the information may subject the officers and employees of OSHA to the penalties in section 14(d) of the Act.

Dated: February 9, 1983.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 83-4373 Filed 2-18-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51442A; TSH-FRL 2309-5]

Premanufacture Notice; Extension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the review period for an additional 90 days for premanufacture notices (PMN's) 83-129 through 83-235, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review periods will now expire on May 14, 1983.

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, D.C. 20460, (202-382-3734).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a PMN to EPA 90 days before manufacture or import begins. Under section 5(c) EPA may, for good cause, extend the notice period for additional periods, not to exceed a total of 180 days from the date of receipt.

On November 16, 1982, EPA received PMN's 83-129 through 83-235 from Union Oil Company of California. Notice of receipt of the PMN's was published in the **Federal Register** of December 2, 1982 (47 FR 54356). The original 90-day review period for each is scheduled to expire on February 13, 1983.

Due to the volume and complexity of information submitted in the premanufacture notices, and due to the recent submission of additional technical data, EPA has not had sufficient time to complete its analysis of these substances. The Agency requires an extension of the review period to complete its investigation of potential risks associated with the manufacture, processing, use, transport, and disposal of these substances. EPA also requires additional time to explore whether regulatory action will be appropriate. Therefore, EPA has determined that good cause exists to extend the review period for an additional 90 days, to May 14, 1983.

PMN's 83-129 through 83-235 are available for public inspection in Rm. E-107, at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: February 11, 1983.

D. R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-4374 Filed 2-18-83; 8:45 am]

BILLING CODE 6560-50-M

[OPRM-FRL 2310-1]

Regulatory Negotiation Project

This Notice announces that the Environmental Protection Agency is beginning a "Regulatory Negotiation" project. Regulatory negotiation may provide an alternative to our traditional adversary rulemaking procedures—an alternative that better conserves time and resources and minimizes costly litigation.

The purpose of the project is to test (1) the utility and value of developing regulations by "negotiation", (2) the types of regulations which are most appropriate candidates for negotiated rulemaking, and (3) the procedures and circumstances which foster the most effective negotiations.

Readers are invited to suggest EPA regulations as candidates for Regulatory Negotiation. In preparing their suggestions, readers should refer to the selection criteria found at end of this announcement. Send your suggestions by (30 days from the date of publication) to: Chris Kirtz, Director, Regulatory Negotiation Project, U.S. Environmental Protection Agency, 401 M Street, SW. (PM-223), Washington, D.C. 20460, (202) 382-7565.

Joseph A. Cannon,

Associate Administrator for Policy and Resource Management.

Regulatory Negotiation Project Description

Introduction: EPA is beginning a demonstration project to test an approach to rulemaking that is frequently referred to as "Regulatory Negotiation". For two selected rules, the project will use face-to-face negotiations among interested parties in place of EPA's usual regulation development process. In each case, the goal of the negotiations will be a Notice of Proposed Rulemaking that reflects a consensus on how to address the environmental problem presented.

The impetus for the project is the hope that there are more efficient ways to regulate than the current adversarial system of rulemaking. The project will

explore whether negotiation at this early stage of rulemaking can produce rules more quickly, less expensively, and with less likelihood of litigation.

Request for Suggestions: We invite interested parties to suggest EPA items for negotiation, using the attached selection criteria to help identify topics that are likely to be negotiable. After considering the suggestions from outside parties together with those from within EPA, we will select two rules to develop by negotiation during the project.

Project Design

Management: The Regulation Management Staff (RMS) designed the project and will administer it on EPA's behalf. RMS is a part of the Office of Standards and Regulations in the Office of Policy and Resource Management and is responsible for managing the regulation development process.

Participants: A person designated by the lead program EPA office with line responsibility for developing the regulation (supported by a small EPA negotiating "team") will actually negotiate as a party-in-interest for EPA. As would any party to a negotiation, EPA representatives will work closely with their management to assure that they accurately represent the Agency.

Parties to a particular negotiation will be a function of the rule selected and the interests affected by the possible results. Parties representing legitimate and definable interests are appropriate to negotiate on behalf of their constituencies. Every effort will be made to identify these parties and bring them to the table.

Procedures: Apart from the procedural rules the parties themselves agree to, the negotiations will be conducted as an Advisory Committee function under the Federal Advisory Committee Act (FACA). An Advisory Committee Charter has been prepared and will be filed with the appropriate bodies. Under the provisions of FACA, certain meetings may be closed to non-members. These provisions will be used where the law allows and the parties agree on the need for confidentiality to carry on the negotiations.

It is important to note that negotiations are a step in the "informal notice and comment" administrative procedures EPA uses presently. Participation by itself does not involve the waiver of a party's right to pursue any alternative to negotiation, including litigation, at any time before or after EPA issues a final rule.

Outside Support: During the first negotiation, a contractor experienced in using third-party intervention techniques to resolve environmental disputes will assist EPA in selecting a topic, identifying the parties, and conducting the negotiation itself. The contractor will work with the Regulation Management Staff to move the demonstration along, and to enable that staff to perform its third-party role for the second negotiation.

Documentation: Documenting this demonstration project is extremely important. The demonstration will produce valuable information both generally on developing regulations by negotiation and more specifically on conducting the negotiations themselves in the context of Federal rulemaking. EPA has engaged the Harvard Negotiation Project to design an information gathering/documentation system that will allow us to capture all this information without disrupting the negotiation process under study.

We anticipate that the project will take a year or so to complete and we then plan to publish and distribute a report summarizing our findings and conclusions.

Selection Criteria: Because negotiation is not suitable for every situation, it is important to screen potential rulemakings to identify where this approach has a high probability of success. A few, simple criteria that predict the existence of a number of preconditions conducive to successful negotiations can be applied when selecting those topics.

These criteria were developed after a thorough review of the considerable literature on the use of negotiation to resolve a wide range of environmental disputes.

About the Regulation

- The proposal requires the resolution of a reasonably limited number of interdependent or related issues. There are several ways in which the issues can be resolved. The relevant legislation accommodates these alternative outcomes. There are no serious obstacles to implementing a negotiated solution.
- There is a legislative or judicially imposed deadline or some other mechanism forcing publication of a rule in the near term, i.e. 8 to 12 months, that would promote a timely resolution, and limit a party's ability to gain from delay.
- Some or all of the parties have common positions on one or more of the issues to be resolved that might serve as a basis for additional agreements during the course of negotiations.
- The costs and benefits are narrowly concentrated on a few entities.

About the Parties

- Those parties interested in or affected by the outcome of the development process are readily identifiable and reasonably few in number (10–15). They have sufficient resources to take an active role in negotiations. They have relatively equal power to affect the outcomes.
- The parties are likely to participate in negotiations as an alternative to litigation. They are more likely to achieve their overall goals using negotiation rather then existing alternatives.

[FR Doc. 83-4378 Filed 2-16-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted To Office of Management and Budget for Review

On February 9, 1983 the Federal Communications Commission submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511.

Copies of these submissions are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632–7513. Comments should be sent to Edward H. Clarke, Office of Management and Budget, OIRA, Room 3201 NEOB, 726 Jackson Place, NW., Washington, D.C. 20503.

Title: Application for Consent to Assignment of Broadcast Station Construction Permit or License.

Form No.: FCC 314.

Action: Revision.

Respondents: AM, FM, or TV Broadcast Station applicants seeking assignment of Construction Permit or License.

Estimated Annual Burden: 435 Responses; 39,500 Hours.

Title: Application for Consent to Transfer of Control of Corporation Holding Broadcast Station Construction Permit or License.

Form No.: FCC 315.

Action: Revision.

Respondents: AM, FM, or TV Broadcast Station applicants seeking transfer of control of Construction Permit or License.

Estimated Annual Burden: 436 Responses; 39,580 Hours.

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 83-4326 Filed 2-18-83; 8:45 am]
BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group; Expense Accounts Subcommittee Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of four meetings of the Telecommunications Industry Advisory Group's (TIAG) Expense Accounts Subcommittee scheduled to meet on Tuesday, March 8, 1983, Thursday, March 24, 1983, Wednesday, April 13, 1983, and Wednesday, April 27, 1983. Each meeting will begin at 9:00 a.m. and will be open to the public. The meeting locations are as follow:

Tuesday, March 8, 1983

Southern Pacific Communications Commission, Suite 500, 1828 L Street, NW., Washington, D.C.

Thursday, March 24, 1983

AT&T, Conference Room A, 1120 20th Street, NW., Washington, D.C.

Wednesday, April 13, 1983

GTE Service Corporation, Suite 900, 1120 Connecticut Ave., NW., Washington, D.C.

Wednesday, April 27, 1983

USITA Conference Room, 1801 K Street, NW., Suite 1201, Washington, D.C.
The agenda are as follow:

I. General Administrative Matters
II. Discussion of Assignments
III. Other Business
IV. Presentation of Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman John Howes, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Howes (212/393-4029) at least five days prior to the meeting date.

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 83-4324 Filed 2-18-83; 8:45 am]
BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group; Plant Accounts Subcommittee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecomunications Industry Advisory Group (TIAG) Plant Accounts Subcommittee scheduled to meet on Wednesday, March 9, 1983. The meeting will begin at 9:30 a.m. in the offices of MCI Telecommunications Corporation (1st Floor Meeting Room) at 1133 19th Street, NW., Washington, D.C., and will be open to the public. The agenda is a follows:

I. General Administrative Matters
II. Review of Minutes of Previous Meeting
III. Report by Subcommittee Members
IV. Discussion of Reports
V. Further Assignments
VI. Other Business
VII. Presentation of Oral Statements
VIII. Adjournment

With prior approval of Subcommittee Chairman Gyles Norwood, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Norwood (202/887-3266) at least five days prior to the meeting date.

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 83-4325 Filed 2-18-83; 8:45 am]
BILLING CODE 6712-01-M

Trefoil Broadcasting Co., Inc., et al.; Hearing Designation Order

In re Applications of: Trefoil Broadcasting Company, Inc., Sacramento, California; MM Docket No. 83-61; File No. BPCT-82064KG, Louis F. Garcia, et al dba Sacramento Television Associates, Ltd.; Sacramento, California; MM Docket No. 83-62; File No. BPCT-820816KG, Capital Hispanic Broadcasters, Inc.; Sacramento, California; MM Docket No. 83-63; File No. BPCT-820824KF, DO Decca Ecktron Corporation; Sacramento, California; MM Docket No. 83-64; File No. BPCT-820824KG, Royce International Broadcasting Company; Citrus Heights, California; [1] MM Docket No. 83-65; File No. BPCT-820824KH, Micheal L. Parker; Sacramento, California; MM Docket No. 83-66; File No. BPCT-820824KJ, Delta Broadcasting Company, Inc.; Sacramento, California; MM Docket No. 83-67; File No. BPCT-820824KK, Ponce-Nicasio Broadcasting, a Limited Partnership; Sacramento, California; MM Docket No. 83-68; File No. BPCT-820824KN, El Dorado Television Company, Sacramento, California; MM Docket No. 83-69; File No. BPCT-820824KP, Alden Communications Corp., Sacramento, California; MM Docket No. 83-70; File No. BPCT-820824KV, Sacramento Entertainment Television Corporation, Sacramento, California; MM Docket No. 83-71; File No. BPCT-820824KW, Channel 29 Investors, A Limited Partnership, Sacramento, California; File No. BPCT-820824KX: designating applications for consolidated hearing on stated issues; for construction permit.

Adopted: January 31, 1983.
Released: February 8, 1983.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 29, Sacramento, California; "Petitions to Return as Unacceptable for Filing" filed against each of the applicants by Koplar Communications of California, Inc.; motions to accept late-filed amendments filed by Micheal L. Parker and Channel 29 Investors; and related pleadings.

2. On July 20, 1982, Koplar Communications of California, Inc. (Koplar), licensee of Station KRBK-TV, Channel 31, Sacramento, California, filed a "Petition to Return Application as Improperly Accepted for Filing" against Trefoil Broadcasting Company, Inc. Koplar Filed a similar petition against all of the other applicants on September 13, 1982. The petitions content that Channel 29 has not been properly allocated for use in Sacramento.

3. In 1980, a Petition for Rulemaking to allocate Channel 29 to Sacramento was filed. Koplar filed comments in opposition to the Petition for Rulemaking. Koplar also opposed the *Notice of Proposed Rulemaking* looking toward the adoption of the proposal to allocate Channel 29 to Sacramento. Nonetheless, by *Report and Order in BC Docket No. 80-755,* (released December 17, 1981), the Table of Assignments was amended to substitute Channel 29 for Channel 15 and the Commission,

[1] Channel 29 is assigned to Sacramento, California. Citrus Heights is located within 15 miles of Sacramento. Accordingly, pursuant to Section 73.607 of the Commission's Rules, Channel 29 is available for use in Citrus Heights.

through the *Report and Order*, made the Channel 29 allocation effective as of February 16, 1982. Koplar filed a "Petition for Certification and Reconsideration" of this action on January 19, 1982.

4. Although Koplar's petition for reconsideration of the allocation is still pending before the Commission, the filing of a petition for reconsideration does not operate to stay the effective date of a Commission action. *KFAB Broadcasting Co.* v. *F.C.C.*, 85 U.S. App. D.C. 160, 177 F 2d. 40 (1949). We do not believe that designation of the pending applications will in any way prejudice the petition for reconsideration. In addition, the parties to this proceeding are put on notice that any final Commission action on the petition for reconsideration may have an effect on this proceeding. Accordingly, Koplar's petition will be denied.

5. The deadline for filing amendments as a matter of right to the above-captioned applications was October 20, 1982 ("B" cut-off date). Micheal L. Parker filed an amendment to his application on October 21, 1982, one day after the time to amend as of right. On October 26, 1982, Mr. Parker filed a "Motion to Accept Amendment Nunc Pro Tunc". We have reviewed the amendment and conclude that good cause exists for accepting it. However, Mr. Parker may not accrue any comparative advantage as a result of our action herein. Accordingly, the amendment will be accepted.

6. As stated above, October 20, 1982, was the deadline for filing amendments as of right. The Commission received a petition for leave to amend from Channel 29 Investors on November 15, 1982. The amendment reports the addition of five new limited partners and the withdrawal of one limited partner.[2] The information is required under Section 1.65 of the Commission's Rules; therefore, the amendment will be accepted.

7. Channel 29 has not filed the information required by Section II, items 3 through 7, FCC Form 301, January 1982, for the limited partners added by amendments of October 20 and November 15, 1982. Channel 29 will be given 30 days from date of the release of this Order to submit the information to the presiding Administrative Law Judge.

8. Trefoil Broadcasting Company, Inc., is a wholly owned subsidiary of Shamrock Broadcasting Company, Inc., which is the sole stockholder of Starr KBOK, Inc. in New Orleans, Louisiana, and Starr KABL, Inc., San Francisco, California. There are now pending before the Equal Employment Opportunity Commission three complants of alleged discrimination; two were filed against Starr WBOK, and one was filed against Starr KABL, Inc. by former employees. Accordingly, a grant of Trefoil's application will be without prejudice to such action as the Commission may deem appropriate as a result of the outcome of the proceedings against Starr WBOK, Inc. and Starr KABL, Inc.

9. Section II, item 10, FCC Form 301, inquires whether documents, instruments, agreements or understandings for the pledge of stock of a corporate applicant, as security for loans or contractual performance, provide that (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission (pursuant to 47 U.S.C. 310 (d)) will be obtained. A negative response to this question requires a full explanation. Trefoil Broadcasting Company, Inc. and Delta Broadcasting Company, Inc. each answered "no" to item 10; however, neither sumitted the required explanation. Each of these applicants will be required to submit its explanation to the presiding Administrative Law Judge within 30 days of the date of the release of this Order.

10. The materials submitted in the applications filed by Delta Broadcasting Company, Inc. and Sacramento Entertainment Television Corporation do not demonstrate the applicants' financial qualifications.[3] Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications.

Accordingly, each applicant will be given 30 days from the date of the release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If either applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East Louis, Inc.*, BC Docket No. 82-378 (released July 15, 1982).

11. The Federal Aviation Administration (FAA) had determined that the tower heights and locations proposed by Trefoil Broadcasting Company, Inc.; Sacramento Television Associates, Ltd.; Micheal L. Parker; El Dorado Television Company; and Sacramento Entertainment Television Corporation would each constitute a hazard air navigation. In light of FAA's determinations, a question is raised as to whether there is reasonable assurance that the site proposed by each of the aforementioned applicants will be available. Accordingly, an appropriate issue will be specified.

12. No determination has been made that the tower heights and locations specified by Capital Hispanic Broadcasters, Inc; Do Decca Ecktron Corporation; Ponce-Nicasio Broadcasting, a Limited Partnership; Alden Communications Corp.; and Channel 29 Investors, A Limited Partnership, would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.[4]

13. Royce's amendment of October 20, 1982, while containing most of the technical information requested by FCC Form 301 in narrative, did not include Sections VC and VG. Accordingly, the staff could not complete its evaluation on Royce's technical proposal. Royce will be required to submit the required information to the presiding Administrative Law Judge within 30 days after the the release of this order.

14. Channel 29 is allocated to Sacramento, California. Eleven applicants have specified Sacramento as their community of license. However, Royce has proposed Citrus Heights, California, as its community of license. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, whether a new station in Sacramento or Citrus Heights would best provide a fair, efficient and equitable distribution of television service. If the Section 307(b) issue is not determinative (the applicants would serve substantial areas in common), all applicants can be considered under the comparative issue.

15. Section 73.636(a)(1) of the Commission's Rules states that no license for a television broadcast station

[2] The amendment is a minor amendment; the addition of the partners does not constitute a transfer of control.

[3] Delta and Sacramento Entertainment have each indicated that it is presently negotiating financial arrangements.

[4] The Commission is not in receipt of FAA's determinations for Capital Hispanic Broadcasters, Inc.; Do Decca Ecktron Corporation; Ponce-Nicasio Broadcasting and Alden Communication Corp.

shall be granted to any party if such party directly or indirectly controls one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of the FM station. Edward R. Stolz, II, sole owner of Royce, is the licensee of KWOD(FM) in Sacramento, California. Note 8 to this rule provides, *inter alia*, that applications for UHF television facilities "* * * will be handled on a case-by-case basis in order to determine whether common ownership, operation or control of the stations in question would be in the public interest." Accordingly, an appropriate issue will be specified to determine whether common ownership of Mr. Stolz's FM station and the proposed television station would be consistent with the public interest.

16. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

17. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Trefoil Broadcasting Company, Inc.; Sacramento Television Associates, Ltd.; Micheal L. Parker; El Dorado Television Company; and Sacramento Entertainment Television Corporation, whether there is a reasonable assurance that the transmitter site specified by each will be available.

2. To determine, with respect to Capital Hispanic Broadcasters, Inc.; Do Decca Ecktron Corporation; Ponce-Nicasio Broadcasting, a Limited Partnership; Alden Communications Corp.; and Channel 29 Investors, a Limited Partnership, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

3. To determine, with respect to Royce International Broadcasting Company, whether common ownership, operation or control of station KWOD(FM), Sacramento, California and the proposed television station would be consistent with the public interest.

4. To determine the areas and populations that would receive Grade B or better service from the proposals and the availability of other Grade B services to such areas and populations.

5. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient and equitable distribution of televisions service.

6. In the event it is concluded from Issue 5, above, that a choice among applicants should not be based solely on considerations relating to Section 307(b), to determine which proposal would, on a comparative basis, best serve the public interest.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

18. It is further ordered, That the Petitions to Return Applications as Unacceptable for Filing, filed by Koplar Communications of California, are denied.

19. It is further ordered, That Micheal L. Parker's amendment of October 21, 1982, is accepted.

20. It is further ordered, That Channel 29 Investors' amendment of November 15, 1982, is accepted.

21. It is further ordered, That Channel 29 Investors' submit the information required by Section II, items 3 through 7, FCC Form 301, January, 1982, for the limited partners added after August 24, 1982, to the presiding Administrative Law Judge within 30 days after the date of the release of this Order.

22. It is further ordered, That Delta Broadcasting Company, Inc. and Sacramento Entertainment Television Corporation shall each submit a financial certification in the form required by Section III, FCC Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate, within 30 days after the date of the release of this Order.

23. It is further ordered, That, in the event of a grant of Trefoil Broadcasting Company, Inc.'s application, the construction permit shall be conditioned as follows:

> Grant of this application is without prejudice to such action as the Commission may deem appropriate as a result of the outcome of the proceedings before the Equal Employment Opportunity Commission against Starr WBOK, Inc. and Starr KABL, Inc.

24. It is further ordered, That Trefoil Broadcasting Company, Inc. and Delta Broadcasting Company, Inc. shall each submit its explanation for answering "no" to Section II, item 10, FCC Form 301, January, 1982, to the presiding Administrative Law Judge within 30 days after the date of the release of this Order.

25. It is further ordered, That Royce International Broadcasting Company shall submit the information required by FCC Form 301, Section VC and VG to the presiding Administrative Law Judge within 30 days after the date of the release of this Order.

26. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issues 1 and 2.

27. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

28. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-4323 Filed 2-18-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

The Federal Maritime Commission hereby gives notice that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of the agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on the agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in

§ 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No. 10374–3.

Title: Hapag-Lloyd/ICT/CGM Space Charter Agreement.

Parties: Hapag-Lloyd A. G., Intercontinental Transport (ICT) B. V. and Compagnie Generale Maritime.

Synopsis: Agreement No. 10374–3 modifies the cross-charter agreement among the parties to authorize (pending approval of Agreement No. 10266–4 or another amendment to Agreement No. 10266 to like effect) any joint service operating pursuant to the limitations set out in Article 2 of Agreement No. 10374 to transport cargo moving under intermodal conditions via any ports within the scope of Agreement No. 10374, provided that no such service may transport intermodal cargo moving under bills of lading to/from any port covered by FMC Agreement No. 9902.

Filing agent: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

By Order of the Federal Maritme Commission.

Dated: February 16, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-4378 Filed 2-18-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Program; Application Solicitation

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Final FY 1983 Program Announcement/Application Solicitation.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) published the draft Fiscal Year 1983 Program Announcement for the Labor-Management Cooperation Program in the January 13, 1983 issue (48 FR 1539) of the **Federal Register.** Although no written public comments were received, two notable changes have been made. The deadline for application submission has been changed from April 30, 1983 to May 15, 1983, and all applications must provide for an outside or contracted evaluation.

FOR FURTHER INFORMATION CONTACT: Peter L. Regner, Director, Labor-Management Grant Programs, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, D.C. 20427.

SUPPLEMENTARY INFORMATION: Individuals needing an application kit are advised to call 202/653–5320 to expedite processing.

Labor-Management Cooperation Program Application Solicitation—FY 1983

A. Introduction

The following is the final announcement for the Fiscal Year 1983 cycle of the Labor-Management Cooperation Program. These guidelines represent the third year of efforts of the Federal Mediation and Conciliation Service to implement the provisions of the Labor-Management Cooperation Act of 1978 which was approved in October 1978.

The Act generally authorized FMCS to: Provide assistance in the establishment and operation of plant, area, and industrywide labor and management committees which—

(A) Have been organized jointly by employers and labor organizations representing employees in that plant, area, or industry; and

(B) Are established for the purpose of improving labor management relationships, job security, organizational effectiveness, enhancing economic development or involving workers in decisions affecting their jobs including improving communication with respect to subjects of mutual interest and concern.

The Act also prohibited FMCS from awarding any grants or contracts under the following three circumstances:

(1) No assistance can be given for plant labor-management committees unless the employees in that plant are represented by a labor organization and there is in effect at that plant a collective bargaining agreement;

(2) No assistance can be given for an area or industrywide labor-management committee unless its participants include any labor organizations certified or recognized as the representative of the employees of an employer participating in such a committee. However, employers whose employees are not represented by a labor organization may participate on such area or industrywide committees; and

(3) No assistance can be given to any committee which FMCS finds to have as one of its purposes the discouragement of the exercise of rights contained in section 7 of the National Labor Relations Act (29 U.S.C. 157) or the interference with collective bargaining in any plant or industry.

With respect to item (2) above, applicants for area or industrywide grants should offer committee memberships to every labor organization having a collective bargaining contract with any employer participating on the committee. Any labor organization so desiring may voluntarily elect not to participate on the Committee. Documentation of all this (i.e., the listing of each participating employer and corresponding labor organizations and written declinations by those labor organizations not electing to participate on the committee) should be included as part of the application.

The Program Description and other sections that follow as well as a separately published FMCS Financial and Administrative Grants Manual make up the basic guidelines, criteria, and program elements a potential applicant for assistance under this program must know in order to develop an application for funding consideration for either a plant, areawide, or industrywide labor-management committee. Directions for obtaining an application kit may be found in Section F.

B. Program Description

Objectives

The Labor Management Cooperation Act of 1978 identified the following seven general areas for which financial assistance would be appropriate:

(1) To improve communications between representatives of labor and management;

(2) To provide workers and employers with opportunities to study and explore new and innovative joint approaches to achieving organizational effectiveness;

(3) To assist workers and employers in solving problems of mutual concern not susceptible to resolution within the collective bargaining process;

(4) To study and explore ways of eliminating potential problems which reduce the competitiveness and inhibit the economic development of the plant, area, or industry;

(5) To enhance the involvement of workers in making decisions that affect their working lives;

(6) To expand and improve working relationships between workers and managers; and

(7) To encourage free collective bargaining by establishing continuing mechanisms for communication between employers and their employees through Federal assistance to the

formation and operation of labor-management committees.

The primary objective of this program is to provide financial assistance for the establishment and operation of joint labor-management committees to carry out specific objectives that meet the aforementioned general criteria and conform to the restrictions mentioned in Section A (Introduction). As discussed in the legislation, these committees may be found at either the plant, area, or industry levels. A plant committee is generally characterized as restricted to one or more organizational or productive units operated by a single employer. An area committee is generally composed of multiple employers of diverse industries as well as multiple labor unions operating within and focusing upon city, county, contiguous multi-county, or statewide jurisdictions. An industry committee generally consists of a collection of agencies or enterprises and related labor unions producing a common product or service in either the private or public sectors on a local, state, regional, or nationwide level. In FY 83, competition will be limited to area, private industry, and public sector committees. Individual plant committees will not be funded.

In deciding whether an application is for an area or industry committee, consideration should be given to the above definitions as well as to the focus of the committee.

Required Program Elements

1. *Problem Statement*—The application, which shold have numbered pages, must discuss in detail what specific problem(s) face the area or industry and workforce that will be addressed by the committee. Applicants must document the problems using as much relevant data as possible and discuss the full range of impacts these problems could have or are having on the area or industry. An industrial or economic profile of the area and workforce might prove useful in explaining the problems. This section basically discusses why the effort is needed.

2. *Results or Benefits Expected*—By using specific goals and objectives, the application must discuss in detail what the labor-management committee will accomplish during the life of the grant. While a goal of "improving communication between employers and employees" may suffice as one overall goal of a project, the objectives must, whenever possible, be expressed in measurable terms. Applicants should focus on the impacts or changes that the committee's efforts will have on the area or industry. Existing committees should focus on *expansion* efforts/results expected from FMCS funding. The goals, objectives, and projected impacts will become the foundation for future monitoring and evaluation efforts.

3. *Approach*—This section of the application specifics how the goals and objectives will be accomplished. At a minimum, the following elements must be included in all grant applications:

(a) A discussion of the strategy the committee will employ to accomplish its goals and objectives;

(b) A listing, by name and title, of all proposed members of the labor-management committee. Be sure to identify the chairperson(s) and the role he/she will play. The application should also offer a rationale for the selection of the committee members (e.g., members represent 70% of the area workforce).

(c) A discussion of the number, type, and role of all committee staff persons. Include proposed position descriptions for all staff that will have to be hired as well as resumes for staff already on board;

(d) In addressing the proposed approach, applicants must also present their justification as to why Federal funds are needed to implement the proposed approach;

(e) A statement of how often the committee will meet as well as any plans to form subordinate committees for particular purposes; and

(f) For applications from existing committees (i.e., in existence at least 12 months prior to the submission deadline), a discussion of the past efforts and accomplishments and how they would integrate with the proposed future expanded effort.

4. *Major Milestones*—This section must include an implementation plan that indicates what major steps, operating activities, and objectives will be accomplished as well as a timetable for when they will be finished. A milestone chart must be included that indicates what specific accomplishments (process and impact) will be completed by month over the life of the grant. The chart should identify months as "month 1, 2" etc., rather than by name of month as the grant start date will not be determined until all applications are reviewed. The accomplishment of these tasks and objectives, as well as problems and delays therein, will serve as the basis for quarterly progress reports to FMCS.

5. *Evaluation*—Applicants must contract for an external evaluation to assess the project's success in meeting its goals and objectives. Up to $7,000 may be expended for an outside evaluation. In addition, an evaluation plan must be discussed in this section, and an evaluator must be hired within 90 days of the grant start date.

The evaluation plan should discuss what basic questions or issues the proposed evaluator would examine and what baseline data the committee staff would already have/or will gather for the evaluator. This section should be written with the application's own goals and objectives clearly in mind and the impacts or changes that the effort is expected to cause.

6. *Letters of Commitment*—Applications must include letters of commitment from all proposed or existing committee participants and chairpersons. These letters should indicate that the participants support the application and are willing to personally attend scheduled committee meetings.

7. *Other Requirements*—Applicants are also responsible for the following:

(a) The submission of data indicating how many employees will be covered or represented through the labor-management committee;

(b) From existing committees, a copy of the existing staffing levels and breakout of annual operating costs;

(c) A detailed budget narrative based on policies and procedures contained in the FMCS Financial and Administrative Grants Manual;

(d) An assurance that the labor-management committee will not interfere with any collective bargaining agreements; and

(e) An assurance that written minutes of all committee meetings will be prepared and made available to FMCS.

Selection Criteria

The following criteria will be used in the scoring and selection of applications for award:

(1) The extent to which the application has clearly identified the problems and justified the needs that the proposed project will address;

(2) The degree to which appropriate and measurable goals and objectives have been developed to address the problems/needs of the area. For existing committees, the extent to which the committee will focus on expanded efforts.

(3) The feasibility of the approach proposed to attain the goals and objectives of the project and the perceived likelihood of accomplishing the intended project results.

(4) The appropriateness of committee membership and the degree of commitment of these individuals to the goals of the application;

(5) The feasibility and thoroughness of the implementation plan in specifying major milestones and target dates;

(6) The feasibility and thoroughness of planning on how to best evaluate the project's impacts, including major evaluation topics and necessary data elements;

(7) The cost effectiveness and fiscal soundness of the application's budget request as well as the application's fiscal feasibility vs. its goals and approach; and

(8) The cost value to the government of the application in light of the overall objectives of the Labor-Management Cooperation Act of 1978.

C. Eligibility

Eligible grantees include State and local units of govenment, private non-profit labor-management committees or a labor or management entity on behalf of a committee that will be created through the grant, and certain third party private non-profit entities.

Third party private non-profit entities which can document that a major purpose or function of their organization has been the improvement of labor relations are eligible to apply. However, all funding must be directed to the functioning of the labor-management committee, and all requirements under Part B must be followed. Applications from third-party entities must document particularly strong support and participation from all labor and management parties with whom the applicant will be working.

In the event two or more applications are received which compete under the same category from the same jurisdiction (e.g., two areawide applications from the same county), only the higher scoring application will be awarded (if both are ranked acceptable for funding and funds are available).

Applications seeking to continue projects funded by FMCS in Fiscal Year 1981 will be considered ineligible.

D. Allocations

For Fiscal Year 1983, FMCS will operate under a Continuing Resolution which allocates $500,000 for the Labor-Management Cooperation Program. The funding will be distributed as follows: $450,000 will be allocated on a competitive basis for area and industry committee applications; $50,000 will be reserved for the administration of a national labor-management conference in cooperation with the National Association of Area Labor-Management Committees. FMCS reserves the right to reprogram up to 10 percent of the FY83 allocation into these or other categories at its discretion.

E. Dollar Range and Length of Grants and Continuation Policy

Awards to continue and expand existing labor-management committees (i.e., in existence at least 12 months prior to the submission deadline) shall be for a period of 12 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 12 months at double the initial cash match ratio. The total project period will thus normally be no more than 24 months.

Initial awards to establish new labor-management committees (i.e., not yet established or in existence less than 12 months prior to the submission deadline), shall be for a period of 18 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 18 months at double the initial cash match ratio. The total project period will thus normally be no more than 36 months.

The dollar range of awards is as follows: Up to $75,000 in FMCS funds per annum for existing committees; Up to $100,000 per 18-month period for new committees.

Applicants are reminded that these figures represent maximum Federal funds only. If total costs to accomplish the objectives of the application exceed the maximum allowable Federal funding level and grantee match, applicants may supplement these funds through voluntary contributions from other sources.

F. Match Requirements and Cost Allowability

In FY83, applicants for new labor-management committees must provide at least 10 percent of the total allowable project costs. Applicants of existing committees must provide at least 25 percent of the total allowable project costs. All matching funds must be in cash rather than in-kind goods or services. Matching funds may come from state or local government sources or private sector contributions, but may generally not include other Federal funds. Funds generated by projects as "project income" may not be used for matching purposes. No matching funds are required for the national labor-management conference grant.

It shall also be the policy of this program to reject all requests for indirect or overhead costs. In addition, grant funds must not be used to supplant private or local/state government funds previously made available for these purposes. Also, under no circumstances will management staff or employees participating on a labor-management committee be paid or otherwise compensated out of grant funds for time spent at committee meetings or training sessions.

For a more complete discussion of cost allowability, applicants are encouraged to consult the FMCS Financial and Administrative Grants Manual which will be included in the application kit.

G. Application Submission and Review Process

Applicants for area or industry committees wishing to submit a draft or pre-application for informal review and comment by the grants program staff may submit pre-applications anytime up to February 28, 1983. FMCS staff will provide brief and general comments as to possible application deficiencies. The pages of pre- and final applications should be numbered.

Final applications must be postmarked no later than May 15, 1983. No applications or supplementary materials can be accepted after the deadline. An original application plus three copies should be addressed to the Federal Mediation and Conciliation Service, Labor-Management Grant Programs, 2100 K Street, NW., Washington, D.C. 20427.

After the deadline has passed, all eligible applications will be reviewed and scored by an FMCS Grant Review Board. The Director, Labor-Management Grant Programs, will finalize the scoring and place the application in one of the following three categories: (a) Unacceptable for funding, (b) potentially acceptable for funding but funds are unavailable, and (c) recommended for funding.

All FY83 grant awards are expected to be made within 90 days of the application submission deadline. Applications submitted after the deadline dates or that fail to adhere to eligibility or other major requirements will be administratively rejected prior to the convening of the Grant Review Board.

H. Contact

Individuals wishing to apply for funding under this program should contact the Federal Mediation and Conciliation Service as soon as possible to obtain an application kit. These Kits, as well as additional information or clarification, can be obtained by contacting Peter L. Regner, Federal

Mediation and Conciliation Service, Labor-Management Grant Programs, 2100 K Street, NW., Washington, D.C. 20427, or calling 202/653–5320.

Kay McMurray,

Director, Federal Mediation and Conciliation Service.

[FR Doc. 83–4322 Filed 2–18–83; 8:45 am]

BILLING CODE 6732–01–M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; First Atlanta Corp., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of facts that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Atlanta Corporation,* Atlanta, Georgia; to acquire 100 percent of the voting shares of The First National Bank of Cartersville, Cartersville, Georgia. Comments on this application must be received not later than March 14, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *General Bancshares Corporation,* St. Louis, Missouri; to acquire at least 96 percent of the voting shares or assets of First National Bank of Benld, Benld, Illinois. Comments on this application must be received not later than March 15, 1983.

Board of Governors of the Federal Reserve System, February 15, 1983.

James McAfee

Associate Secretary of the Board.

[FR Doc. 83–4416 Filed 2–18–83; 8:45 am]

BILLING CODE 6210–01–M

Formation of Bank Holding Companies; Penns Woods Bancorp, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Penns Woods Bancorp, Inc.,* Jersey Shore, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Jersey Shore State Bank, Jersey Shore, Pennsylvania. Comments on this application must be received not later than March 15, 1983.

2. *Sun Bancorp, Inc.,* Selinsgrove, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Snyder County Trust Company, Selinsgrove, Pennsylvania. Comments on this application must be received not later than March 15, 1983.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *TBT Bancshares, Inc.,* Mt. Sterling, Kentucky; to become a bank holding company by acquiring 80 percent or more of the voting shares of Traders Bank and Trust Company, Mt. Sterling, Kentucky. Comments on this application must be received not later than March 15, 1983.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Tennessee Eastern Bancshares, Inc.,* Oak Ridge, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Oak Ridge, Oak Ridge, Tennessee. Comments on this application must be received not later than March 15, 1983.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Clark Bancshares, Inc.,* Clarks, Nebraska; to become a bank holding company by acquiring 90.74 percent of the voting shares of Bank of Clarks, Clarks, Nebraska. Comments on this application must be received not later than March 15, 1983.

2. *Gilcrease Hills Bancorp, Inc.,* Tulsa, Oklahoma; to become a bank holding company by acquiring 80 percent or more of the voting shares of Gilcrease Hills Bank, Tulsa, Oklahoma. Comments on this application must be received not later than March 15, 1983.

3. *JC Bankshares, Inc.,* Prairie Village, Kansas; to become a bank holding company by acquiring 96 percent of the voting shares of The Johnson County National Bank and Trust Company, Prairie Village, Kansas. Comments on this application must be received not later than March 15, 1983.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *American Bancshares Holding Corp.,* Shreveport, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of American Bank & Trust Company, Shreveport, Louisiana. Comments on this application must be received not later than March 15, 1983.

2. *Nixon Bancshares, Inc.,* Nixon, Texas; to become a bank holding company by acquiring 81.8 percent of the voting shares of Nixon State Bank, Nixon, Texas. Comments on this application must be received not later than March 15, 1983.

3. *Richmond Bancshares, Inc.,* Richmond, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Community Bank—Fort Bend County, Texas, Richmond, Texas. Comments on this application must be received not later than March 15, 1983.

4. *Security Bancshares, Incorporated,* Monroe, Louisiana; to become a bank holding company by aquiring at least 80 percent of the voting shares of Security Bank, Monroe, Louisiana. Comments on this application must be received not later than March 15, 1983.

F. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary), Washington, D.C. 20551:

1. *D.L. Bancshares, Inc.,* Detroit Lakes, Minnesota, and *D.L. Shares Limited Partnership,* Detroit Lakes, Minnesota:

to become bank holding companies by acquiring 100 percent of the voting shares of First National Bank of Detroit Lakes, Detroit Lakes, Minnesota. The applications may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Minneapolis. Comments on this application must be received not later than March 15, 1983.

2. *First Western Bancshares, Inc.*, Duncanville, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of Western Bank, Duncanville, Texas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Comments on this application must be received not later than March 15, 1983.

Board of Governors of the Federal Reserve System.

James McAfee,

Associate Secretary of the Board.

February 16, 1983.

[FR Doc. 83-4417 Filed 2-18-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Memorandum of Understanding—Honoring of Outstanding Airline Issued Traffic Documents on a Default Airline Carrier

This general notice publicizes a Memorandum of Understanding between the Air Traffic Conference of America and the General Services Administration, on behalf of all Federal agencies, related to the honoring of outstanding airline issued traffic documents of a default airline carrier. The effective date of this Memorandum of Understanding is upon publication in the **Federal Register.**

The text of the Memorandum of Understanding is quoted as follows:

Memorandum of Understanding Regarding Accommodation Offered by Air Traffic Conference of America for and on Behalf of all Members of the Air Traffic Conference of America to all Federal Government Agencies Relating to the Honoring of Outstanding Airline Issued Traffic Documents of a Default Airline Carrier

Whereas, the Air Traffic Conference of America, for and on behalf of all members of the Air Traffic Conference of America, and the General Services Administration, on behalf of Federal Agencies, pursuant to 31 U.S.C. 244, desire to continue to accommodate the interests of each other, the parties hereto understand as follows:

I. Definitions

A. *Participating Carriers.* All Air Traffic Conference of America (ATC) Member Air Carriers.

B. *Default Carriers.* Any Carrier participating in the ATC Agent's Standard Ticket and Area Settlement Plan who shall:

1. Cease scheduled air passenger service operations (excluding cessation by Act of God, civil disturbance, Government mandated aircraft-type groundings or labor disputes), or takes steps looking to cessation of such operations or winding up its scheduled air passenger service operations; or,

2. Default in performance of any material obligation under the ATC Agent's Standard Ticket and Area Settlement Plan (excluding defaults arising from Acts of God, civil disturbance, Government mandated aircraft-type groundings or labor disputes), which shall include any failure to provide funds to cover shortages arising from its participation in the ATC Agent's Standard Ticket and Area Settlement Plan. For this purpose, a participating Carrier will be deemed a default Carrier in the event its shortage is not fully satisfied by bank wire within two business days of notice of such shortage by the Administrator of the ATC Agent's Standard Ticket and Area Settlement Plan, or

3. Default in performance of its financial obligations under the Airlines Clearing House, Inc., or International Air Transport Association (sic) Clearing House, and be excluded, suspended, or terminated from either.

II. Effective Date

This Offer of Accommodation shall become effective upon publication by notice in the **Federal Register** by GSA at the request of ATC.

III. Withdrawal of Accommodation Offer

This Offer of Accommodation may be withdrawn by Director, Military and Government Transportation Services, Air Traffic Conference of America, on behalf of ATC Member Air Carriers, upon publication by notice in the **Federal Register** by GSA at the request of ATC, or upon thirty (30) days written notice to the other party, whichever occurs first. The withdrawal of such offer shall not affect the rights or obligations of either party which shall have arisen hereunder prior to the effective date of such withdrawal.

IV. Implementation of Offer of Alternative Air Transportation

In the event any ATC Member Carrier shall become a default Carrier, as defined herein, this Offer of Accommodation shall become operative.

V. Government Participation

Government participation shall be implemented by notice published in the **Federal Register.**

VI. Acceptance of Alternative Air Transportation

Upon implementation of this Offer of Accommodation, ATC Member Carriers shall honor for transportation on their scheduled services, the then outstanding airline tickets/coupons written by the default Carrier, on its own airline issued tickets/coupons for air transportation service on that default Carrier, and validated on or before the date of implementation; provided, however, that the obligation to honor such tickets/coupons shall be for a period of ninety (90) days from the date the ticket/coupon was validated, and such honoring shall be subject to special reservation conditions which may be established by the individual honoring Carrier. The method of honoring the outstanding airline ticket/coupon of the default Carrier for air transportation over that default Carrier, shall be by presentation of that airline ticket/coupon by the designated Government traveler to the honoring Carrier.

VII. Honoring Carrier Safeguards

A. Although substitute transportation will be provided between the origin and destination shown on the default Carrier ticket/coupon, alternative routings and/or intermediate stops may also be provided upon request of the traveler and with the permission of the honoring Carrier. Under no circumstances, however, shall an honoring Carrier be required to provide additional service, i.e., air transportation service between points not specifically identified on the ticket/coupon, different than that purchased by the Government from the default Carrier unless the additional service is separately purchased by the traveler at the time the ticket/coupon is amended.

B. Honoring Carriers shall determine whether a default Carrier ticket/coupon is subject to this Offer of Accommodation before providing substitute air transportation. This may be done by requiring a default airline ticket/coupon holder to present a Government travel authorization and verifying by inspection that the default ticket/coupon was properly purchased with a GTR, and specifically complies with all other provisions of the Offer of Accommodation.

VIII. Billing Procedures

Honoring Carriers shall submit bills to the Office of Transportation Audit, General Services Administration (BWCA), Washington, D.C. 20405 on Public Voucher for Transportation Charges (SF 1113), supported by priced copies of default Carrier tickets/coupouns "lifted" by the honoring Carrier, for forwarding to the proper "bill charges to" office.

IX. Compensation

The original U.S. Government "bill charges to" office will pay the honoring Carrier for default Carrier tickets/coupons "lifted" by such honoring Carrier performing substitute service at the lesser of either: (1) the honoring Carrier's fare for the service performed; or, (2) the stated fare on the default Carrier ticket/coupon as set forth on that document.

X. Prompt Payment

Due to the extraordinary administrative procedures involved, such bills as are presented to GSA for forwarding for payment under this Offer of Accommodation will not be subject to the interset penalties of the Prompt Payment Act, Pub. L. 97-177 until received by the appropriate "bill charges to" office. However, the Government will make every reasonable effort to transmit such bills expeditiously to the appropriate "bill charges to" office.

For the:

General Services Administration.

By: /s/ Thomas P. Wolf.

Thomas P. Wolf,

Director, Office of Transportation Audits General Services Administration.

For the:

Air Traffic Conference of America.

By: /s/ Aden D. Riggin.

Aden D. Riggin,

Director, Military and Government Transportation Services, Air Transport Association of America.

Dated: December 9, 1982.

Raymond A. Fontaine,

Assistant Administrator, General Services Administration.

November 24, 1982.

[FR Doc. 83-4387 Filed 2-18-83; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82M-0324]

Amcon, Inc.; Premarket Approval of the Amcon Way Plus

AGENCY: Food and Drug Administration

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the Amcon Way Plus for all soft (hydrophilic) contact lenses, sponsored by Amcon, Inc., Shawnee, KS. The Amcon Way Plus is intended for use in preparing 27.7 milliliters of normal saline (0.9 percent) solution to be used in heat disinfection of all soft (hydrophilic) contact lenses. 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 March 24, 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 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 May 12, 1982, Amcon, Inc., Shawnee, KS, submitted to FDA a supplemental application for premarket approval of the Amcon Way Plus for all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, and FDA advisory committee, which recommended approval of the application. On October 5, 1982, FDA approved the application by a letter to the sponsor from the Acting Associate Director for Device Evaluation of the then Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), salt tablets for preparing solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the Federal Register of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the above use comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from the office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles 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.

The labeling of the Amcon Way Plus states that the solution prepared from the salt tablets is designed for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the Federal Register of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solutions at the net printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the

misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Improvement Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of 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 supplemental 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 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 petition and will publish 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 March 24, 1983, file with the Docket 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: February 15, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4353 Filed 2-18-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket Nos. 77N-0230, 77N-0231, 77N-0316, 77N-0317, and 77N-0318]

Penicillin and Tetracycline (Chlortetracycline and Oxytetracycline) in Animal Feeds; Denial of Petitions

Correction

In FR Doc. 83–2644, beginning on page 4554, in the issue of Tuesday, February 1, 1983, make the following corrections.

On page 4555, correct the table—

1. In the "Docket No." column, the fourth, fifth, and sixth entries should read: "77N–0317/CP", "77N–0318/CP", and "77N–0230/CP0002", respectively.

2. In the same table, in the "Date received" column, the seventh entry, reading "Do." should be omitted. The fifth entry from the bottom reading "July 2, 1981" should read "July 20, 1981".

BILLING CODE: 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-4471-A, W-4471-B, and W-4471-D]

Wyoming; Proposed Continuation of Public Water Reserves, Amendment

Correction

In the issue of Wednesday, February 2, 1983, on page 4740, middle column, a correction document appeared which contained an inaccurate reference. Item 2 of that correction should have read:

"2. In the second column of the same page, under T. 33 N., R. 96 W., "Sec. 18, NW¼,NE¼" should have read "Sec. 18, NW¼NE¼"."

BILLING CODE 1505-01-M

Nevada; Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, and Secretarial Orders 3071 and 3087, the following described lands are hereby revoked as the Silver Peak Known Geothermal Resources Area, effective January 25, 1983:

(28) Nevada, Silver Peak Known Geothermal Resources Area

Mount Diablo Meridian, Nevada

T. 2 S., R. 39 E.,
Secs. 2, 3, 10, 11, 14, 15, 22, and 23.

The revoked area described contains 5,117 acres, more or less.

The subject lands will be made available to the first qualified applicant under regulations appearing in 43 CFR Part 3210 beginning with the first calendar month following the date of this notice.

Dated: February 1, 1983.

Bill R. LaVelle,

Acting Minerals Manager, Western Region.

[FR Doc. 83-4383 Filed 2-18-83; 8:45 am]

BILLING CODE 4310-MR-M

[INT FEIS 83-9]

Final Andrews Grazing Management Environmental Impact Statement; Availability of FEIS

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Impact Statement for the Andrews EIS area. The proposal involves implementing a livestock grazing program on public lands within the Andrews EIS area of the Burns, District in central Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah Street, Portland, Oregon

Bureau of Land Management, Burns District Office, 745 Alvord St., Burns Oregon

Library, University of Oregon, Eugene, Oregon

Central Oregon Community College, College Way, Bend, Oregon

Library, Portland State University, 727 S.W. Harrison, Portland, Oregon

Harney County Library, 80 West D, Burns, Oregon

Library, Oregon State University, Corvallis, Oregon.

A limited number of copies are available upon request to the BLM Oregon State Office or the Burns District Office.

Comments for the District Manager's consideration in development of the decision will be accepted until March 30, 1983.

Comments on the final EIS may be sent to: Burns District Office, 74 S. Alvord St., Burns, Oregon 97720.

Dated: February 8, 1983.

Philip C. Hamilton,

Acting Deputy State Director for Lands and Renewable Resources.

[FR Doc. 83-4364 Filed 2-18-83; 8:45 am]

BILLING CODE 4310-84-M

Wilderness Study Revision, Idaho; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction of Study Name and Type of Document to be Prepared.

SUMMARY: This document revises and corrects the name and document type of the wilderness study titled "Big Lost/Mackay" that appeared at page 29799 in the **Federal Register** of Thursday, July 8, 1982 (47 FR 29788). This action is necessary following the deletion of Wilderness Study Areas of less than 5,000 acres from further study in this process (47 FR 58372, Thursday December 30, 1982). The Wilderness Study Area in the Mackay Planning Unit is deleted while one WSA in the Pahsimeroi Planning Unit is retained. The new study name will be "Big Lost/Pahsimeroi".

Page 29799 also indicated that an Environmental Impact Statement will be prepared. This is incorrect and should have indicated that an Environmental Assessment is being prepared. Completion dates are correct as printed.

FOR FURTHER INFORMATION CONTACT: David Wolf, Team Leader, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467, (208) 756-2201.

The following corrections are made in 47 FR 29799 appearing Thursday, July 8, 1982:

1. Table II D Line 29 Column 6, "Big Lost/Mackay" is changed to "Big Lost/Pahsimeroi".

2. Table II D line 29 Columns 9 and 10, footnote 4/ added to indicate document type is EA not EIS.

3. Table II D lines 31 and 33 are deleted.

4. Table II D lines 34 and Column 3, correct acreage is 59,800.

Dated: February 8, 1983.

Kenneth G. Walker,

District Manager.

[FR Doc. 83-4368 Filed 2-18-83; 8:45 am]

BILLING CODE 4310-84-M

Utah; Site Specific Call for Expression of Interest for Leasing of Combined Hydrocarbons, Oil Shale and Other Leasable Minerals, Excluding Oil and Gas; Solicitation of Public Comment

AGENCY: Bureau of Land Management, Interior.

ACTION: Solicitation of public comments.

SUMMARY: This notice announces the opportunity for industry to nominate specific tracts of public lands for possible leasing of combined hydrocarbons, oil shale and other leasable minerals (excluding oil and gas) within the Bookcliff Resource Area of the Vernal District. Organizations and private individual citizens are also invited to identify areas for possible protection from mineral leasing.

The information submitted will be used for a planning process (Resource Management Plan (RMP) and Environmental Impact Statement) which will eventually culminate in a multiple use oriented competitive mineral leasing program.

DATE: Responses to this notice will be accepted through May 20, 1983.

ADDRESS:

Responses should be sent to: Bureau of Land Management, Bookcliffs Area Manager, Attn: RMP Team, 170 South 500 East, Vernal, Utah 84078.

Proprietary data should be sent to Donald C. Alvord, District Supervisor for Resource Evaluation, Bureau of Land Management, 1745 West 1700 South, Room 2070, Salt Lake City, Utah 84104.

FOR FURTHER INFORMATION CONTACT: Curtis G. Tucker, RMP Team Leader at the address above. Telelphone (801) 789-1362.

SUPPLEMENTARY INFORMATION: This is to advise all interested parties that the official call for site specific expressions of interest in Federal leasing of minerals (excluding oil and gas), within the Bookcliff Resource Area, is now in effect. Minerals under consideration include, but are not limited to, oil shale, combined hydrocarbons (tar sand) and gilsonite. The Bookcliff Resource Area includes the public lands in Uintah County, Utah that are located to the south and east of the Green River including the Federal mineral estate within the Hill Creek Extension of the Uintah and Ouray Indian Reservation. It also includes public lands in Grand County that are contained with the P.R. Springs special tar sands area. Expressions of interest will be accepted for lands where the Federal Government owns the minerals, including the P.R. Springs, Hill Creek and Raven Ridge-Rimrock special tar sand areas.

Expressions of interest will not be considered for lands that are within Dinosaur National Monument.

Maps which indicate the areas open for expressions of interest may be obtained by contacting Curtis Tucker at the Vernal District Office. This call for expressions of interest is a step in the planning process which will lead to a RMP/EIS to consider site specific tract analysis and cumulative impacts of various leasing alternatives. Following completion of the planning, the Government could potentially hold competitive leasing beginning in December, 1984.

The specific call for expressions of interest allow potential lessee's an opportunity to participate in the planning process by identifying mineral areas which should be considered for future lease sales. They also allow citizens to identify areas which should not be considered for mineral leasing. It is important to note that the availability of data will be an important factor in delineating the areas most likely to receive consideration for leasing.

An expression of leasing interest is not an application. The size and/or location of a proposed area may be modified or changed if there is sufficient reason to do so. Areas may also be prioritized based upon the existence of resource conflicts. Examples of the types of concerns that may make such action necessary include: access needs, mining efficiency, future development potential, resource conservation, State preferences and environmental concerns.

Those wishing to express areas of leasing interest should include the following data:

1. Location—Delineations should be made on a map with a scale not less than ½ inch to the mile and an accompanying narrative description.

2. Extraction Technology—List the primary and alternative technological development preferences on a general basis (not a detailed plan). Type of mine, techniques for mining, type of mineral separation, type of retorting, type of water disposal.

3. Quality and Quantity—Estimates of the quality and quantity of the mineral resource and economic value within the expression area.

4. Projected Production and Markets.

5. Transportation Needs—Include existing and proposed facilities (i.e. pipelines, roads, etc.).

6. Proposed Water Needs and Source.

7. Projected Impacts—Include anticipated environmental and socio-economic impacts and anticipated mitigating measures.

8. Other Pertinent Information.

Data which are considered proprietary should be submitted directly to Minerals Management Service at the Salt Lake City address above and will be held confidential.

For those wishing to express interest in non-development areas, the following information should be included:

1. Location—Delineations should be made on suitable map with a scale not less than ½ inch to the mile accompanied with a narrative description.

2. Reasons for Non-development.

3. Other Pertinent Information.

Expressions of interest will be accepted through May 20, 1983. Any data or other imputs received after that date will be reviewed; however, inclusion of the data into the plan cannot be assured. Other public participation activities will be conducted in accordance with 43 CFR Part 1601. Dates, times and locations will be announced through local media and mailings to interested parties.

Documents relative to the RMP/EIS process may be reviewed at the Vernal District Office during regular office hours.

Dated: February 11, 1983.

Lloyd H. Ferguson,

District Manager.

[FR Doc. 83-4386 Filed 2-18-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Availability of a Final Environmental Impact Statement on the proposed Master Plan for the Parker River National Wildlife Refuge, Massachusetts

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that the Draft Environmental Impact Statement on the proposed Master Plan is available for public review. Comments and suggestions are requested.

The statement discusses various management and development alternatives for the future management of the Parker River National Wildlife Refuge.

DATES: Written comments are requested by May 2, 1983. A public hearing will be held on March 30, 1983, at 7:30 p.m. at the Rupert A. Nock Middle School, Low Street, Newburyport, Massachusetts.

ADDRESS: Comments should be addressed to: Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Parkin, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, (617) 965-5100, extension 278.

Individuals wishing a copy of the DEIS for review should immediately contact the above individual. Copies have been sent to all agencies and organizations who participated in the scoping process and to individuals who have previously requested copies. Copies will be available for examination at:

Headquarters, Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01959

Headquarters, Great Meadows National Wildlife Refuge, Weir Hill Road, Sudbury, Massachusetts 01776.

SUPPLEMENTARY INFORMATION: This action is designed to provide a comprehensive land use plan that will set forth long-term objectives for resource management and public use on the refuge over a ten to 20 year period.

The major alternatives that are analyzed and evaluated in the DEIS are:

1. No action—would perpetuate current management practices and levels of public use, including mowing of upland fields, wildlife surveys, banding, waterfowl hunting, surf fishing, fruit picking, and clamming.

2. Proposed Action—the No Action activities would be continued. In addition, refuge impoundments would be rehabilitated through removal of silt, construction of nesting islands and water control structures, and provision of a deep well water supply, if feasible, a Wildlife Interpretive Center will be constructed in the Newburyport area, the refuge road will be paved to Hellcat Swamp, a distance of 3.5 miles, and a seasonal interpretive shuttle for visitors will be operated from the Wildlife Interpretive Center to the refuge. A field office and a shop will be constructed in the general vicinity of subheadquarters. The Service will seek a cooperative management agreement with the Massachusetts Department of Environmental Management for management authority of the Sandy Point State Reservation. Non-program uses will be phased out, if and when practical.

3. Minimum Action—the refuge impoundments will be rehabilitated a visitor contact station constructed at Lot 1, and the refuge road paved to Hellcat Swamp. The present office/shop will be converted to office use only, and all maintenance and shop functions will be relocated to the subheadquarters area where a shop will be constructed.

4. Maximum Action—the refuge impoundments will be rehabilitated, a Wildlife interpretive Center will be constructed in the Newburyport area, and the entire refuge road will be paved. A mass transit shuttle for visitors will be operated from the Wildlife Interpretive Center to the refuge. Existing operational facilities will be relocated to the subheadquarters area where a field office and a shop will be constructed. Additional wetlands and barrier beach would be acquired or protected.

5. Plum Island Refuge Committee—the refuge impoundments will be rehabilitated, a Wildlife Interpretive Center will be constructed in the Newburyport area, and the refuge road resurfaced to Hellcat Swamp. A mass transit shuttle would be operated between Newburyport and the refuge. Operational facilities would be relocated to the east side of the refuge road in the subheadquarters area.

Background on the planning process and the involvement of the public and government agencies was provided in the Notice of Intent, published in the September 22, 1980, **Federal Register.**

Public and agency input on the alternatives was provided at a series of public workshops held in November, 1981, and through written comments.

William C. Ashe,

Deputy Regional Director.

[FR Doc. 83-3790 Filed 2-18-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1673, Block 296, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway

Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 14, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-4389 Filed 2-18-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Develpment and Production Plan describing the activities it proposes to conduct on Lease OCS 0548, Block 35, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practives and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties become effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised 1250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 11, 1983.

John L. Rankin,

Acting Regional Manager Gulf of Mixico OCS Region.

[FR Doc. 83-4390 Filed 2-18-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company (USA) has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4234, Block 1, South Pelto Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendements of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 11, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-4391 Filed 2-18-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Texoma Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3196, Block 74, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 827–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 11, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-4392 Filed 2-18-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Amoco Production Company (USA) has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3571, Block 300, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978,

that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 11, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-4393 Filed 2-18-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Gateway National Recreation Area

AGENCY: National Park Service; Gateway Advisory Commission

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Gateway Advisory Commission. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: March 15, 1983, 2 p.m.

ADDRESS: Federal Hall, 26 Wall Street, lower Level, New York, New York.

FOR FURTHER INFORMATION CONTACT: Robert W. McIntosh, Jr., Superintendent, Gateway National Recreation Area, Headquarters Building No. 69, Floyd Bennett Field, Brooklyn, New York 11234, (212) 630-0353.

SUPPLEMENTARY INFORMATION: The Advisory Commission was established by Public Law 92-592, to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area. The agenda for the meeting will include: (1) Old Business; (2) Sandy Hook—Fort Hancock Development Concept Plan; (3) New Business. The meeting will be open to the public. The facility at which the meeting will be held is considered physically accessible. If interpretive services are requested by deaf or hearing impaired individuals to this agency within five working days before the meeting, it will be provided. Facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Commission a written statement concerning agenda items to be discussed. The statement should be addressed to the Commission, c/o Gateway National Recreation Area, Building No. 69, Headquarters, Floyd Bennett Field, Brooklyn, New York 11234. Minutes of the meeting will be available for inspection four weeks after the meeting at Gateway National Recreation Area Headquarters Building in Brooklyn, New York.

Dated: February 8, 1983.

John Guthrie,

Acting Superintendent, Gateway National Recreation Area.

[FR Doc. 83-4406 Filed 2-18-83; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 11, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 9, 1983.

Carol D. Shull,

Chief of Registration, National Register.

ARKANSAS

Greene County

Paragould, *National Bank of Commerce*, 200 S. Pruett St.

CONNECTICUT

Hartford County

Hartford, *Elizabeth Park*, Asylum Ave.
Hartford, *Pratt Street Historic District*, 31-101 and 32-110 Pratt St.; 196-260 Trumbull St.
Hartford, *Windows' Home*, 1846-1860 N. Main St.
Thompsonville, *Bigelow-Hartford Carpet Mills*, Main and Pleasant Sts.

Litchfield County

Canaan, *Lawrance, Isaac, House*, Elm St.

New Haven County

West Haven, *American Mills Web Shop*, 114-152 Orange Ave.

New London County

Lyme, *Hamburg Bridge Historic District*, Joshuatown Rd. and Old Hamburg Rd.

MASSACHUSETTS

Berkshire County

Cheshire, *Hall's Tavern*, 3 North St.
North Adams, *Church Street Historic District*, Roughly E. Main St. from Church to Pleasant St., and Church St. from Summer St. to Elmwood Ave.

Essex County

Essex, *Burnham, David, House*, Pond St.

Middlesex County

Acton, *Acton Centre Historic District*, Main St., Wood and Woodbury Lanes, Newton, Concord, and Nagog Hill Rds.
Framingham, *Concord Square Historic District*, Park, Concord, and Kendall Sts., and Union Ave.
Framingham, *Gibbs, Paul, House*, 1147 Edmands Rd.
Hopkinton, *Hopkinton Supply Co. Building*, 26-28 Main St.
Marlborough, *Temple Building*, 149 Main St.
Marlborough, *Warren Block*, 155 Main St.
Winchester, *Wright, Philemon/Asa Locke Farm*, 78 Ridge St.

Norfolk County

Weymouth, *Fogg Building*, 100-110 Pleasant St. and 6-10 Columbian St.

Worcester County

Gardner, *Garbose Building*, 3 Pleasant St.

MICHIGAN

Washtenaw County

Ann Arbor, *Germania Building Complex*, 119-123 W. Washington St. and 209-211 S. Ashley St.

NEW MEXICO

Cibola County

Grants vicinity, *Candelaria Pueblo*,

OKLAHOMA

Blaine County

Okeene vicinity, *Shinn Family Barn*, SE of Okeene
Watonga, *Wagner, J. H., House*, 521 N. Prouty Ave.

Garvin County

Wynnewood, *Moore-Settle House*, 508 E. Cherokee St.

Harper County

Buffalo vicinity, *Page Soddy*, SE of Buffalo

Ottawa County

Miami vicinity, *Peoria Indian School (Confederated Peoria Indian TR)*, E of Miami
Miami vicinity, *Peoria Tribal Cemetery (Confederated Peoria Indian TR)*, E of Miami

Rogers County

Claremore, *Mendenhall's Bath House*, 601 E. 7th St.

Wagoner County

Wagoner, *First National Bank of Wagoner*, 114 E. Cherokee St.

OREGON

Clackamas County

Oregon City, *Storey, George Lincoln, House*, 910 Pierce St.

Grant County

Dayville, *Dayville Hotel*, Franklin St.

Multnomah County

Portland, *Tanner, Albert H., House*, 2248 NW Johnson St.
Portland, *White, Catherine, House*, 1924 SW 14th Ave.
Portland, *Wickersham Apartments*, 410 NW 18th Ave.

PUERTO RICO

Comerio County

Comerio vicinity, *Cueva La Mora*.

SOUTH CAROLINA

Oconee County

Mountain Rest vicinity, *Russell House*, NW of Mountain Rest on SC 28

Richland County

Columbia, *Historic Resources of Columbia, Supplement VI: West Gervais Street Historic District*, Roughly bounded by Gadsden, Senate, Park, and Lady Sts.

SOUTH DAKOTA

Pennington County

Custer vicinity, *Harney Peak Lookout Tower, Dam, Pumphouse and Stairway*, NE of Custer

TEXAS

Nueces County

Corpus Christi, *Gugenheim, Simon, House*, 1601 N. Chaparral St.
Corpus Christi, *Lichtenstein, S. Julius, House*, 1617 N. Chaparral St.
Corpus Christi, *Sidbury, Charlotte, House*, 1609 N. Chaparral St.

Tarrant County

Fort Worth, *Austin, Stephen F., Elementary School*, 319 Lipscomb St.

VIRGINIA

Botetourt County

Eagle Rock vicinity, *Roaring Run Furnace*, NW of Eagle Rock off VA 621

WISCONSIN

Dodge County

Hustisford, *Hustis, John, House*, N. Ridge St.

Grant County

Fennimore, *Parker, Dwight T., Public Library*, 925 Lincoln Ave.
Lancaster, *Lancaster Manicipal Building*, 206 S. Madison St.

WYOMING

Carbon County

Baggs vicinity, *Divide Sheep Camp*, NE of Baggs

Sublette County

Pinedale vicinity, *Redick Lodge (Chambers Lodge)*, N of Pinedale

[FR Doc. 83-4372 Filed 2-18-83; 8:45 am]
BILLING CODE 4310-70-M

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held on Tuesday, March 15, 1983 at 7:30 p.m. in Rolfe Hall 1200 at the University of California at Los Angeles, 405 Hilgard Avenue, Los Angeles, California.

The Advisory Commission was established by Pub. L. 95–625 to provide for free exchange of ideas between the National Park Service and the public to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson
Honorable Marvin Braude
Ms. Sarah Dixon
Ms. Margot Feuer
Dr. Henry David Gray
Mr. Edward Heidig
Mr. Frank Hendler
Ms. Mary C. Hernandez
Mr. Peter Ireland
Mr. Bob Lovellette
Ms. Susan Barr Nelson
Mr. Carey Peck
Mr. Donald Wallace

The major agenda items include the following:

Superintendent's Status Report of the SMMNRA
Resource Management Committee Report and Vote on Recommendations for Draft Natural Resource Management Plan
Staff Report on Scientific Research Questionnaire
Staff Report on Fire Management
Santa Vicente Mountain Park Plan
Other Committee Reports.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

Minutes of the meeting will be available for public inspection by April 29, 1983 at the above address.

Dated: February 11, 1982.

William Webb,

Acting Superintendent, Santa Monica Mountains National Recreation Area.

[FR Doc. 83-4207 Filed 2-18-83; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Long- and Short-Haul Application for Relief; (Formerly Fourth Section Application)

February 15, 1983.

The following applications for long- and short-haul and aggregate-of-intermediates relief have been granted by the I.C.C.

No. 43987 (Long- and Short-Haul) and No. 43988 (Aggregate-of-Intermediates), Union Pacific Railroad Company (Nos. 145 & 146), reduced rates on boards or sheets, from Baum, OR to Minneapolis, St. Paul and Eagandale, MN, in Supplement 34 to its tariff ICC UP 4491, effective February 16, 1983.

Grounds for relief: Market Competition.

These applications were received by the Commission's Suspension Board on February 9, 1983. This precluded the Board from publishing the requested relief in the **Federal Register** in order to give interested parties an opportunity to protest.

By action of February 15, 1983, the Commission, Suspension Board, Members Fitzgerald, Halvarson, and Hall concluded to grant the requested relief in Long- and Short-Haul Order No. 20702, subject to the proviso that the authority will expire 45 days from February 15, 1983. This notice is to advise that the Commission's Suspension Board will reopen this proceeding on its own motion (if not protested), to consider the expiration date of this authority. Interested parties wishing to object may file their objections with the Suspension Board not later than the 10th day before the expiration date.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4344 Filed 2-18-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume OP1-FE-59]

Motor Carriers; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975. Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered: The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 2, Members Carlton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary.

Note.—Please direct status inquiries to Team 1, (202) 275-7992.

MC-FC-81115. By decision of February 10, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 Approved the transfer to All American Moving & Storage Co., of Nicholasville, KY, of Certificate No. MC-46200, issued May 20, 1955, Sub-2, issued August 2, 1945, Sub-4X, issued July 15, 1981, and Sub-5, issued June 16, 1982, to Needles Moving & Storage Co., of St. Louis, MO, authorizing household goods, furniture and fixtures, between points in AL, AR, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, OH, OK, PA, TN, TX, WI, CT, RI, VA, WV, and DC. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036.

MC-FC-81171. By decision of February 8, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 Approved the transfer to Richard T. Tjader, Jr., and Janne L. Carter, of Kent, CT, of Certificate No. MC-146490, issued January 7, 1980, to Orville A. Andrews III, of Kent, CT, authorizing the transportation of passengers and their baggage in the same vehicle with passengers, in special and charter operations, limited to not more then 11 passengers, not including the driver, (1) from Towns of Kent and New Milford, CT, to points in NY, NJ, MA, RI, VT and DC, and (2) from points in NY, NJ, MA, RI, VT and DC, to Towns of Kent and New Milford, CT. Applicant's representative: Grant J. Nelson, P.O. Box 333, Kent, CT 06757.

MC-FC-81193. By decision of February 10, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 Approved the transfer to Reliable Transport, Inc., of Woburn, MA, of Permits Numbers MC-153990, issued August 25, 1981, and Sub-1F, issued August 10, 1981, to Personal Moving & Storage Service, Inc., of Woburn, MA, authorizing the transportation of general commodities (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with Lechmere Sales, and Boyd Corporation, both of Woburn, MA. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

[FR Doc. 83-4345 Filed 2-18-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

In the matter of; Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new

entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note:—All applications are for authority to operate as a motor common carrier in interstate of foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-062

Decided: February 8, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 165803, filed January 20, 1983. Applicant: GREGORY STACHURA, d.b.a. GSA INTERNATIONAL, 6206 Courtland Dr., Canton, MI 48187. Representative: Gregory Stachura, 26300 Van Born Rd., Suite 128, Dearborn Heights, MI 48125, 313-292-3350. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 165822, filed January 21, 1983. Applicant: HACKLEY CORPORATION, d.b.a. J & A COACHES, 2429 S. 46th Ave., Omaha, NE 68106. Representative: Patrick J. O'Malley 935 Mercer Blvd., Omaha, NE 68131, (402) 553-1189. Transporting *passengers*, in charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter transportation.

Volume No. OP2-065

Decided: February 10, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Ewing not participating.)

MC 172 (Sub-11), filed January 27, 1983. Applicant: WADE TOURS, INC., 251 Burdeck St., Schenectady, NY 12306. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., N.W., Washington, DC 20005, 202-783-3525. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 152212 (Sub-1), filed January 26, 1983. Applicant: SCENIC HYWAY TOURS, INC., P.O. Box 14315, San Francisco, CA 94114. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522-0900. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165933, filed January 27, 1983. Applicant: COMMAND TRANSPORTATION SERVICES, INC., 20 Enterprise Ave., Secaucus, NJ 07094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165942, filed January 26, 1983. Applicant: UNITED SERVICES, INC., P.O. Box 5442, St. Louis, MO 63147. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Washington, DC 20036, (202) 785-0024. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165953, filed January 28, 1983. Applicant: WILLIAM JOHN WILLIAMS, 13445 West Freeway Drive, Hugo, MN 55038. Representative: William John Williams (same address as applicant), 612-464-2583. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP2-068

Decided: February 9, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 81592 (Sub-10), filed January 25, 1983. Applicant: WISCONSIN NORTHERN TRANSPORTATION COMPANY, INC., Washington Heights, Eau Claire, WI 54701. Representative: Yvonne M. Zank (same address as applicant), 715-834-1463 Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded, charter and special transportation.

MC 150443 (Sub-2), filed January 24, 1983. Applicant: GREENWAY TRANSPORTATION, INC., 166-10 Archer Ave., Jamaica, NY 11433. Representative: William H. Shawn, Suite 501, 1730 M Street NW., Washington, DC 20036, (202) 296-2900. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 150523 (Sub-2), filed January 24, 1983. Applicant: GRIFFITH TRUCK BROKERAGE, INC., 2705 North Cage, Pharr, TX 78577. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521-8121. As a *broker of general* commodities (except household goods), between points in the U.S. (except AK and HI).

MC 156853 (Sub-1), filed January 25, 1983. Applicant: NORTH SHORE BUS COMPANY, INC., 31 Milk St., Room 1111, Boston, MA 02109. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., N.W., Washington, DC 20005, 202-783-3525. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded, charter and special transportation.

MC 163163 (Sub-2), filed January 24, 1983. Applicant: EAGLE BUS, INC., 805 Avenue C, Bayonne, NJ 07002. Representative: Edward F. Bowes, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, 201-992-2200. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 165702 (Sub-1), filed January 14, 1983. Applicant: LION, INC., 5210 Ocean Ave., Wildwood, NJ 08260. Representative: Thomas F.X. Foley, P.O. Box F, Colts Neck, NJ 07722, 201-946-2020. Transporting *passengers*, in special and charter operations, beginning and ending at points in Atlantic, Cape May, Cumberland, Salem, Gloucester, Camden and Burlington Counties, NJ, Sussex County, DE and Worcester County, MD, and extending to points in the U.S.

Note.—Applicant seeks to provide privately funded, charter and special transportation.

MC 165873, filed January 25, 1983. Applicant: E.C.M. ENTERPRISES, INC., R.D. #1, 536 Salem Church Rd., Lewisburg, PA 17837. Representative: George E. Campbell, 985 Old Eagle School Rd., Suite 501, Wayne, PA 19087, (215) 293-9220. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner

of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 165893, filed January 25, 1983. Applicant: RICHARD AND OLETA BLENDER, d.b.a. BLENDER MOTORCOACHES, P.O. Box 367, Rushville, IL 62681. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956, 414–722–2848. Transporting *passengers*, in charter and special operations, beginning and ending at points in McDonough, Knox, Fulton, Cass, Schuyler, Warren, Adams, Hancock, Henderson, Pike, and Brown Counties, IL, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 165903, filed January 24, 1983. Applicant: ATLANTA PIGGYBACK EXPRESS, INC., P.O. Box 450431, Atlanta, GA 30345. Representative: Wayne W. West, Jr., 3644 Northlake Dr., Atlanta, GA 30340, 404–938–3537. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 165913, filed January 25, 1983. Applicant: RONALD J. DAVIS AND GLENN SESSIONS d.b.a. CERTIFIED SHIPPING, 603 South Hwy. 67, P.O. Box 476, Duncanville, TX 75116. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4347 Filed 2-18-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

In the matter of; Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commissioner's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly. Please direct status inquiries to Team One at (202) 275–7992.

Volume No. OP1–57

Decided: February 10, 1983.

By the Commission, Review Board No. 2. Members Carleton, Williams, and Ewing.

FF–660, filed January 24, 1983. Applicant: M.F.Z. PUBLIC WAREHOUSE, INC., 2335 N.W. 107th Ave., Miami, FL 33172. Representative: German Leiva (same address as applicant), (305) 591–4300. As a *freight forwarder*, in connection with the transportation of *general commodities* (except classes A and B explosives), between points in the U.S.

MC 28990 (Sub-12), filed January 21, 1983. Applicant: SEYMOUR TRANSFER LINES, INC., 800 E. Factory St., Seymour, WI 54165. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in WI, on the one

hand, and, on the other, points in the Upper Peninsula of MI.

MC 82841 (Sub-329), filed January 31, 1983. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392–1220. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI).

MC 119871 (Sub-3), filed January 21, 1983. Applicant: EDWARD F. MADEIRA, INC., 514 Island St., Hamburg, PA 19526. Representative: William F. King, Suite 304, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Angus Chemical Company, of Northbrook, IL.

MC 133621 (Sub-5), filed January 31, 1983. Applicant: FRONTIER TRANSPORTATION COMPANY, 3600 South Cushman, Fairbanks, AK 99701. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501–2028, (402) 475–6761. Transporting *general commodities*, between points in AK, on the one hand, and, on the other, points in the U.S. (except HI). Condition: To the extent that the certificate in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance.

MC 134401 (Sub-18), filed January 31, 1983. Applicant: MCGILLION TRANSPORT, INC., 141 Healey Rd., P.O. Box 644, Bolton, Ontario, Canada LOP 1AO. Representative: Allan C. Zuckerman, 221 N. LaSalle St., Suite 826, Chicago, IL 60601, (312) 641–5900. Transporting *machinery*, and *such commodities* as are used in the manufacturing of plastic and plastic products, between points in MI and NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 140411 (Sub-4), filed January 31, 1983. Applicant: D. & W. FORWARDERS, INC., 81 Orenda Rd., Brampton, Ontario, Canada L6W 1V7. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313)–349–3980. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NY and MI, on the one hand, and, on the other, points in NY, MI, IN, IL, PA, WI and OH, under continuing contract(s) with Dartcan, Inc. and S.A.N. International Freight Service, Inc., each of Toronto, Ontario, Canada, and Intra Freight Services, limited, of Willodale, Ontario, Canada.

MC 144030 (Sub-16), filed January 27, 1983. Applicant: DRUE CHRISTMAN, INC., P.O. Box 264, US 50 West, Lawrenceburg, IN 47025. Representative: P. J. Snodgrass (same address as applicant), (812)–537–0751. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 146110 (Sub-5), filed January 24, 1983. Applicant: SMALL SHIPMENT EXPRESS OF ILLINOIS, INC., 9623 North Karlov Ave., Skokie, IL 60076. Representative: Allan C. Zuckerman, 221 N. LaSalle St., Suite 826, Chicago, IL 60601, (312)–641–5900. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Bruce M. Brown, of Skokie, IL.

MC 153421 (Sub-4(A)), filed January 24, 1983. Applicant: PRINTCO, INC., P.O. Box 16039, Memphis, TN 38116. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in DE and OH, those points in MD east of the Chesapeake Bay, those in Philadelphia, Delaware, Bucks, and Montgomery Counties, PA, those in Camden, Burlington, and Gloucester Counties, NJ, those points in VA on and west of U.S. Hwy 220, and those points in TN on and east of U.S. Hwy 25E, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant has also requested authority in MC–153421 Sub 4(B) published this same **Federal Register** issue.

MC 155830 (Sub-2), filed January 24, 1983. Applicant: ENERGY TRUCKING CORPORATION, P.O. BOX 30970, Lafayette, LA 70503. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601)–948–8820. Transporting *Mercer commodities*, between points in AL, AR, FL, LA, MS, OK, TN, TX and WY.

MC 156080, filed January 27, 1983. Applicant: TERRY M. ROBERTSON d.b.a. ROBERTSON TRUCKING, 509 Fairview Drive, Bastrop, TX 71220. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103 (817) 332–4718. Transporting *lumber and wood products*, and *pulp, paper and related products*, between points in LA, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, TX and WI.

MC 156390 (Sub-5), filed January 21, 1983. Applicant: PROGRESSIVE PIER DELIVERY, INC., 900 Dell Ave., North Bergen, NJ 07047. Transporting (1) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT, MA and RI, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *lumber and wood products*, between points in the Aroostook County, ME, and those in Merrimack and Hillsborough Counties, NH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156461 (Sub-1), filed January 21, 1983. Applicant: BURWICK'S, INC., Route 3, Box 159X, Dickinson, ND 58601. Representative: Richard P. Anderson, Federal Square, 112 Roberts St., P.O. Box 2581, Fargo, ND 58108 (701) 235–3300. Transporting (1) *building materials*, between ports of entry on the International Boundary line between the United States and Canada located in ID, MT and ND, on the one hand, and, on the other, points in ID, MN, MT, ND, OR, SD, UT and WA, and (2) *chemicals, salt and salt products*, between points in Weber, Salt Lake, Davies and Tooele Counties, UT, on the one hand, and, on the other, points in CO, IA, ID, MN, OR, SD, WA and WY.

MC 158651 (Sub-7), filed January 24, 1983. Applicant: GRAEBEL VAN LINES, INC., 719 North Third Ave., Wausau, WI 54401. Representative: Roger Will (same address as applicant) (715) 675–9481. Transporting *household goods*, between points in the U.S., under continuing contract(s) with American Hospital Supply Division, of McGaw Park, IL.

MC 159781 (Sub-2), filed January 31, 1983. Applicant: WESTPOINT PEPPERELL TRANSPORTATION COMPANY, P.O. Box 71, Westpoint, GA 31833. Representative: Michael F. Moorone, 1150 17th St., N.W., Suite 1000, Washington, DC 20036 (202) 457–1124. Transporting (1) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with National Automotive & Rubber Marketing, Inc., of Huntington, MI, and Intermodal Consolidating Service, Inc., of Bridgewater, NJ, and (2) *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Morco Food Distributors, of Jackson, MS.

MC 164710 (Sub-1), filed January 31, 1983. Applicant: PACIFIC BASIN CONSOLIDATORS, INC., 114 Brush St., Oakland, CA 94607. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108 (415) 986–8696. Transporting *general*

commodities (except classes A and B explosives, household goods and commodities in bulk), between points in CA.

MC 165880, filed January 25, 1983. Applicant: QUAD CITY FREIGHT SERVICES, INC., 432 Second St., Rock Island, IL 61201. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501 (515) 682-8154. Transporting (1) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, and (2) *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions) for the account of the U.S. Government, between points in the U.S. (except AK and HI).

MC 165890, filed January 25, 1983. Applicant: RAYVO, INC., No. 2 Sherwood, Russellville, AR 72801. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501 (402) 475-6761. Transporting *food and related products*, between points in Crawford, Pope and White Counties, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 2 at 202-275-7030.

Volume No. OP2-063

Decided: February 8, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 16502 (Sub-27), filed January 24, 1983. Applicant: ROBINSON TRUCK LINE, INC., P.O. Box 737, West Point, MS 39774. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210 (703) 525-4050. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Memphis, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 107012 (Sub-788), filed January 21, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant) (219) 429-2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

MC 107012 (Sub-789), filed January 21, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant) (219) 429-2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Butler Shoe Corporation, of Atlanta, GA.

MC 108393 (Sub-158), filed January 20, 1983. Applicant: SIGNAL DELIVERY SERVICE, INC., 1101 31st St., Downers Grove, IL 60515. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566-5639. Transporting *packaging materials and supplies*, between points in the U.S. under continuing contract(s) with Plastronic Packaging Co., a subsidiary of Southwest Forest Industry, Inc., of Stevensville, MI.

MC 118832 (Sub-9), filed January 21, 1983. Applicant: WESTOURS MOTOR COACHES, INC., 300 Elliott Ave. West, Seattle, WA 98119. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, DC 20005, 202-783-3525. Transporting over regular routes, *passengers*, between Skagway, AK and ports of entry on the international boundary line between the United States and Canada, over Klondike Hwy 2, serving all intermediate points.

Note: Applicant seeks to provide regular-route service only in interstate or foreign commerce.

MC 138512 (Sub-46), filed January 20, 1983. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., 100 N. Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same as applicant) (312)295-5700. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with American Home Products Corp., of New York, NY.

MC 145773 (Sub-21), filed January 24, 1983. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Rd., Sidney, OH 45365. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228-1541. Transporting *electrical component equipment* between points in the U.S. (except AK and HI), under continuing contract(s) with Copeland Electric Corporation, of Humboldt, TN.

MC 147873 (Sub-6), filed January 21, 1983. Applicant: G. BAKER EXPRESS, INC., 1250 Executive Place—Suite 402, Geneva, IL 60134. Representative: Joel H. Steiner, 135 S. LaSalle St.—Suite 2106, Chicago, IL 60603, 312-236-9375. Transporting *plastic products* and *such commodities* as dealt in by supermarkets, between points in the U.S. (except AK and HI).

MC 153752 (Sub-1), filed January 21, 1983. Applicant: MACHADO TRUCKING, INC., Pier D. Berth 34, Long Beach, CA 90802. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211, (213) 655-3573. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA.

MC 154653 (Sub-2), filed January 24, 1983. Applicant: TRI-GAS PROPANE, INC., P.O. Box 465 (Rt. 313 North,) Federalsburg, MD 21632. Representative: Robert E. Blades (same address as applicant), 301-754-8184. Transportating *propane gas*, between points in the U.S., under continuing contract(s) with Eastern Gas & Water Investment Company, of King of Prussia, PA, and its subsidiaries. Condition: This permit shall be limited to a period expiring 5 years from its date of issuance.

MC 161943 (Sub-3), filed January 20, 1983. Applicant: MOTOR CARRIER EXPRESS, INC., 906 Woodland Dr., Cardinal Bldg., Suite 208, Elizabethtown, KY 42701. Representative: Douglas F. Stancell. P.O. Box 440, Hermitage, TN 37076, (502) 769-5611. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 163102 (Sub-1), filed January 21, 1983. Applicant: JANET M. JOHNSON, d.b.a. ECONOMY MOVERS, 2016 E. Tyler, Fresno, CA 93701. Representative: Ed Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104, 415-986-5778. Transporting *household goods*, between points in the U.S.

MC 163923 (Correction), filed September 20, 1982, published in the **Federal Register** issue of October 22, 1982, and republished, as corrected, this issue. Applicant: BILL HANSON TRUCKING CO., INC., 1603 E. 3rd St., P.O. Box 1668, Big Spring, TX 79720. Representative: Bill Hanson, 517 Scott Drive, Big Spring, TX 88620, (915) 267-5137. Transporting *machinery, well drilling equipment, pipe and such commodities* as are dealt in or used in the oilfield drilling and production industry, between points in TX, on the one hand, and, on the other, points in NM, OK, LA, AR, KS, CO and WY.

Note.—The purpose of this application is to reflect *common carrier* authority in lieu of *contract carrier* authority, as originally published.

MC 165123, filed January 21, 1983. Applicant: JIMMY DAYLE KING, d.b.a. D & J TRUCKING, 500 East 50th St.,

Lubbock, TX 79452. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205, 601–948–6820. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Belton Industries, Inc., of Belton, SC.

MC 165392, filed December 22, 1982 (correction), previously published in the **Federal Register** issue of February 1, 1983, and republished in this issue. Applicant: SKYWAY TRANSPORTATION INC., 390 St. Paul Ave., Jersey City, NJ 07306. Representative: Ken Wilson, 167 Sylvan Rd., Bloomfield, NJ 07003, 201–338–5753. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between New York, NY and Philadelphia, PA, on the one hand, and, on the other, points in NJ, NY, and those in Fairfield and New Haven Counties, CT.

Note.—This republication is to correct the territory description.

MC 165802, filed January 20, 1983. Applicant: CONTAINER CARRIERS, INC., P.O. Box 50, Provo, UT 84603. Representative: Irene Warr, 311 S. State St. Ste. 280, Salt Lake City, UT 84111, 801–531–1300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 165843, filed January 24, 1983. Applicant: DLM TRANSPORTATION, INC., 3020 Bel Aire Rd., Des Moines, IA 50310. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NE and IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165892, filed January 24, 1983. Applicant: SPECIAL K DISPATCH, INC., 2601 Lakeside Ave., Cleveland, OH 44114. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, MI, NY, OH, and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165902, filed January 24, 1983. Applicant: J.A.C.E. TRANSPORTATION, INC., 5 Shelter Rock Rd., Danbury, CT 06810. Representative: Martin A. Rader, Jr., 57 North St., Danbury, CT 06810, 203–792–7980. Transporting *passengers*, in charter and special operations, beginning and ending at points in Fairfield, Litchfield, and New Haven Counties, CT, and extending to points in CT, MA, RI, NY, NJ, VT NH, ME, PA, and DC.

Note. Applicant receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

Volume No. OP2–006

Decided: February 10, 1983.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing. (Member Ewing not participating.)

FF 362 (Sub-3), filed January 27, 1983. Applicant: OMNI MOVING & STORAGE OF VIRGINIA, INC., 157 E. Valley Pkwy., Escondido, CA 92025. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, 202–833–8884 As a *freight forwarder* in connection with the transportation of *used household goods, unaccompanied baggage and used automobiles*, between points in AK, on the one hand, and, on the other, points in the U.S.

MC 2202 (Sub-685), filed January 26, 1983. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20814, 216–384–1717. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except classes AK and HI), under continuing contract(s) with K Mart Corporation, of Troy, MI.

MC 77013 (Sub-10), filed January 26, 1983. Applicant: NIEDERBRACH TRUCK SERVICE, INC., P.O. Box 67, Steeleville, IL 62288. Representative: Floyd W. Hartel (same address as applicant), 618–965–3488. Transporting (1) *lime and lime products*, between points in St Genevieve County, MO, on the one hand, and, on the other points in Jackson County, IL, and (2) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in IL in and south of St. Clair, Clinton, Marion, Clay, Richland and Lawrence Counties, on the one hand, and , on the other, St. Louis, MO.

MC 107012 (Sub-791), filed January 27, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, (same address as applicant), 219–429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with International Playtex, Inc., of Dover, DE.

MC 136643 (Sub-4), filed January 26, 1983. Applicant: JENI TRUCKING, INC., 30 Lancaster Dr., Suffern, NY 10981. Representative: William Ourello, (same address as applicant), 914–423–4229. Transporting *new furniture*, between points in NY, NJ and CT, under continuing contract(s) with J. H. Harvey, Inc., of White Plains, NY.

MC 141232 (Sub-13), filed January 26, 1983. Applicant: STATEWIDE TRUCKING COMPANY, 1801 West Oxford Ave., P.O. Box 1116, Englewood, CO 80150. Representative: Larry J. Schwarz, (same address as applicant), 303–761–0815. Transporting *construction materials, forest products, lumber and wood products, clay, concrete, glass or stone products, metal products, chemicals and related products, machinery, Mercer commodities, pulp, paper and related products, rubber and plastic products and ores and minerals*, between those points in the U.S., in and west of WI, IL, KY, TN, and MS (except AK and HI).

MC 159513 (Sub-1), filed January 27, 1983. Applicant: LOK TRUCKING, INC., Route 2, Box 44B, Frisco, TX 75034. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *general commodities*, (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AZ, AR, CA, GA, LA, MS, NM, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163512, filed January 28, 1983. Applicant: SOULE COMPANY, INC., 3015 N. 36th St., Tampa, FL 33605. Representative: Stephen H. Loeb, Suite 4—2777 Finley Rd., Downers Grove, IL 60515, 312–953–0330. Transporting *general commodities*, (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Oscar G. Carlstedt & Co., Inc., of Jacksonville, FL.

MC 164822, filed January 27, 1983. Applicant: G.N.C. TRANSPORT, INC., 1001 Territorial P.O. Box 604, Benton Harbor, MI 49022. Representative: Bernard Spak, 1 North LaSalle St., Chicago, IL 60602, (312) 372–8703. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S., under continuing contracts with American Motors Corporation, of Kenosha, WI, and Burnette Packing Cooperative, Inc., of Hartford, MI.

MC 164962 (Sub-1), filed January 26, 1983. Applicant: LANE

TRANSPORTATION, INC., P.O. Box 769, Turnersville, NJ 08012. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836–1144. Transporting *rubber and chemicals*, between points in Middlesex County, NJ, on the one hand, and, on the other, points in Philadelphia, Chester, Delaware, Lancaster, Berks, Bucks, Lehigh, Northampton, and Montgomery Counties, PA, and points in DE.

MC 165922, filed January 27, 1983. Applicant: IRON CITY TRUCK SERVICE, INC., 575 Baldridge Ave., North Braddock, PA 15104. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting *general commodities* (except classes A and B explosives, and household goods), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 165932, filed January 27, 1983. Applicant: TARA TRUCKING, INC., 514 West Main St., Monongahela, PA 15063. Representative: John A. Pillar, 1500 Bank Tower 307 4th Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in PA, OH, WV, WV, and VA, on the one hand, and, on the other, those points in the U.S. east of MN, IA, MO, AR, and LA.

MC 165943, filed January 28, 1983. Applicant: E & G OIL CO., 1018 J St., P.O. Box 517, Bedford, IN 47421. Representative: Elsie Gerkin Mullis (same address as applicant), (812) 275–5981. Transporting *gasoline, diesel fuel, and petroleum products*, between points in the U.S., under continuing contract(s) with (a) Hall Oil Co., (b) Mullis Petroleum, both of Bedford, IN, and (c) E & J Truck Stop, of Scottsburg, IN.

MC 165952, filed January 28, 1983. Applicant: SAS TRUCKING, INC., 15528 Sunset Drive, Dolton, IL 60419. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP2–067

Decided: February 9, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 39973 (Sub-9), filed January 25, 1983. Applicant: STANDARD TRUCKING COMPANY, 225 East 16th St., Charlotte, NC 28230. Representative: W. D. Snavely (same address as applicant), 704–332–1106. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Belk Stores Services, Inc., of Charlotte, NC.

MC 52793 (Sub-121), filed January 25, 1983. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312–547–2164. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with K Mart Corporation, of Troy, MI.

MC 107012 (Sub-790), filed January 25, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Scientific Atlanta, Inc., of Atlanta, GA.

MC 110683 (Sub-206), filed January 24, 1983. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24001. Representative: Robert L. Stover (same address as applicant), 703–248–6231. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with American Hardware Supply Company, of East Butler, PA.

MC 142553 (Sub-2), filed January 25, 1982. Applicant: OSBORNE TRUCKING COMPANY, 11001 Kenwood Rd., Cincinnati, OH 45242. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, KY, MI, PA, TA and WV.

MC 144893 (Sub-9), filed January 24, 1983. Applicant: NORMAN HOWARD, d.b.a. HOWARD TRUCKING OF UTAH, 1755 East 800 North, St. George, UT 84770. Representative: J. Ralph Atkin, 60 North 300 East, P.O. Box 339, St. George, UT 84770, 801–628–2612. Transporting *General commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Interstate Shippers Service, Inc., of Wheatridge, CO.

MC 144893 (Sub-10), filed January 25, 1983. Applicant: NORMAN HOWARD, d.b.a. HOWARD TRUCKING OF UTAH, 1755 East 800 North St. George, UT 84770. Representative: J. Ralph Atkin, 60 N. 300 East, P.O. Box 339, St. George, UT 84770, 801–628–2612. Transporting *waste paper and related materials* used in the recycling and manufacturing of paper products, between points in CO and UT, on the one hand, and, on the other, points in CA.

MC 147842 (Sub-3), filed January 25, 1983. Applicant: COLEMAN BROS. TRUCKING, INC., 1045 Rock Cliff Dr., Potosi, MO 63664. Representative: Stephen G. Newman, P.O. Box 456, Jefferson City, MO 65102, 314–635–7166. Transporting *chemicals and related products*, between points in Bartow County, GA, on the one hand, and, on the other, points in Pottawatomie County, OK.

MC 149002 (Sub-4), filed January 24, 1983. Applicant: CAMPBELL CARTAGE COMPANY, 1109 E. Second St., Maryville, MO 64468. Representative: Herman W. Huber, 101 E. High St., Jefferson City, MO 65101, 314–636–9131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, De Kalb, Gentry, Harrison, Holt, Nodaway, and Worth Counties, MO, on the one hand, and on the other, points in AR, IA, IL, IN, KS, KY, MO, NE, OK, and TN.

MC 165153, filed January 24, 1983. Aplicant: ECKEL BAKING COMPANY, division of ECKEL INC., 1771 Sunshine Dr., Clearwater, FL 33515. Representative: John A. Eckel (same address as applicant), 813–443–1116. Transporting *shortening, margerine, cooking oil, and salad oil*, between points in the U.S. (except AK and HI), under continuing contract(s) with Bunge Edible Oil Corporation, of Kankakee, IL.

MC 165872, filed January 25, 1983. Applicant: ANDERSON TRANSPORT, INC., P.O. Box 107, Salina, UT 84654. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting *commodities in bulk*, between points in NV, CA, UT, and AZ.

MC 165883, filed January 24, 1983. Applicant: CLASSIC MOVING & STORAGE, INC., P.O. Box 731, Hickory, NC 28603. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204, 704–372–6730. Transporting *furniture and fixtures*, between points in Catawba and Guilford Counties, NC, on the one hand,

and, on the other, points in FL, GA, SC, VA, MD, and DC.

MC 165923, filed January 25, 1983. Applicant: SPI TRANSPORT SYSTEM, INC., 107 Harris Ave., Middlesex, NJ 08846. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410, 201-791-2270. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-084

Decided: February 10, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 76 (Sub-29), filed February 4, 1983. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: John A Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471-3300. Transporting (1) *metal products*, (2) *building materials*, (3) *electrical equipment*, (4) *machinery*, (5) *lumber and wood products*, and (6) *clay, concrete, glass or stone products*, between points in AL, OK, AR, CT, DE, GA, FL, IA, IL, IN, KY, LA, MA, MD, ME, MI, MN, MS, MO, NC, NH, NJ, OH, PA, RI, SC, TN, TX, VA, VT, WI, WV, and DC.

MC 89557 (Sub-3), filed February 4, 1983. Applicant: BARR & MILES, INC., 2420 S. Prairie Ave., Chicago, IL 60616. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglasville, PA 19518, (215) 385-6086. Transporting *general commodities* (except classes A and B explosives and household goods), between points in IL, IN, IA, MI, MO, OH, and WI.

MC 148257 (Sub-2), filed February 4, 1983. Applicant: GEORGE J. WEBB, JR. and GEORGE J. WEBB III, d.b.a. WEBB TRUCKING, Route 2, McLeansboro, IL 62859. Representative: William Sheridan, P.O. Drawer 5049 Irving, TX 75062, (214) 255-6279. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Mobile Transportation, Inc. of Longview, TX.

MC 150017 (Sub-6), filed February 4, 1983. Applicant: DELICIOUS FOODS CARRIERS, INC., P.O. Box 730, Grand Island, NE 68801. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Victor's Iowa Pack, Inc. of Council Bluffs, IA.

MC 165027, filed February 4, 1983. Applicant: DOUG BLAIR, Box 814, Levelland, TX 79336. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706, (713) 898-8086. Transporting *rock, gravel, sand, caliche, dirt and soil*, between points in Reeves, Midland, Ector, Andrews, Gaines, Terry, Yoakum, Cochran, Hockley, Lubbock, Parmer, Castro, Deaf Smith, and Oldham Counties, TX, on the one hand, and, on the other, points in Eddy, Lea, Chaves, Roosevelt, Curry, DeBaca, Quay, Harding, and Union Counties, NM.

[FR Doc. 83-4348 Filed 2-18-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Restriction Removals

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,
Secretary.

Volume No. OP1-60

Decided: February 10, 1983.

For status, please call team 1 at 202-275-7992.

MC 145301 (Sub-19)X, filed December 30, 1982. Applicant: R.E.M. TRANSPORT CO., INC., Building No. 431—Raritan Center, Edison, NJ 08817. Representative: Brian S. Stern, 5411-D Backlick Rd., Springfield, VA 22151. MC-142689 Sub 3 permit and MC-145301 and Subs 2F, 3F, 4F, 5F, 6F, 8F, and 9F certificates: broaden (1) MC-142689 Sub 3: film, sheeting, and chemicals (except in bulk), to "chemicals and related products", (2) MC-145301: flat glass and automotive glass, to "clay, concrete, glass or stone products", (3) MC-145301 Sub 2F: tractors (except truck tractors) to "machinery (except electrical)", (4) MC-145301 Sub 3F: glass and glass products, to "clay, concrete, glass or stone products", (5) MC-145301 Sub 4F: (a) acids and chemical, to "chemicals and related products" and (b) plastic materials, to "rubber and plastic products", (6) MC-145301 Sub 5F: chemicals, petroleum products, and plastic materials (except commodites in bulk), to "chemicals and related products, petroleum, natural gas and their products, and rubber and plastic products", (7) MC-145301 Sub 6F: chemicals and plastics, and materials, equipment, and supplies used in the manufacture and distribution of chemicals and plastics (except commodities in bulk), to "such commodities as are dealt in or used by manufacturers and distributors of chemicals and related products and rubber and plastic products", (8) MC-145301 Sub 8F: automotive parts, and materials, equipment and supplies used in the manufacture, production, and assembly of motor vehicles (except in bulk), to "such commodities as are dealt in or used by manufacturers and distributors of transportation equipment", (9) MC-145301 Sub 9F: electric cable, to "metal products", (10) MC-142689 Sub 3: expand to "between points in the U.S. (except AK and HI) under continung contracts with a named shipper", (11) MC-145301: expand Tulsa, OK to "Tulsa, Osage, Rogers, Wagoner, and Creek Counties, OK", (12) MC-145301 Sub 2: expand facilities at Romeo, MI to "Macomb County, MI", (13) MC-145301 Sub 3: expand Crystal City, MO to "Jefferson County, MO", and Mt. Zion, IL to "Macon County, IL", (14) MC-145301 Sub 4: expand facilities at Marcus Hook, PA to "Delaware County, PA", and Orange, TX to "Orange County, TX", (15) MC-145301 Sub 5F: expand Wood River, IL to "Madison County, IL", and Texas City and Chocolate Bayou, TX to "Galveston and Brazoria Counties, TX", (16) MC-145301 Sub 8F: expand Detroit, MI to "Wayne, Oakland, Macomb, Monroe, Washtenaw, St. Clair, and Livingston Counties, MI"; Cleveland, OH to "Cuyahoga, Lake, Lorain, Medina,

Summit, and Geauga Counties, OH"; and Kansas City, MO to Jackson, Cass, Clay, and Platee Counties, MO and Wyandotte, Johnson, and Leavenworth Counties, KS", and (17) MC-145301 Sub 9F: expand Hillside, NJ to "Union County, NJ"; and Portsmouth, RI to "Newport County, RI"; (18) All certificates: expand to radial authority.

Volume No. OP2-064

Decided: February 9, 1983.

For status, please call Team 2 at 202-275-7030.

MC 144842 (Sub-16)X, filed January 25, 1983. Applicant: RIGGINS INCORPORATED, 1004 West Maple, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501-521-8121. Subs 1, 3, 7, 8, and 9 certificates: (1) broaden commodity description from steel strapping and accessories for steel strapping to "steel products" in Sub 9; (2) eliminate facilities limitation in Subs 1, 3, and 8; (3) change one-way to radial authority; (4) expand Doylestown to Bucks County, PA; Braddock, to Camden County, NJ; Crisfield to Somerset County, MD; Sunnyvale to Santa Clara County, CA in Sub 1; Belvidere, Branchburgh, and Nutley to Warren, Somerset, and Essex Counties, NJ in Sub 3; Fort Smith to Sebastian County, AR; Louisville and Bardstown to Jefferson and Nelson Counties, KY; Plainfield to Will County, IL in Sub 8; and New Britain to Hartford County, CT; and Pittsburg to Contra Costa County, CA in Sub 9; and (5) remove the restriction (a) except commodities in bulk in Sub 3, and (b) originating at or destined to in Sub 8.

[FR Doc. 83-4346 Filed 2-18-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83-1049 beginning on page 1836 in issue of Friday, January 14, 1983, make the following corrections:

1. On page 1837, first column, under MC 3151 (Sub-25), Bender & Loudon Motor Freight, Inc., correct lines 10 through 14 to read as follows:

"* * * routes, (1) between Hammond, IN, and Chicago, IL, over Interstate Hwy 90, (2) between Hammond, IN, and Louisville, KY, over Interstate Hwy 65, (3) between Louisville, KY, and junction U.S. Hwys 30 and 31, near Plymouth, IN, over U.S. Hwy 31, (4) between * * *"

2. On the same page, middle column, under MC 115370 (Sub-98), The Mickow Corp. in the 10th line, "Wayne Counties" should have read "Wayne Counties MI,".

BILLING CODE 1505-01-M

Motor Carriers; Decision-Notice; Finance Applications

Correction

In FR Doc. 83-1653 beginning on page 2845 in the issue of Friday, January 21, 1983, make the following corrections:

1. On page 2845, middle column, five lines from the bottom of the page, insert "MC-FC 81118" before the words "By decision * * *" and designate the text as a new paragraph.

2. On the same page, third column, at the beginning of the last paragraph, insert "MC-FC 81143" before the words "By decision * * *".

BILLING CODE 1505-01-M

[No. FF-417; OP4-089]

CF Air Freight, Inc.; Abandonment of Freight Forwarder Service

AGENCY: Interstate Commerce Commission.

ACTION: Notice of the proposed abandonment of service by a freight forwarder affiliated with a motor carrier.

SUMMARY: CF Air Freight, Inc. (CFAF), a freight forwarder, is an affiliate of Consolidated Freightways Corporation of Delaware (CFCD), a motor common carrier. CFAF has petitioned under 49 U.S.C. 10933 for issuance of a certificate allowing abandonment of its service under permit FF-417, and for simultaneous revocation of that permit.

DATE: Comments are due 30 days from publication in the **Federal Register.**

ADDRESSES: Send an original and 6 copies of comments to:

Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and

Petitioner's representative, Mark J. Andrews, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036.

Comments should refer to No. FF-417.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275-7949.

SUPPLEMENTARY INFORMATION: The permit in question authorizes forwarding of *general commodities* (except classes A and B explosives, household good as defined by the Commission, commodities in bulk, commodities which because of size and weight require the use of special equipment, motor vehicles, and unaccompanied baggage) nonradially between points in the United States (except AK and HI), "restricted to the transportation of shipments having an immediately prior or subsequent movement by air in the air forwarder service of (CFAF), subject to the interpretation made in *Emery Air Freight Corp. Freight Forwarder Applic.*, 339 ICC 17 (1971) * * *"

CFAF argues, generally: (1) That it is primarily an air freight forwarder and will continue such service after the proposed abandonment; (2) that virtually all of its existing surface operations are conducted through motor carriers operating under the "incidental-to-air" exemption of 49 U.S.C. 10526(a)(8)(B), as amended and substantially broadened by the Motor Carrier Act of 1980 (MCA); (3) that the FF-417 permit would be necessary only if CFAF conducted surface operations through *regulated* motor carriers, and therefore has been rendered superfluous by passage of the MCA; and (4) that another CFAF affiliate, CF Forwarding, Inc., is now being activated and would continue to hold unrestricted nationwide general commodity forwarding authority under permit FF-567 after approval of the requested abandonment.

This decision does not appear to have a significant effect on either the human environment or conservation of energy resources. However, comments may be submitted on these issues.

Decided: February 17, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4479 Filed 2-18-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the

determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 4, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 4, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 14th day of February 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
J. Schoeneman (ACTWU)	Winchester, VA	2/8/83	2/4/83	TA-W-14,392	Suits and sportcoats—tailored, men's.
Kennecott Minerals Co. (workers)	McGill, NV	1/28/83	1/19/83	TA-W-14,393	Copper smelting.
Midland Ross Corp., Grimes Div./Galley Products (workers)	Mansfield, Ohio	2/9/83	2/3/83	TA-W-14,394	Galleys—for commercial airplanes.
Mount Vernon Mills, Inc., Tallassee Div. (company)	Tallassee, AL	1/26/83	1/21/83	TA-W-14,395	Fabrics—industrial and printcloth.
Mushroom Distribution Center (company)	Columbus, Ohio	2/7/83	1/31/83	TA-W-14,396	Warehousing and distribution—mushroom comfort shoes.
Barry of Canal Winchester (company)	Canal Winchester, OH	2/7/83	1/31/83	TA-W-14,397	Soles—mushroom comfort shoes.
Pittsburgh Gear Company (workers)	Pittsburgh, PA	2/9/83	2/3/83	TA-W-14,398	Gearing—steel, industrial.
Republic Steel Corp., Research Center (wkrs)	Independence, Ohio	1/26/83	1/21/83	TA-W-14,399	Research.
Republic Steel Corp. (USWA)	Chicago, Ill	1/28/83	1/24/83	TA-W-14,400	Tubes—seamless, products.
Warner & Swasey Co., Turning Machine Div. (IAM&AW)	Solon, Ohio	2/7/83	1/20/83	TA-W-14,401	Machines—cutting, metal, controlled, numerically.
Warner & Swasey Co. Turning Machine Div. (IAM&AW)	Cleveland, Ohio	2/7/83	1/20/83	TA-W-14,402	Machines—cutting, metal, controlled, numerically.
Alco Power, Inc. (USWA)	Auburn, NY	2/7/83	2/1/83	TA-W-14,403	Diesel engines, turbo chargers and related parts.
Anaconda Minerals, Butte Operations (USWA)	Butte, Montana	2/2/83	1/28/83	TA-W-14,404	Copper—mine.
Burlington Industries, Postex Plant (wkrs)	Post, Texas	2/7/83	1/26/83	TA-W-14,405	Muslin sheet and pillow cases.
Busby, Inc (workers)	Moses Lake, WA	2/4/83	1/25/83	TA-W-14,406	Marine shipping containers.
C.F. Chemicals, Inc. (ICWU)	Bartow, FL	1/27/83	1/24/83	TA-W-14,407	Phosphate fertilizer.
Cyclops Corp., Detroit Strip Div. (USWA)	Hamden, Conn	2/7/83	2/2/83	TA-W-14,408	Carbon steel.
Dynamit Nobel-Harte, Inc. (Int'l Leather Goods)	Boundbrook, NJ	1/24/83	12/30/82	TA-W-14,409	Calendar vinyl sheeting, shower curtains, ind. sheeting, above ground swimming pools sheeting.
Lehigh Portland Cement Co. (Cement Workers)	Allentown, PA	2/4/83	1/26/83	TA-W-14,410	Cement.
Lehigh Structural Steel Co. (wkrs)	Allentown, PA	2/4/83	2/1/83	TA-W-14,411	Fabricated steel buildings and bridges.
Max Rubin Industries (company)	Baltimore, MD	2/2/83	1/31/83	TA-W-14,412	Suits, sportcoats, pants—men's.
Carteret Novelty Co. (ILGWU)	Carteret, NJ	1/27/83	1/24/83	TA-W-14,413	Blouses—ladies.
Carteret Novelty #2 Cutting (ILGWU)	Newark, NJ	1/27/83	1/24/83	TA-W-14,414	Blouses—ladies.
C.F. Industries, Inc. (workers)	Donaldsonville, LA	2/10/83	1/21/83	TA-W-14,415	Nitrogen fertilizer.
Cuddle Teen Frocks, Inc. (ILGWU)	Jersey City, NJ	2/9/83	2/2/83	TA-W-14,416	Dresses, childrens'.
Elizabeth Undergarment (ILGWU)	Hackettstown, NJ	1/27/83	1/24/83	TA-W-14,417	Undergarments.
Just Sew, Inc. (ILGWU)	Rockaway, NJ	1/27/83	1/24/83	TA-W-14,418	Blouses—ladies.
Lake Shore, Inc. (USWA)	Marquette, MI	2/2/83	1/27/83	TA-W-14,419	Cargo cranes.
Mar Jo, Inc. (ILGWU)	Orange, NJ	1/27/83	1/24/83	TA-W-14,420	Dresses.
Process & Systems, Engineering Co., Inc. (workers)	Mobile, AL	2/10/83	2/10/83	TA-W-14,421	Tanks, built-up, erected pressure vessels—built-up, erected.
Reed Tubular Products (USWA)	Sugar Land, Texas	1/31/83	1/27/83	TA-W-14,422	Tool joints.
Republic Steel Corp. (workers)	Pittsburgh, PA	2/10/83	2/3/83	TA-W-14,423	Sales office—district.
Western Electric Co. (IBEW)	Kearny, NJ	2/4/83	1/31/83	TA-W-14,424	Communication power equipment, relays, connectors and metal products.

[FR Doc. 83-4413 Filed 2-18-83; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period February 7, 1983–February 11, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,639; Atlantic Steel Co., Atlanta, GA and Cartersville, GA

In the following case the investigation revealed that criterion had not been met. Increased imports did not contribute importantly to workers separtions at the firm.

TA-W-13,659; Florida Steel Corp., Indiantown, FL

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-13,658; Flat Gap Mining, Inc., Norton, VA

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,656; Clinchfield Coal Co., Dante, VA

Aggregate U.S. imports of coal or coke did not increase as required for certification.

Affirmative Determinations

TA-W-13,515; Richton Headwear Co., Buffalo, NY

A certification was issued covering all workers of the firm separated on or after August 1, 1981.

TA-W-13,179; Allegheny Ludlum Steel Corp., Brackenridge, PA

A certification was issued in response to a petition received on January 12, 1982 covering all workers separated on or after July 1, 1981.

TA-W-13,812; U.S. Steel Corp., Steel Supply Div., Fairless Hills, PA

A certification was issued in response to a petition received on September 16, 1982 covering all workers separated on or after September 10, 1981.

TA-W-13,269 Bethlehem Steel Corp., Bethlehem Plant, Bethlehem, PA

A certification was issued covering all workers of the firm separated on or after February 5, 1981.

TA-W-13,180; Allegheny Ludlum Steel Corp., W. Leechburgh, PA

A certification was issued covering all workers of the firm separated on or after July 1, 1891.

TA-W-13,606; Inverness Mining Co., Cave-In-Rock, IL

A certification was issued covering all workers of the firm separated on or after November 1, 1981.

TA-W-13,643; B.R.M., Inc./Harbour Road Div., Blue Ridge, GA

A certification was issued in response to a petition received on July 10, 1982 covering all workers separated on or after June 24, 1981.

TA-W-13,384; Tecumseh Products Co., Tecumseh Div., Tecumseh, MI

A certification was issued in response to a petition received on March 29, 1982 covering all workers separated on or after March 29, 1981.

I hereby certify that the aforementioned determinations were issued during the period February 7, 1983–February 11, 1983. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW Washington, D.C. 20213 during normal business hours will be mailed to persons who write to the above address.

Dated: February 15, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-4414 Filed 2-18-83; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

Occupational Safety and Health Administration

Interagency Agreement; Revision Concerning Surface Retorting of Oil Shale

Background and Purpose

The Mine Safety and Health Administration (MSHA), and the Occupational Safety and Health Administration (OSHA), agencies of the U.S. Department of Labor, entered into an agreement, effective March 29, 1979, to delineate certain areas of authority, set forth factors regarding determinations of convenience of administration, provide a procedure for determining general jurisdictional questions, and provide for coordination between MSHA and OSHA in all areas of mutual interest. The agreement appears in the Federal Register at 44 FR 22827, April 17, 1979.

The general principle embodied in the agreement is that as to unsafe and unhealthful working conditions on mine sites and in milling operations, the Secretary of Labor will apply the provisions, of the Federal Mine Safety and Health Act of 1977 (Mine Act) and standards promulgated thereunder to eliminate those conditions. Where the Mine Act is determined not to apply to a workplace, the Secretary of Labor will apply the provisions of the Occupational Safety and Health Act of 1970 and standards promulgated thereunder to such working conditions.

In defining "coal or other mine," section 3(h)(1)(C) of the Mine Act (30 U.S.C. 802(h)(1)(C)), provides that the term applies to, among other things, lands, structures, facilities, equipment or other property used in, or to be used in, the milling of minerals. The term "milling" is defined in Appendix A to the MSHA-OSHA agreement as "the art of treating the crude crust of the earth to produce therefrom the primary consumer derivatives." The agreement goes on to state that the essential operation in all mineral milling is separation of one or more valuable desired constituents in the mined material from the undesired contaminants. The agreement elaborates on the definition of milling by listing a number of processes which in general, are considered to be subject to MSHA authority.

Notwithstanding the listing of certain operations as mineral milling, Paragraph B.3 of the agreement acknowledges that there will be areas of uncertainty regarding the application of the Mine Act, especially in operations near the termination of the milling cycle and the beginning of the manufacturing cycle. Paragraph B.4 of the agreement provides that the scope of the term milling under the Mine Act, and accordingly, the scope of MSHA authority, may either be expanded to apply to mineral product manufacturing processes where these processes are related technologically or geographically, to milling; or narrowed to exclude processes listed in Appendix A where the processes are unrelated, technologically, or geographically, to mineral milling. Determinations of the scope of the term milling are to be made by agreements between MSHA and OSHA.

This notice is for the purpose of announcing an agreement by MSHA and OSHA concerning which agency will exercise authority over surface retorting of oil shale.

Development and Characteristics of Surface Retorting of Oil Shale

Oil shale technology has been developing for more than 35 years. From the beginning, the projects involved mining of the shale by traditional mining methods, crushing and sizing of the shale and heating of the shale in surface retorts to a sufficient temperature to extract the solid organic matter, known as kerogen, from inorganic matter consisting of clay and other minerals. Until recently, oil shale development has been experimental in nature, characterized by projects of limited size. This agreement is prompted by recent developments concerning commercial scale oil shale retorting operations. Generally, the commercial oil shale retorting operations currently under construction or being planned are more complex than earlier experimental operations. The nature of these commercial operations requires a continuous, uninterrupted process or flow of oil shale through feed preparation facilities and the retort. Furthermore, since the primary product of all retorting is a heavy, viscous crude shale oil, likely to require some thinning or partial refining prior to transportation, commercial scale operations are expected to include shale oil upgrading and transportation facilities in close physical proximity to the retort. Accordingly, surface oil shale retorting, shale oil upgrading and transportation are closely related technologically and operationally to petroleum refining and are distinguishable from mineral milling.

We note that an alternative method of oil shale retorting, known as the modified in situ (MIS) process, is also under development. This process involves the creation of an underground

chamber through mining methods and blasting of shale to fill the chamber with broken shale, which is then heated (retorted) in order to draw off the kerogen. Since the MIS process involves mining and related operations carried out underground, it falls squarely within the statutory definition of mining and is not affected by this agreement.

Agreement

The purpose of this agreement is to classify surface oil shale retorts and associated feed preparation, upgrading and transportation facilities as other than milling and therefore outside the scope of MSHA authority. The MSHA–OSHA agreement provides at paragraph B.5 that the following factors, among others, shall be considered in making determinations of what constitutes mineral milling under section 3(h)(1)(C) of the Mine Act and accordingly, whether the operation is subject to either MSHA or OSHA authority: (1) The processes conducted at the facility, (2) the relation of all processes at the facility to each other and (3) the expertise and enforcement capability of each agency with respect to the safety and health hazards associated with all the processes conducted at the facility.

The MSHA–OSHA agreement further provides at paragraph B.6.b. that certain operations, including refineries, are included under the authority of OSHA, whether or not located on mine property.

In the case of surface retorting of oil shale, MSHA and OSHA have examined the factors listed in the agreement. Based on the technological aspects of the operations and their expected future development, the appropriateness of the safety and health standards of MSHA and OSHA applicable to the working conditions involved in surface retorting of oil shale and the respective agencies general experience and expertise with similar operations, the agencies have concluded that the workers' safety and health would be better served by OSHA's exercise of authority over the surface retorting operations. This determination will apply to all surface oil shale retorting operations, whether or not located on mine property.

Accordingly, Appendix A of the MSHA–OSHA Interagency Agreement, 44 FR 22830, is revised as follows:

1. The definition of "Retorting" is amended to read as follows:

"Retorting is a process usually performed at certain mine sites, and is accomplished by heating the crushed material in a closed retort to volatilize the metal or material which is then condensed and recovered as upgraded metal or material. For purposes of this agreement surface retorting of oil shale does not constitute milling."

2. The following paragraph is added at the end of the Agreement following the definition of "Refining:"

"Surface Oil Shale Retorting

Commences at the point where oil shale leaves the storage area and enters the continuous flow process which is controlled from the retort."

Period of Agreement

This agreement shall continue in effect until modified or terminated by mutual consent of both parties or terminated by either party upon thirty (30) days advance written notice to the other, or by operation of law.

This agreement will become effective on the date of the last signature.

Dated: January 31, 1983.

Mine Safety and Health Administration.

Ford B. Ford,

Assistant Secretary of Labor for Mine Safety and Health.

Dated February 14, 1983.

Occupational Safety and Health Administration.

Thorne G. Auchter,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 83-4412 Filed 2-18-83; 8:45 am]

BILLING CODE 4510-43-M, 4510-26-M

Office of Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C 1142, a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Wednesday, March 16, 1983, in Room S–4215C, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, D.C.

The purpose of the meeting, which will begin at 9:30 a.m., is to consider the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Installation of New Members.
2. Administrator's Report.
3. Panel Discussion: Role of Fiduciary Liability Insurance.
4. Statements from the Public.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before Tuesday, March 15, 1983, to the Administrator, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room S–4522, Third and Constitution Avenue, NW., Washington, D.C. 20216.

Persons desiring to address the Council should notify Edward F. Lysczek, Executive Secretary of the Advisory Council, in care of the above address or by calling (202) 523–8753.

Signed at Washington, D.C., this 15th day of February 1983.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs.

[FR Doc. 83-4360 Filed 2-18-83; 8:45 am]

BILLING CODE 4510-29-M

LIBRARY OF CONGRESS

American Folklife Center; Board of Trustees

In accordance with Pub. L. 94–463, the Board of Trustees of the American Folklife Center announces its meeting to be held on Friday, March 25, 1983, in the Wilson Room of the Library of Congress from 9:30 a.m. to 5:00 p.m. The meeting will be open to the public. It is suggested that persons planning to attend this meeting as observers contact Eleanor Sreb, American Folklife Center, (202) 287–6590.

The American Folklife Center was created by the U.S. Congress with passage of Pub. L. 94–201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publication, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done by contract by others. In the brief period of the Center's operation it has begun energetically to carry out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Raymond L. Dockstader,

Deputy Director, American Folklife Center.

[FR Doc. 83-4384 Filed 2-18-83; 8:45 am]

BILLING CODE 1419-01-M

MERIT SYSTEMS PROTECTION BOARD

Publication of Decisions

AGENCY: Merit Systems Protection Board.

ACTION: Notice of publication of decisions.

SUMMARY: The Merit Systems Protection Board announces the publication of Volumes 5, 6, and 7, Decisions of the United States Merit Systems Protection Board; a multi-part index using the Board's key number system is included in each volume. The volumes are available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; Stock No. 062-000-00011-2; price: $40.

FOR FURTHER INFORMATION CONTACT: Ada R. Kimsey, Chief, Editorial Services Branch, Legal Publications Division, Office of the Secretary, 5205 Leesburg Pike, Suite 1404, Falls Church, VA 22041, 703-756-6388.

SUPPLEMENTARY INFORMATION: These volumes cover the period January 1, 1981 through September 30, 1981. Included are Board final actions and precedential interlocutory decisions.

Also available from the Superintendent of Documents are:

—Volumes 1 and 2 and companion index volume; January 11, 1979—July 22, 1980; $30 for the set; Stock No. 062-000-00002-3.

—Volumes 3 and 4, including multi-part index; July 23, 1980—December 31, 1980; $25 for the set; Stock No. 062-000-00009-1.

Other publications of the Board include:

—The DIGEST, a monthly, which contains summaries and listings of current decisions indexed to the Board's key number system; it may be ordered form the Superintendent of Documents at $19 per year ($23.75 outside the United States), or $3.25 per issue ($4.10 outside the United States); Federal agencies may order by sending a purchase order to the Superintendent of Documents, U.S. Government Printing Office; and

—"Federal Employee Appeals Decisions"—microfiche and indexes of initial decisions—which is available on subscription from the National Technical Information Service at $150 year.

Dated: February 10, 1983.

For the Board.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 83-4416 Filed 2-18-83; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-17]

Privacy Act of 1974; Amended System of Records

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Amendment to NASA Systems of Records.

SUMMARY: This Notice amends NASA Systems of Records by changing the title of "100MEH&S, System of Occupational Medicine, Environmental Health and Safety Records—NASA," to "10HIMS, Health Information Management System—NASA" and by revising the following paragraphs:

(a) In "System location," add "and" before "Environmental Health Offices," and delete "and Safety Offices."

(b) In "Categories of records in the system:" at the end of the first paragraph delete "and safety records" and at the end of the second paragraph substitute "health hazard" for "safety and."

(c) In "Routine uses of records maintained in the system, including categories of users and the purposes of such uses:" at the end of the first paragraph add "and" before "for determining" and delete "and for Safety purposes" at the end of the sentence. Add a new routine use at the end of the third paragraph "(7) Disclosure to the public of a summary of flight crew information as it relates to mission impact, and limited to name, diagnosis, treatment, and prognosis;" and renumber existing "(7)" as "(8)."

(d) In "Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:" in the paragraph entitled "Storage" and "microfiche," after the word "x-rays," and in the paragraph entitled "Safeguards:" add "and" in the first sentence before "environmental health" and delete "and safety."

(e) In " Retention and disposal" change "CSC" to "Office of Personnel Management."

(f) In "System manager(s) and address:" change "Chief" to "Director."

DATE: Comments must be received in writing on or before March 3, 1983. Unless a notice is published in the **Federal Register** indicating changes to be made, this Amendment will be effective on March 8, 1983.

ADDRESS: Comments should be addressed to the Director, NASA Occupational Health Office (NPG-34), NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Walton L. Jones, M.D., telephone (202) 755-2206.

SUPPLEMENTARY INFORMATION: NASA published its Privacy Act of 1974; Annual Publication of Systems of Records (NASA Notice 82-60) on October 26, 1982 (47 FR 47489-47505). This Amendment revises NASA 100MEH&S of that Notice (47 FR 47497-47498).

Notice 82-60, October 26, 1982, is amended by changing the title of the system to "NASA 10HIMS—Health Information Management Sysetem—NASA," and the text to read as follows:

NASA 10 HIMS

SYSTEM NAME:

Health Information Management System—NASA.

SYSTEM LOCATION:

In Medical Clinics/Units and Environmental Health Offices at locations 1 through 15 inclusive as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NASA Civil Service employees and applicants; other Agency civil service and military employees working at NASA; visitors to field installations; on-site contractor personnel who receive job related examinations, have mishaps or accidents, or come to clinic for emergency or first aid treatment; space flight personnel and their families.

CATEGORIES OF RECORDS IN THE SYSTEM:

General medical records of first aid, emergency treatment, examinations, exposures, and consultations.

Information resulting from physical examinations, laboratory and other tests, and medical history forms; treatment records; screening examination results; immunization records; administration of medications prescribed by private/personal physicians; statistical records; examination schedules; daily log of patients; correspondence; chemical, physical, and radiation exposure records; other environmental health data; alcohol/drug patient information; consultation records; and health hazard and abatement data.

Astronauts and their families—more detailed and complex physical examinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C. 3101; OMB Circular A-72; Pub. L. 92–255; Pub. L. 79–658.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA for the following purposes: Reference by examining physicians in conduct of physical examinations; review by physicians in consideration of fitness for duty; evaluation for physical disability retirement; statistical data development; patient recall; in-space medical evaluation for astronauts; exposure data for radiation/toxic exposure limits, compliance and examinations; consultations; evaluation of employees, applicants, and contractor employees for specialized or hazardous duties; and for determining reliability pursuant to the Space Transportation System-Personnel Reliability Program (14 CFR Part 1214 Subpart 1214.5, NASA Management Instruction 8610.3).

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Referral to private physicians designated by the individual when requested in writing; (2) Patient referrals; (3) Referral to OPM, OSHA and other Federal agencies as required in accordance with these special program responsibilities; (4) Referral of information to a non-NASA individual's employer; (5) Evaluation by medical consultants; (6) Disclosure to the employer of non-NASA personnel, information affecting the reliability of such office or employee for purposes of the Space Transportation System, Personnel Reliability Program; (7) Disclosure to the public of a summary of flight crew information as it relates to mission impact, and limited to name, diagnosis, treatment, and prognosis; and (8) Standard routine use 4 as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are in file folders, punch cards, electrocardiographic tapes, x-rays, microfiche, and computer discs and tapes. They are handled between NASA installations by telecommunications.

RETRIEVABILITY:

By name, date of birth and social security number.

SAFEGUARDS:

Access limited to concerned medical and environmental health personnel on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 CFR Part 1212.

RETENTION AND DISPOSAL:

In accordance with Office of Personnel Management regulations and NASA Control Schedule II. Records on astronauts are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NASA Occupational Health Office, Location 1. Subsystem Managers: Medical Director or Medical Administrator at Locations 1 through 15 inclusive as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Information may be obtained from the cognizant system or subsystem manager listed above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Individuals, physicians and previous medical records of individuals.

Walter B. Olstad,

Associate Administrator for Management.

[FR Doc. 83-4361 Filed 2-18-83; 8:45am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Design Arts Advisory Panel (Demonstration); 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 Design Arts Advisory Panel (Demonstration) to the National Council on the Arts will be held on March 8–9, 1983 from 9:00 a.m.–5:30 p.m. in Columbia Plaza Office Building, Room 1422, 2401 E Street, NW., Washington, D.C.

This meeting is 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) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 14, 1983.

[FR Doc. 83-4370 Filed 2-18-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or

utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effect in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 9th day of February at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER EXPORTS

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., Jan. 26, 1983, Jan. 27, 1983, XSNM01912(01).	3.30 pct enriched uranium	[1]14,101.000	[1]457.033	Amend to increase quantity of material authorized for export, to Ringhals 2.	Sweden.
Edlow Int'l, Feb. 2, 1983, Feb. 24, 1983, XSNM01997(02).	4.05 pct enriched uranium	[1]75,000.00	[1]3,037.50	3 reloads of fuel for Forsmark Unit 2	Sweden.
		65,000.00	2,632.50	3 reloads of fuel for Ringhals Unit 1	Sweden.
Mitsubishi Int'l, Jan. 26, 1983, Feb. 4, 1983, XSNM02017.	3.45 pct enriched uranium	19,754	682	Reload fuel for Genkai Unit 2	Japan.
Pechiney Ugine Kuhlmann Development, Inc., Feb. 3, 1983, Feb. 7, 1983, XSNM02018.	19.75 pct enriched uranium	30.000	5.985	Working inventory for RERTR Program at CERCA	France.

[1] Additional.

[FR Doc. 83-4287 Filed 2-18-83; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer Who Contributes to a Multiemployer Plan: National Fruit Canning Company/ Oregon Processors Seasonal Employees Pension Trust Fund

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted National Fruit Canning Company an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended. A notice of the request for exemption from this requirement was published on November 16, 1982 (47 FR 51644). The effect of this notice is to advise the public of the decision on the exemption request.

ADDRESS: The request for an exemption and the PBGC response to the request are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street, NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (160) at the above address.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4862.

SUPPLEMENTARY INFORMATION:

Background

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1384, provides that the sale of assets of an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B). Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (46 FR 46127, September 17, 1981), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrustion into normal business transactions.

ERISA section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

Decision

On November 16, 1982 (47 FR 51644), the PBGC published a notice of the pendency of a request from National Fruit Canning Company ("National") to waive the bond/escrow requirement of section 4204(a)(1)(B) of ERISA, in connection with the purchase by National of substantially all of the assets of Seabrook Foods, Inc. ("Seabrook") located at Albany, Oregon. The sale of assets became effective on February 1, 1982. No comments were received in response to the notice.

Seabrook contributed to the Oregon Processors Seasonal Employees Pension Trust Fund (the "Fund"). As of December 31, 1981 Seabrook's potential withdrawal liability to the Fund had been calculated to be $36,127. The amount of the bond or escrow required under section 4204(a)(1)(B) is $10,120 (the average annual contribution required to be made by Seabrook for the three plan years preceding the sale).

According to audited statements for the fiscal year ending on April 30, 1981, National had net assets of approximately $11.6 million, and an average net income after taxes for fiscal years 1978–1981 of about $1.7 million.

Based on the facts of this case and the representations and statements made in connection with the request for exemption, PBGC has determined that an exemption from the bond/escrow requirement is warranted, in that it would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the plan. Therefore, PBGC hereby grants National's request for an exemption from the bond/escrow requirement. The granting of an

exemption or variance from the bond/escrow requirement of section 4204(a)(1)(B) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1). The determination of whether the transaction satisfies such other requirements is a determination to be made by the plan sponsor.

Issued at Washington, D.C. on this 11th day of February, 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-4337 Filed 2-18-83; 8:45 am]

BILLING CODE 7708-01-M

Pendency of Request for Approval of Special Withdrawal Liability Rules; ILGWU National Retirement Fund

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from the ILGWU National Retirement Fund for approval of a plan amendment providing for special withdrawal liability rules. Under section 4203(f) of the Employee Retirement Income Security Act of 1974, as amended, a plan may establish special withdrawal liability rules if PBGC finds that the rules apply to an industry that has the characteristics that would make use of the special rules appropriate, and that the rules would not pose a significant risk to the PBGC insurance system. The effect of this notice is to advise interested persons of this request for approval of special withdrawal liability rules and to solicit their views on it.

DATE: Comments must be submitted on or before April 8, 1983.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The complete request for approval is available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m. Any comments received will also be made available to the public at the above address at those times.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4862. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Under section 4203(a) of Employee Retirement Income Security Act of 1974, as amended ("ERISA") a complete withdrawal is generally defined as the permanent cessation of an employer's obligation to contribute under the plan, or the permanent cessation of all covered operations under the plan. Under section 4205, a partial withdrawal generally occurs when an employer reduces covered operations by seventy percent, or removes a continuing facility or bargaining unit from the plan while continuing to do the previously covered work in the area. Thus, the general rules on complete and partial withdrawal identify those events that normally result in a loss to the plan's contribution base.

However, Congress recognized that, in certain industries and under certain circumstances, a complete or partial cessation of the obligation to contribute by an employer normally does not weaken the plan's contribution base. For that reason, Congress established special withdrawal rules for the construction and entertainment industries.

Under the definition in ERISA section 4203(b)(2), a complete withdrawal occurs only if a construction industry employer ceases to have an obligation to contribute under the plan, and the employer either continues to perform previously covered work in the area of the collective bargaining agreement or resumes such work within five years without renewing the obligation to contribute at the time of resumption. Section 4203(c)(1) applies the same special definition of complete withdrawal to the entertainment industry, except that the pertinent area is the area of the plan rather than the area of the collective bargaining agreement. In contrast, the general definition of complete withdrawal imposes liability regardless of the continued activities of the withdrawn employer (section 4203(a)).

Congress also established special partial withdrawal liability rules for the construction and entertainment industries. In construction, a partial withdrawal occurs "only if the employer's obligation to contribute under the plan is continued for no more than an insubstantial portion of its work in the craft and area jurisdiction of the collective bargaining agreement of the type for which contributions are required" (ERISA section 4208(d)(1)). The entertainment industry is exempt from partial withdrawal liability "except under the conditions and to the extent prescribed by the corporation by regulation" (section 4208(d)(2)).

ERISA section 4203(f) provides that PBGC may authorize plans in industries other than construction and entertainment to adopt special complete withdrawal liability rules similar to those for the construction and entertainment industries in section 4203(b) and (c). Section 4208(e)(3) provides that PBGC may permit plans to adopt special partial withdrawal liability rules upon a finding by PBGC that the rules are consistent with the purposes of Title IV of ERISA. Under ERISA section 4203(f) and § 2645.4(a) of the PBGC's regulation on procedures for extension of special withdrawal liability rules (47 FR 12622, March 24, 1982), PBGC will approve a plan amendment establishing special withdrawal rules if the PBGC determines that the plan amendment—

(A) Will apply only to an industry that has characteristics that would make use of the special withdrawal rules appropriate; and

(B) Will not pose a significant risk to the insurance system.

In making these determinations, PBGC will conduct a comprehensive analysis of the request, the actuarial data submitted and other relevant information relating to the industry and the plan. PBGC may condition its approval of the special rules on the plan's taking certain additional actions in order to ensure satisfaction of the regulatory standards. For example, PBGC approval may be conditioned on the plan's modification of the rules or a change in the plan's funding practices.

In order for the PBGC to determine whether a special withdrawal rule is appropriate, § 2645.3(d)(7) of the regulation requires that plans provide information on the industry which is the subject of the rule. This includes information on the effects of withdrawals on the plan's contribution base, as well as information sufficient to demonstrate the existence of industry characteristics which would indicate that withdrawals in the industry do not typically have an adverse effect on the plan's contribution base. (These characteristics include the mobility of employees, the intermittent nature of employment, the project-by-project nature of the work, extreme fluctuations in the level of an employer's covered work under the plan, the existence of a consistent pattern of entry and withdrawal by employers, and the local nature of the work performed.)

Under § 2645.2(a) of the regulation, a special partial withdrawal rule must be consistent with the rule the plan has adopted on complete withdrawals. The regulation also requires that a plan indicate how the special rules will operate in the event of a sale of assets by a contributing employer or the withdrawal from the plan of all employers (§ 2645.3(d)(4)). Finally, § 2645.4(b) requires PBGC to publish a notice of the pendency of a request for approval of special withdrawal rules in the **Federal Register**, and to provide interested parties with an oppportunity to comment on the request.

The Request

PBGC has received a request from the ILGWU National Retirement Fund (the "Plan") for approval of a Plan amendment providing for special withdrawal liability rules. In the request, the Plan represents, among other things, that:

The Plan

The Plan is a multiemployer plan, with approximately 8,000 contributing employers that is maintained pursuant to various collective bargaining agreements between the International Ladies' Garment Workers' Union ("ILGWU") and various employer associations and individual employers. The Plan covers worker employed in the apparel manufacturing industry, primarily the women's apparel industry. While the Plan is nation-wide in scope, coverage is heavily concentrated in the northeaster states. Approximately 70 percent of the Plan's active workers are located in New York, Pennsylvania, New Jersey and Massachusetts.

As of January 1, 1981, the Plan covered about 270,000 active workers, and was paying benefits to about 105,000 pensioners and beneficiaries. For the plan year ending December 31, 1980, which is the latest year for which a complete financial report is available, the Plan had assets of $290.2 million, received contributions of $138 million and had other income of $28.6 million. Benefits paid in that year equalled $119.6 million, and expenses were $8.4 million. Thus, for the 1980 plan year, the assets of the Plan were about twice the size of benefits paid, and income exceeded disbursements by about $38 million.

Contributions to the Plan are paid primarily by manufacturers and jobbers, based on a percentage of payroll. Current collective bargaining agreements generally provide for manufacturers and jobbers to contribute to the Plan an amount equal to 8.75 percent of the wages they pay to covered employees. Contractors, which are engaged in the sewing of garments under contract with a manufacturer or jobber, generally do not pay contributions to the Plan.[1] Instead, the manufacturer or jobber for whom a contractor is working generally required to contribute a percentage (currently 6.5625 percent) of all payments made to the contractor. A contribution of 6.5625 percent of all payment to a contractor is equivalent to 8.75 percent of the wages paid by the contractor to its employees. Thus, all contributions to the Plan are tied to wage levels in the industry.

Types of Contributing Employers

Employers contributing to the Plan fall into three general categories: manufacturers, jobbers and contractors. These types of employers are described as follows in the request.

A manufacturer operates its own production facility known as an "inside shop", where garments are made by its own employees from materials furnished. The manufacturer maintains its own showroom and warehouse, and sells the completed garments directly to wholesalers or retailers. If there is more work than be can handled, a manufacturer may send some of the excess to one or more contractors.

A jobber generally has no sewing facilities. A jobber may, however, employ a few "sample hands" to make samples from its designs. A jobber may also employ a small number of "cutters," who cut the jobber's material for shipment to a contractor for completion of the manufacturing process. Jobbers have their own showrooms and warehouses, and sell completed garments to wholesalers or retailers.

A contractor maintains a production facility, where it employs workers to make garments for jobbers and manufacturers on a contract basis. As a rule, the textiles are supplied by the jobbers and manufacturers, who also furnish the necessary designs. The contractor may or may not cut the materials furnished by the jobber or manufacturer.

The Industry Subject to the Rule

The proposed special withdrawal rules will apply to those segments of the apparel industry which are covered by an ILGWU collective bargaining agreement requiring contributions to the Plan. According to the request, the Plan covers the manufacture of all types of women's and children's garments including sportswear and lingerie, blouses, girdles and brassieres, knitted outerwear, snow suits, children's outerwear, rainwear, knitted underwear, accessories, and embroideries.[2] Although women's and children's apparel manufacturing is the principal industry covered by the Plan, other types of apparel activity may also be covered *e.g.*, manufacture of men's and boys' underwear, as well as certain wholesale and retail activities.

Special Characteristics of the Plan and Industry

The request described various special characteristics of the industry and the Plan, which, in the opinion of the request, suggested the appropriateness of special withdrawal liability rules. The following is a presentation of the Plan's statements in that regard.

(a) *Mobile, intermittent and project-by-project nature of employment.* The women's and children's garment industry, according to the request, is unique because of "the pivotal and unpredictable role of fashion." While total output of the industry is generally stable, output of a specific manufacturer or jobber may fluctuate "in response to the success or failure" of current designs and changing fashions. In order to cope with the unpredictable nature of demand for a line, the industry has developed a "unique production and distribution system." The request further states—

[1] However, the obligation of contractors to directly make contributions to the Plan varies in different parts of the country. In the New York City Area, contractors directly contribute only for work performed for nonsignatory manufacturers and jobbers. In the Midwest, contractors are obligated to contribute for all work but receive a credit for contributions made by manufacturers and jobbers. In other areas, the prevailing arrangement is for contractors to contribute for all work that they perform instead of having the manufacturer or jobber contribute for contract work.

[2] Under the Standard Industrial Classification Manual (SIC), developed by the Office of Management and Budget, the principal manufacturing activities covered by the Plan fall under the following industry codes:

—*SIC 2331:* Women's, Misses', and Juniors' Blouses.

—*SIC 2335:* Women's, Misses', and Juniors' Dresses

—*SIC 2337:* Women's, Misses', and Juniors' Suits, Skirts, and Coats

—*SIC 2339:* Women's, Misses', and Juniors' Outerwear, Not Elsewhere Classified (*e.g.*, aprons, beachwear, uniforms)

—*SIC 2341:* Women's, Misses', and Children's and Infants' Underwear and Nightwear

—*SIC 2342:* Brassieres, Girdles, and Allied Garments

—*SIC 2361:* Girls', Children's and Infants' Dresses, Blouses, Waists, and Shirts

—*SIC 2363:* Girls', Children's and Infants' Coats and Suits

—*SIC 2369:* Girls', Children's, and Infants' Outerwear, not Elsewhere Classified (*e.g.*, bathrobes, beachwear, shorts)

—*SIC 238:* Miscellaneous Apparel and Accessories

Manufacturers and jobbers generally make up samples of their lines, for the purpose of obtaining orders to be filled by later production. The samples are displayed to potential customers in showrooms maintained by the manufacturer, at regional shows in which many manufacturers participate, and on the customer's premises by manufacturers' sales representatives. Thus, for the most part, production is on a projected-by-project basis. If a sample does not sell, that garment is not produced or is produced in very limited quantities. Just as a particular garment may not sell, an entire line may fail to attract significant orders.

In order to fill orders for lines, jobbers, and to some extent, manufacturers, utilize contractors to produce garments according to their specifications and designs. Thus, the request states that employment of a contractor's workers can be irregular and intermittent, since the contractor's level of work is dependent upon the placement of orders by a jobber or manufacturer. If the contractor produces only seasonal garments (*e.g.*, swimwear), the contractor may close-down for part of the year. Almost 60% of covered participants of the Plan are employed by contractors.

In addition, according to the request, a garment employee generally works for many different jobbers, manufacturers, and contractors over his or her career. A survey involving ten percent of the 8,000 applicants for benefits in 1980 suggested that, on the average, an applicant worked for more than five direct employers during his or her period of covered employment. Even a participant who works for only one contractor is very likely to have contributions paid on his or her behalf by a number of jobbers or manufacturers.

(b) *Pattern of employer entry and withdrawal.* According to the request, "the competitive nature of [the] industry and the fluctuations in sales attributable to changes in fashion combine to cause a high attrition rate among employers in the women's and children's garment industry."

To demonstrate the high degree of turnover among apparel manufacturers, the request cites a report prepared by the New York State Department of Labor. That report, which covered apparel manufacturers in New York State, showed that from January 1, 1974 to January 1, 1977, about 2,000 or almost 25% oof the approximately 8,000 apparel firms in New York State went out of business. The report also indicated that, in the same three year period, 1,460 new firms entered the New York apparel industry. The report included all apparel manufacturers in New York State, not just those covered by the Plan or those producing garments of a type covered by the Plan.

As to the employer attrition rates specifically applicable to the Plan, the request states that "within the course of a given year, five to ten percent of the firms whose employees are covered by the [Plan] may go out of business." Business failure in the industry involves large as well as small employers. Three of the 12 largest contributors to the Plan in 1975 had gone out of business by 1980.

(c) *Effect of withdrawals.* According to the request, the Plan's contribution base generally is not impaired by contributing employers who go out of business. The Plan states that, when an employer goes out of business or suffers a decline, its work is normally picked up by an existing or new contributing employer. To demonstrate the absence of adverse impact of employer withdrawals, the Plan cited U.S. government statistics, indicating a stable level of output in the industry, and provided data showing a steady increase in contributions.

According to U.S. Bureau of the Census statistics cited in the request, from January 1, 1974 to January 1, 1980, the "physical volume of *all types* of output in the women's and children's apparel industry was relatively stable, amounting to about $8.36 billion in 1974 and $8.01 billion in 1979, measured in 1967 dollars." (Emph. in request.) The request also noted that in 1980, the Plan covered 261,000 active workers as compared to 298,000 active workers in 1976. Thus, over that five year period, active employment under the Plan declined at an annual compound rate of 3.3 percent.

In addition, the Plan pointed out that, in the period from 1970 to 1981, total Plan contributions increased from $44.3 million to $153.8 million. As previously mentioned, employer contributions under the plan are determined as a percentage of total pay. Since 1970, the percentage has gone from 2.9 percent to 8.25 percent. That increase coupled with higher wages has, as the Plan observed, resulted in contributions tripling over the 1970–1981 period. However, the request also indicated that the total covered payroll increased from $1.5 billion in 1970 to $1.9 billion in 1981, a smaller proportionate increase than the amount in employer contributions during the same period.

(d) *Local nature of the work.* The work covered by the Plan involves significant geographical concentration, *e.g.* the area of New York City. However, as the request indicated, the manufacture of women's and children's apparel is capable of being performed elsewhere. Since the work in this industry like many other manufacturing activities is not local-based, an employer operating in a particular area could relocate its operations without giving up its share of the market. For that reason, continued performance of the same type of work in another geographic area could be harmful to the Plan's contribution base.

However, in response to that potentiality, the Plan's proposed rule would only exempt from withdrawal liability an employer who ceases to be involved in the business of manufacturing or selling garments, which are covered under collective bargaining agreements requiring contributions to the Plan. Thus, if a covered employer ceases women's apparel operations in New York City and commences similar operations in Alabama on a noncontributing basis, the employer would have withdrawal liability. So too, if a covered employer discontinued the direct manufacture of apparel, but contracted the manufacturing work to nonunion contractors or to foreign producers, the employer would have withdrawal liability.

Actuarial Data

As part of its request, the Plan submitted copies of its three most recent actuarial valuation reports. Plan costs are determined under the Frozen Initial Liability (FIL) level percent of pay method. Moreover, as contemplated by ERISA section 1013(d), the unfunded FIL is amortized as a level percent of payroll with a minimum amortization payment set at interest on the unfunded liability.

Prior to 1980, the maximum monthly plan benefit payable at age 65 was $100 and was service based. Following the last collective bargaining cycle, the maximum benefit was increased to $120; an excess pay portion up to a monthly maximum of $30 was also added for participants with final average annual earnings in excess of $15,000. Data submitted with the request show that average covered earnings were $5,582 in 1976 and $6,608 in 1980. Benefits can thus be viewed as remaining essentially unrelated to pay. Plan contributions on the other hand are related to pay and were determined as follows for selected years:

Year	Average contribution percent [1]
1970	2.93
1975	3.79

Year	Average contribution percent [1]
1980	8.0
1981	8.25

[1] Average contribution percent of payroll.

The dramatic increase in contribution rates has reversed the negative cash flow trend. In consequence, contributions exceeded benefit payout in 1980, notwithstanding an 8.2 percent decrease in the number of active participants and a 23.8 percent increase in inactive participants. The unfunded actuarial liability increased $214.4 million as a result of the recent plan amendments. It is likely that this was the primary cause for the $236.8 million increase in the unfunded value of vested liability. PBGC notes that plan benefits would be fully guaranteed by PBGC under section 4022A for virtually all plan participants.

The Plan determines costs as a level percent of assumed increasing pay while benefits are service based. Thus this method assumes future contribution increases without taking cognizance of future benefit increases. PBGC notes that this method is prohibited under proposed minimum funding regulations issued by the Department of the Treasury for non-multiemployer plans. When viewed in conjuction with the asset, liability and payout mix presented in the table below, this funding approach leaves little margin for contingencies such as a drop in the contribution base or a decline in actuarial gains from retirements deferred beyond the normal retirement age.

A summary of the three actuarial valuations is set forth below.

SUMMARY OF ACTUARIAL VALUATION RESULTS [1]

	Valuation date		
	Dec. 31, 1980	Dec. 31, 1978	Dec. 31, 1977
A. Participants and benefits			
1. Number of participants:			
a. Active	268,200	294,800	292,200
b. Terminated vested	17,826	10,393	6,958
c. Retirees and beneficiaries	104,592	97,111	91,951
d. a. ÷ c.	2.56	3.03	3.18
2. Active employees:			
a. Average attained age	44.0	44.0	43.8
b. Average past service	9.0	9.6	8.6
3. Monthly benefit at 65	[2]$120	$100	$100
B. Annual Contributions and benefit payout ($000,000)			
1. Employer contributions [3]	$138.0	$107.0	$93.3
2. Benefits paid [4]	119.6	107.0	102.6
3. Assets:			
a. Fair market value	290.2	265.2	265.3
b. Investment yield at market (percent)	3.33	2.11	4.92

SUMMARY OF ACTUARIAL VALUATION RESULTS [1]—Continued

	Valuation date		
	Dec. 31, 1980	Dec. 31, 1978	Dec. 31, 1977
4. 3.a. ÷ 2.	2.43	2.46	2.59
C. Plan liabilities ($000,000)			
1. Normal cost [5]	$25.1	$31.1	$17.0
2. Unfunded value of:			
a. Actuarial liability	$1,301.6	$1,129.0	$1,128.7
b. Assumed annual rate of contribution increase (percent) [6]	5.0	3.0	3.0
c. Liability for vested benefits [7]	1,143.4	925.9	906.6
3. Interest rate used to value liabilities (percent)	6.5	6	6

[1] Taken from actuarial reports submitted with request.
[2] A small percentage of participants may qualify for an additional monthly normal retirement benefit of $30, accrued on the basis of annual earnings in excess of $15,000.
[3] For year ended on the valuation date.
[4] Entry age normal, frozen initial liability method, with normal cost determined as a level percent of payroll.
[5] As permitted by ERISA section 1013(d), amortization of unfunded past service liability determined as a level percent of payroll, but not less than interest on the unfunded amount.
[6] Assets at market.

Complete Withdrawal Rule

On December 9, 1981, the Plan adopted an amendment prescribing special withdrawal rules to take effect as of April 29, 1980. The amendment was subsequently modified by the Plan. The amendment would apply to any contributing employer under the Plan. Under the amendment, the proposed rule on complete withdrawal from the Plan reads as follows:

"(a) Except as provided in Section 10.2(d), a complete withdrawal occurs only if an employer permanently ceases to have an obligation to contribute under the Plan or permanently ceases all covered operations under the Plan and such employer, or any controlling owner of the employer, directly, or indirectly through a related or affiliated person or entity,

"(1) continues in business and sells at wholesale, distributes at wholesale, or manufactures (or seeks to profit by causing to be so sold at wholesale, or distributed at wholesale or manufactured) garments which are of a type previously covered by any collective bargaining agreement providing for contributions to the Plan, and which are made by workers who are not covered by a collective bargaining agreement that requires contributions to the Plan, or

"(2) engages in activities of the type described in Section 10.2(a)(1) within five (5) years after the date of the event described in Section 10.2(a), and does not thereupon renew an obligation to contribute under the Plan, or

"(3) sells or otherwise transfers its business or shop or all or a substantial portion of its assets to a purchaser or transferee who is involved in the sale at wholesale, distribution at wholesale or manufacture of garments of the type previously covered by any collective bargaining agreement providing for contributions to the Plan, provided that such purchaser or transferee fails to become subject to a collective bargaining agreement that requires contributions to the Plan with respect to such business, shop, or assets, or

"(4) accounts for 10 percent of the total contributions under the Plan in two of the three years preceding the date of the event described in Section 10.2(a) above, or

"(5) ceased to have an obligation to contribute in connection with the withdrawal of every employer from the Plan or the withdrawal of substantially all the employers pursuant to an agreement or arrangement to withdraw from the Plan within the meaning of Section 4219(c)(1)(D) of ERISA.

"(b) Section 10.2(a)(3) shall not apply to a sale or transfer of the title to or lease on the employer's premises to a purchaser or transferee described in Section 10.2(a)(3) under circumstances where no other assets of the business are transferred to the same purchaser or transferee.

"(c) Notwithstanding any other provisions of these rules, a sale of assets which would not constitute a withdrawal by virtue of Section 4204 of ERISA shall not constitute a withdrawal within the meaning of this Section 10.2.

"(d) If an employer that is bankrupt or insolvent permanently ceases to have an obligation to contribute under the Plan or permanently ceases all covered operations under the Plan and such cessation does not constitute a complete withdrawal under Section 10.2(a), then such cessation shall be a complete withdrawal under this Section 10.2(d), but withdrawal liability shall not be a collectible from any related or affiliated persons or entity that is not bankrupt or insolvent."

(*Plan Amendment;* section 10.2.)

Partial Withdrawal Rule

The Plan amendment also provides special partial withdrawal liability rules. Under the amendment, the proposed rule on partial withdrawal from the Plan reads as follows:

"A partial withdrawal occurs only if an employer—

"(a) incurs a partial withdrawal within the meaning of ERISA section 4205(b)(1)(A), and, directly or indirectly through a related or affiliated person or entity, sells at wholesale or distributes at wholesale, or manufactures (or causes to be so sold at wholesale or distributed at wholesale or

manufactured) garments which are of a type previously covered by any collective bargaining agreement providing for contributions to the Plan, and which are made by workers who are not covered by a collective bargaining agreement that requires contributions to the Plan, or

"(b) permanently ceases to have an obligation to contribute under one or more but fewer than all collective bargaining agreements under which it has been obligated to contribute under the Plan, but

"(1) directly or indirectly through a related or affiliated person or entity, continues within the next five years to perform work in the jurisdiction of the collective bargaining agreement of the type for which contributions were previously required to be made to the Plan and does not make contributions to the Plan with respect to such work, or

"(2) transfers to another location work of the type for which contributions were previously required to be made to the Plan, and does not make contributions to the Plan with respect to such work, or

"(c) permanently ceases to have an obligation to contribute under the Plan with respect to work performed at one or more but fewer than all of its facilities, but directly or indirectly through a related or affiliated person or entity, continues to perform work at the facility of the type for which the obligation to contribute ceased.

"(d) For purposes of Section 10.3(a), the importing of garments by an employer shall be disregarded, provided that (i) the dollar volume of garments imported by or on behalf of such employer in the third year of the three-year testing period as defined in ERISA section 4205(b)(1)(A) does not exceed the average dollar volume of garments imported by or on behalf of such employer during the two plan years for which the employer's contribution base units were the highest within the five plan years immediately preceding the beginning of the three-year testing period; and (ii) the ratio of the dollar volume of garments imported by or on behalf of such employer in the third year of the three-year testing period to the total dollar volume of all garments produced by such employer during such year does not exceed 25 percent." (*Plan Amendment;* section 10.3)

Other Provisions of Plan Amendment

The Plan amendment contains other provisions, which read as follows:

"Section 10.4 Effective Date. Sections 10.1, 10.2 and 10.3 above shall not be effective until approved by the Pension Benefit Guaranty Corporation but, with such approval, shall be effective as of the effective date of the withdrawal liability provisions of the Multiemployer Pension Plan Amendments Act of 1980. In the event in a Plan Year there is a net increase in unfunded past service liability arising from Plan amendments affecting the benefits payable under the Plan, the provisions of sections 10.1, 10.2 and 10.3 shall cease to be effective as of the date on which such Plan amendments are adopted, and the employers under the Plan shall thereafter be subject to the withdrawal liability rules of Part 1 of Subtitle E of Title IV of ERISA as in effect at that time, unless for the year in which such Plan amendments are adopted and in each subsequent year, the minimum funding obligations applicable to the Plan are satisfied and would be satisfied even if such obligations required any net increase in unfunded past service liability attributable to Plan amendments to be funded by amortization of such net increase in equal annual installments (until fully amortized) over a period of 10 Plan Years.

"Section 10.5 Transactions to Evade or Avoid. In any event, if the Trustees determine that a principal purpose of any transaction is to evade or avoid withdrawal liability, then such liability shall be determined and collected as the Trustees shall determine, without regard to such transaction.

"Section 10.6 Definitions.

"(a) For purposes of Sections 10.2 and 10.3, the term 'related or affiliated person or entity' shall mean a person or entity that has, or would have if both were in existence simultaneously, a relationship with the employer that would cause the employer or his business and the person or entity in question to be considered 'trades or businesses under common control' within the meaning of ERISA section 4001(b).

"(b) For purposes of Section 10.2(a)(1), the term 'sells' shall not include acting as a bona fide employee salesman or independent commission sales representative for a business, person or entity in which such salesman or sales representative has no direct or indirect financial interest.

"(c) For purposes of Article X, the term 'garment' shall include parts thereof and accessories thereto."

Notice

The Plan has given, by first-class mail, notice of the adoption of the Plan amendment and of the request for PBGC approval of the amendment to all employers who have an obligation to contribute under the Plan and to the union representing employees covered under the Plan.

Comments

All interested persons are invited to submit written comments on the pending request to the above address, on or before April 8, 1983. All comments will be made a part of the record. Comments received, as well as the application for approval of the plan amendment, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 11th day of February 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-4358 Filed 2-18-83; 8:45 am]

BILLING CODE 7708-01-M

Pendency of Request for Exemption From Bond Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; Interstate Brands Corporation

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from the Interstate Brands Corporation for an exemption from the bond/escrow and sale-contract requirements of section 4204(a)(B) and (C) of the Employee Retirement Income Security Act of 1974, as amended in connection with that company's sale of certain of its assets to the American Bakeries Company. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. Two of these conditions are that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale, and that the contract of sale between the seller and the purchaser provide that the seller will be secondarily liable for its withdrawal liability if the purchaser withdraws from the plan within five years after the sale and does not pay its withdrawal liability. The PBGC is authorized to grant exemptions from these requirements. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise

interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before April 8, 1983.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The request for exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254–4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

Background

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1384, provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plans years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of 4204(a)(1)(C). The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1) (B) or (C) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1).

The Request

The PBGC has received a request from the seller, Interstate Brands Corporation ("Interstate"), for an exemption from the requirements of section 4204(a)(1) (B) and (C) of ERISA. In the request, Interstate represents, among other things, that:

1. On February 28, 1981, Interstate sold certain of its assets to the American Bakeries Company ("American").

2. American has assumed Interstate's responsibilities under collective bargaining agreements with the following unions: Retail Clerks Union Local No. 775; Retail Clerks Union Local No. 1179; United Food and Commercial Workers Union Local No. 428; and Retail Clerks Union Local No. 870. Those agreements obligated Interstate to contribute to the Northern California Retail Clerks Unions and Food Employers Joint Pension Plan (the "Plan"). According to the Plan, Interstate's potential withdrawal liability to the Plan has been calculated to be $41,763.

3. The amount of the bond or escrow required under section 4204(a)(1)(B) is $10,544.78 (the amount of Interstate's required annual contribution to the Plan for the plan year ending December 31, 1980).

4. American is the parent in a controlled group of corporations. American's audited consolidated financial statements for the two years ending before the date of the sale were submitted. According to those statements, American had an average net income after taxes of $1.8 million for its fiscal years 1980 and 1979 and total net assets as of December 27, 1980 of approximately $52 million.

5. American has indicated its intention that section 4204 should apply to the sale.

6. A complete copy of this request has been sent to the Plan and the collective bargaining representatives of the seller's former employees by certified mail, return receipt requested.

Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, on or before April 8, 1983. All comments will be made a part of the record. Comments received, as well as the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 15th day of February 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-4359 Filed 2-18-83; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-83-3]

Petitions for Exemption; Summary of Petitions Received Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before March 14, 1983.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No.———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 15, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
23459	Aero Union Corp.	14 CFR 125.11(b)	To permit petitioner to advertise Boeing 377MG aircraft for transportation of outsized cargo in Part 125 operations.
23453	Hawaiian Airlines	14 CFR 108.5(a)(1)	To permit petitioner to utilize its DC-9 aircraft without a security program that meets the requirements. The DC-9 aircraft would be used as a replacement when the DASH-7 aircraft is out of service.
17661	Kenmore Air Harbor, Inc.	14 CFR 135.203(a)(1)	To renew Exemption 2528, as amended, to permit petitioner to conduct operations at an altitude below 500 feet over water outside of controlled airspace, subject to certain conditions and limitations.
8429	Northern Air Cargo, Inc. (NAC)	14 CFR 91.39 and 121.157	Amendment to and extension of Exemption 7701, which presently permits petitioner to use its C-82 restricted category airplanes to carry only cargo for compensation or hire that is too large, bulky, or heavy to be loaded aboard, unloaded from, or carried by conventional (side fuselage loading) cargo aircraft. The amendment requested would permit NAC to use its C-82 airplanes to carry all types of cargo.
11144	American Airlines Flight Academy	14 CFR 121.99 and 121.351(a)	Renewal of Exemption No. 1332, as amended, to permit American Airlines, Inc., to operate its airplanes between Wilmington, NC, and St. Croix and St. Thomas, VI, via Nassau, without maintaining two-way radio communications between each airplane and the dispatch office along the named routes
23513	Air Polynesia, Inc., d.b.a. DHL Cargo	14 CFR 21.583(a)(8)	To permit petitioner to transport dependents of company employees on flights it operates within the State of Hawaii without the dependents being accompanied by the company employee.
23503	American Airlines Flight Academy	14 CFR 121.333(c)(2)	To permit petitioner to operate its B-767 aircraft up to and including flight level 430 (43,000 feet) without requiring at least one pilot at the controls to wear and use an oxygen mask.
23509	Sundance Helicopters	14 CFR 43.3(h)	To permit petitioner's appropriately trained and certificated pilots to remove, check and reinstall magnetic chip detector plugs on its Allison 250 series turbine engines, the transmissions and free-wheeling unit of its Bell Model 206 series helicopter; and the transmissions of its Hughes 500 series helicopter.
23497	Eastern Airlines	14 CFR 25.121(b)	To allow petitioner to operate B-727-225B aircraft at Kennedy International Airport, in LaPaz, Bolivia, on Runway 27L, at a reduced second segment climb gradient of 2.0% in lieu of the 2.7% gradient specified in § 25.121(b) of the FAR.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23420	Gulf Air Transport, Inc.	14 CFR 121.307(a), Appendices E and F of Part 121.	To permit certain maneuvers and procedures allowable under the nonvisual simulator classification of Part 121, Appendices E and F, to be approved for accomplishment in Simulator Training, Inc.'s, Lockheed Electra L-188 Training Device for petitioner's operators. *Withdrawn Jan. 10, 1983.*
22872	Air Transport Assn.	14 CFR 61.157(a), 121.424(a) and (b), Part 61, Appendices A and E	On behalf of petitioner's member airlines and any other qualifying Part 121 certificate holder for a clarification of the term "initial training" as used in Exemption 3653. *Partial grant Jan. 25, 1983.*
23385	Gulfstream American Corporation	14 CFR 21.19(b) (1)	To permit petitioner to apply for supplemental type certification of a design change from two Rolls-Royce Spey Mark 511-8 turbofan engines to four Rolls-Royce RS401-07-08 turbofan engines on its Gulfstream III Model G-1159A. *Granted Jan. 27, 1983.*
21266	Flight Management Company	14 CFR 91.169, 91.181(a)	To extend current Exemption No. 3294, to permit petitioner's clients to operate small civil airplanes and helicopters of U.S. registry under §§ 91.183-91.215. *Granted Jan. 28, 1983.*
23431	National Florida Airlines	14 CFR 135.243(a)	To permit Mr. Jeffrey A. DePaolis to act as pilot in command in petitioner's commuter operations although Mr. DePaolis has not reached his 23d Birthday. *Denied Jan. 21, 1983.*
23331	American International	14 CFR 91.307	To amend petitioner's previous Grant of Exemption, dated Sept. 28, 1982, for relief from the noise level requirements for civil, subsonic planes under Subpart E of Part 91. Petitioner is also deleting. *Granted Jan. 31, 1983.*
23063	Tenneco Inc. Aviation	14 CFR 21.181, 91.27, 91.29 and 91.165	To permit petitioner to use a minimum equipment list and a configuration deviation list to meet requirements for flight operation. *Partial grant Jan. 25, 1983.*
23341	Israel Aircraft Industries, Ltd.	14 CFR 25.1305(d) (3)	To permit petitioner to obtain a type certificate for the Westwind Model 1125 without installation of a powerplant instrument to indicate engine rotor system unbalance. *Granted Jan. 20, 1983.*
23449	West County Technical High School	14 CFR 147.31(c) (1) (iv)	To permit petitioner to credit students of the classes of 1983 and 1984 with that curriculum taught them between Aug. 25 and Nov. 3, 1982, when the school was in a period of noncertification. *Granted Jan. 31, 1983.*
23268	Aero Union Corp.	14 CFR 91.27(a) (1) and 91.29(a)	To reconsider Denial of Exemption 3647 to permit petitioner's pilots to ferry its McDonnell Douglas DC-4 and DC-6 aircraft to a maintenance base with one engine inoperative without obtaining a special flight permit. *Granted Feb. 4, 1983.*
23291	Central Air Service, Inc.	14 CFR 91.27(a) (1) 91.29	To permit petitioner to ferry its Douglas C-54 aircraft to a point of maintenance base with one engine inoperative without obtaining a special flight permit. *Denied Feb. 4, 1983.*
23417	Air Marianas, Inc.	14 CFR 91.200, and 121.311(e) (f)	To permit petitioner to operate a Martin 404 airplane without meeting the safety belt and shoulder harness requirements at each flight deck station, regardless of the type certification date. *Granted Feb. 2, 1983.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23413	Trans World Airlines	14 CFR 121.652(a) and (c)	To permit petitioner's B-767 Captains who have not served 100 hours as pilot in command in Part 121 operations to operate its B-767 aircraft without increasing the landing weather minimums. *Denied Feb. 7, 1983.*
23394	Ports of Call Travel Club	14 CFR 91.303	To allow petitioner to operate up to nine noncomplying Boeing 707 aircraft in the U.S. from Jan. 1, 1985, until July 10, 1985, to allow time to bring the airplane into compliance with the operating noise limit requirements. *Denied Feb. 4, 1983.*

[FR Doc. 83-4318 Filed 2-18-83; 8:45 am]
BILLING CODE 4910-13-M

[Summary Notice No. PE-83-4]

Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FFA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or ommission of information in the summary is intended to affect the legal status of any petitions or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before March 4, 1983.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 16, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23533	Empire Airlines, Inc.	14 CFR 93.124	Authority to operate 19-passenger Metro II jetprop aircraft in air carrier slots, at Washington National Airport, for a period up to six months beginning April 1, 1983 and continuing through to Sept. 30, 1983.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
None this period			

[FR Doc. 83-4429 Filed 2-18-83; 8:45 am]
BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. 1P82-2; Notice 2]

General Mortors Corp.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by General Motors Corp. of Warren, Michigan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars*. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on January 21, 1982, and an opportunity afforded for comment (47 FR 3059).

Paragraph S5.2(a) of Standard No. 120 requires that each rim be marked with a designation indicating the source of the rim's published nominal dimensions, the usual source for American vehicles being the Tire and Rim Association (T&RA) yearbook. GM manufactured almost 2300 1980-81 Chevrolet and GMC K10 Suburban, Blazer, and Jimmy vehicles on which the P215/75R15 tire and 8 inch rim used is not listed as an approved tire/rim combination by the T&RA.

GM argued that this noncompliance is inconsequential as the ratio of the rim width to tire section width of the tire and rim is 86.1%, "slightly" in excess of 85% normal maximum ratio of T&RA approved combinations (in fact, one combination, DR 78-13 tire and 7 inch

rim has a ratio of 85.9%) GM's ratio results in "slightly less than normal curb scuff clearance," but the tire has "successfully passed a curb scuff evaluation test" conducted by GM. Petitioner argued that the performance is equivalent to that of approved combinations and states that it was aware of no in-service problems or complaints about the noncompliance.

Uniroyal, Inc. was the sole commenter on the petition supporting it, and met with NHTSA officials to present its position. As a supplier of original equipment tires to GM, Uniroyal argued that its tests had shown the noncompliance to be inconsequential. Quoting the 1982 Tire and Rim Association Yearbook that standards "may have options of equal status", Uniroyal had determined that the 8-inch rim would be an "option of equal status". The bead unseating test, paragraph S5.2 of Standard No. 109, establishes a minimum requirement of 2500 pounds. Uniroyal tested its P215/75R15 Steeler Steel Belted Radial and derived a value of 2960 pounds using the 8-inch rim, and 3,060 using the 7-inch rim. At its Laredo proving ground, using the same tire, it conducted "J" turn tests at 25 mph, at progressively lower inflation pressures until roll-off occurred. The values derived from those tests were roll-off at 18 psi on the 7 inch rim, 14 psi on the 8 inch rim, and 16 psi on a re-run of the 8 inch rim test. Finally, it conducted a Standard No. 110 blowout test (Paragraph S4.4.1(b)) which requires the rim to retain the deflated tire until the vehicle can be stopped with a controlled application of the brakes. With the 7 inch rim, the stopping distance and elasped time were 315 feet and 7.0 seconds respectively, the outer bead going into the rim wall. On the 8 inch rim, the figures were 320 feet and 7.2 seconds, both beads going into the rim wall. Uniroyal believes these results would have occurred using any other tire brand of the same size, and termed performance on the 8 inch rim "satisfactory" and "adequate".

NHTSA has found the Uniroyal presentation persuasive. The tests conducted are critical measures of the performance of tire/rim combination under these exceptional conditions. NHTSA also learned, during Uniroyal's oral presentation, that the failure of the Tire and Rim Association to list an 8-inch rim is based upon the desire to limit proliferation and to provide standardization, rather than upon safety considerations. Accordingly it is hereby determined that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and General Motor's petition is granted.

The engineer and lawyer primarily responsible for this notice are Art Neill and Taylor Vinson respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 15, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-4370 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. EX83-2; Notice 1]

Middlekauff, Inc.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

Middlekauff, Inc. of Toledo, Ohio ("Middlekauff" herein) has petitioned for a temporary exemption of three years for its trucks from Federal Motor Vehicle Safety Standard No. 301, *Fuel System Integrity*, on grounds of substantial economic hardship.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Petitioner is a final-stage motor vehicle manufacturer whose production in the year prior to filing its petition was 95 units. In finishing incomplete vehicles furnished to it by AM General Corporation, it extends the filler pipe to the gas tank and relocates the filler cap. It believes that it exercises due care in its operations "to the extent of duplicating the hose and clamps used by the original manufacturer, and in many cases utilizing the original gas cap, it is not always possible to recess the gas cap itself." It estimates that the cost to test to compliance would be $10,000 (the cost of each vehicle) which it terms "prohibitive". In the three fiscal years ending September 30, 1981, it had cumulative net losses of $92,000. Thus, testing for compliance would cause it substantial economic hardship.

Petitioner further argues that an exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act

Inasmuch as our method of extending the gas line between the gas tank, supplied by the manufacturer, and the filler cap is to avoid having such gas line or filler cap in any one of the six compartments which comprise the majority of the body, and would, therefore, be subject to leakage or fumes due to the cargo coming in contact, in any way, with the gas system.

Interested persons are invited to submit comments on the petition of Middlekauff, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. To the extent possible, comments filed after the closing date will also be considered. Docket hours are from 8:00 a.m. to 4:00 p.m., Monday through Friday. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 24, 1983.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 15, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-4371 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-59-M

Rulemaking, Research and Enforcement Programs; Public Meetings

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting on April 13, 1983, to answer questions from the public and industry regarding the Agency's rulemaking, research and enforcement programs. The meeting will begin at 10:30 a.m., and continue as long as may be required. It will be held in Conference Room 2230 of the Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, D.C.

At the April meeting, representatives of DOT will answer questions received from the industry and the public relating to NHTSA's rulemaking, research and enforcement programs (including defects). The purpose of this is to focus on those phases of these NHTSA activities which are technical, interpretative or procedural in nature. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meeting on vehicle emissions).

Questions for the April 13 meeting should be submitted in writing by March

23 to Courtney M. Price, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, SW., Washington, D.C. 20590. If sufficient time is available, questions received after the March 23 date may be answered at the meeting. The individual, group, or company submitting a question does not have to be present for the question to be answered.

A consolidated list of the questions submitted by March 23 and the issues to be discussed will be mailed to interested persons on or before April 8, 1983, and will be available at the meeting. This list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, D.C., within four weeks after the meeting. Copies of the transcript will then be available at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon receipt to NHTSA, Technical Reference Section, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on February 15, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-4321 Filed 2-18-83; 8:45 am]

BILLING CODE 4910-59-M

VETERANS ADMINISTRATION

Health Services Research and Development; Scientific Review and Evaluation Board; Availability of Annual Report

Pursuant to the provision of Section 10(d) of Pub. L. 92-463 (Federal Advisory Committee Act) and OMB Circular A-63 of March 27, 1974, notice is hereby given that the Annual Report of the Veterans Administration Health Services Research and Development Service Scientific Review and Evaluation Board for calendar year 1981 has been issued.

This report summarizes activities of the Board on matters related to the review of health services research and development proposals submitted by VA field staff. It is available for inspection at two locations:

Library of Congress, Serial and Government Publications, Reading Room, Room LM 133, Madison Building, Washington, D.C. 20540

and

Veterans Administration, Office of the Director, Health Services Research and Development Service, Room 650, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: February 9, 1983.

By Direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-4317 Filed 2-18-83; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

Long Range Planning Sub-Panel of the Chief of Naval Operations Executive Panel Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I) notice is hereby given that the Long Range Planning Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on March 9, 1983, from 9:00 a.m. to 5:00 p.m. at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions involving Soviet long term manpower, personnel, and naval training trends. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United State Code.

For further information concerning this meeting, contact Commander Donald Pilling, Resources Planner, CNO Executive Panel, 2000 North Beauregard Street, Room 587, Alexander, Virginia 22311. Phone (202) 694-8422.

Dated: February 17, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83-4528 Filed 2-18-83; 9:46 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Energy Information Administration

Publication of Alternative Fuel Price Ceiling and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective March 1, 1983. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue, S.W., Room BE-034, Washington, D.C. 20585, Telephone: (202) 252-6077.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by and Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceiling for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the aternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama	3.81
Arizona [1]	3.73
Arkansas [1]	3.65
California	3.66
Colorado [1]	3.71
Connecticut [1]	3.94
Delaware [1]	3.84
Florida	3.60
Georgia [1]	3.81
Idaho [1]	3.71
Illinois [1]	3.81
Indiana	3.81
Iowa [1]	3.82
Kansas [1]	3.82
Kentucky [1]	3.81
Louisiana [1]	3.65
Maine	3.93

State	Dollars per million Btu's
Maryland [1]	3.84
Massachusetts	3.87
Michigan	3.61
Minnesota	3.71
Mississippi [1]	3.81
Missouri [1]	3.82
Montana [1]	3.71
Nebraska [1]	3.82
Nevada [1]	3.73
New Hampshire [1]	3.94
New Jersey	3.75
New Mexico	3.27
New York	3.84
North Carolina [1]	3.81
North Dakota [1]	3.82
Ohio	3.81
Oklahoma [1]	3.65
Oregon [1]	3.73
Pennsylvania [1]	3.84
Rhode Island [1]	3.94
South Carolina [1]	3.81
South Dakota [1]	3.82
Tennessee [1]	3.81
Texas [1]	3.65
Utah [1]	3.71
Vermont [1]	3.94
Virginia [1]	3.81
Washington [1]	3.73
West Virginia [1]	3.81
Wisconsin	3.77
Wyoming [1]	3.71

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79-21.
[2] Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II.—Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during December 1982 was $39.36 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective March 1, 1983, is $8.82 per million BTU's.

Section III.—Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: For each selling price, the number of gallons sold to large industrial users in the months of October 1982, November 1982, and December 1982.[3] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective March 1, 1983, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, October 1982, November 1982, and December 1982. Reported prices for sales in October 1982 were adjusted by the percent change in the nationwide volume-weighted average price from October 1982 to December 1982. Prices for November 1982 were similarly adjusted by the percent change in the nationwide volume-weighted average price from November 1982 to December 1982. The volume-weighted 3-month average of the adjusted October 1982 and November 1982, and the reported December 1982 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of October, November, and December 1982. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 sulfur residual fuel oil for the ten trading days ending February 14, 1983, and dividing that price by the corresponding weighted average price computed from prices publised by Platt's for the month of December 1982. A regional lag adjustment factor was similarly

[3] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A	*Region B*
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	
Region C	*Region D*
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	
Region E	*Region F*
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	
Region G	*Region H*
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, D.C., February 18, 1983.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 83-4534 Filed 2-18-83; 10:44 am]

BILLING CODE 6450-01-M

Revision of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Energy Information Administration (EIA) published in the January 21, 1983 **Federal Register** (48 FR 2825) on behalf of the Federal Energy Regulatory Commission, the alternative fuel price ceilings and incremental pricing threshold for high cost natural gas, that were effective February 1, 1983. Subsequent to the publication, the EIA discovered an error in computing the alternative fuel price ceilings. The error discovered was in the data base that was used to compute the 3-month weighted regional standard deviation. After correcting the error in the data base and recomputing the revised prices, only two States are impacted. The following shows the published price and the revised computed price for the impacted States.

State	Published price	Revised price
Florida	$3.83	$3.82
Indiana	3.65	3.61

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue, SW., Room BE-034, Washington, D.C. 20585, Telephone: (202) 252-6136.

Issued in Washington, D.C., February 16, 1983.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 83-4428 Filed 2-17-83; 10:55 am]

BILLING CODE 6450-01-M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Public Meeting

DATE: Thursday, February 24, 1983.

PLACE: Russell Senate Office Building, Room SR253 (old 235), Constitution Avenue and First Street, NE., Washington, D.C. 20510.

TIME: 2:00 p.m.

PURPOSE: The Motor Carrier Act of 1980, Pub. L. 96-296, 94 Stat. 793 (1980), as amended by the Bus Regulatory Reform Act of 1982, Pub. L. 97-261, 96 Stat. 1102 (1982), directs the Motor Carrier Ratemaking Study Commission (Study Commission) to make a full and complete investigation and study of the collective ratemaking process for all rates of motor common carriers of property and of the need or lack of need for continued antitrust immunity thereof. The Study Commission is specifically directed to estimate the impact of the elimination of such immunity upon the rate levels and rate structures and to describe the impact of such on the Interstate Commerce Commission and its staff. Also, the Study Commission has been directed to give special consideration to the impact of the elimination of such immunity upon rural areas and small communities. The Study Commission shall submit to the President and the Congress its final report including its findings and recommendations.

The purpose of this meeting is to provide the opportunity for the Study Commission to discuss and consider the draft report, findings, and recommendations; to direct issuance of the final document with its findings and recommendations to the Congress and President; and to consider other business as appropriate.

Budget, timing, and scheduling considerations necessitate calling this meeting with less than the customary fifteen day notice to the public. The Study Commission's statutory obligations with respect to ratemaking in trucking must be completed forthwith in order to ensure adequate time and resources to complete additional responsibilities as detailed in the Bus Regulatory Reform Act of 1982. No public preparation or participation is required. Interested parties have been aware for weeks of the likelihood that this meeting would be held at this time.

FOR FURTHER INFORMATION, CONTACT: Gary D. Dunbar, Deputy Executive Director (202) 724-9600.

Submitted this, the 17th day of February, 1983.

Larry F. Darby,

Executive Director.

[FR Doc. 83-4437 Filed 2-18-83; 8:45 am]

BILLING CODE 6820-BD-M

DEPARTMENT OF THE TREASURY

Customs Service

[T. D. 83-33]

Classification of Cigar Tobacco

Correction

In FR Doc. 83-3240, beginning on page 5644, in the issue of Monday, February 7, 1983, the third column, line 4, "not" is corrected to read "now".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY,

Office of the Secretary

[Department Circular, Public Debt Series—No. 6-83]

Treasury Notes of May 15, 1988; Series H-1988

Washington, February 16, 1983.

1. Invitation for Tenders

1.1. The Secretay of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $5,500,000,000 of United States securities, designated Treasury Notes of May 15, 1988, Series H-1988 (CUSIP No. 912827 PF 3). The securities will be sold at auction, with bidding on the basis of yield. Payment

will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Securities will be dated March 1, 1983, and will bear interest from that date, payable on a semiannual basis on November 15, 1983, and each subsequent 6 months on May 15 and November 15 until the principal becomes payable. They will mature May 15, 1988, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States Securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, February 23, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, February 22, 1983, and received no later that Tuesday, March 1, 1983.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more that one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of non-competitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Tuesday, March 1, 1983.

Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, February 25, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

John Kilcoyne,

Assistant Fiscal Assistant Secretary.

[FR Doc. 83-4529 Filed 2-16-83; 9:49 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 36
Tuesday, February 22, 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

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 8:00 p.m. on Monday, February 14, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in United American Bank in Knoxville, Knoxville, Tennessee, which was closed by the Tennessee Commissioner of Banking on Monday, February 14, 1983; (2) accept the bid for the transaction submitted by First Tennessee Bank, Knoxville, Tennessee, Knoxville, Tennessee, an insured State nonmember bank; (3) approve the application of First Tennessee Bank, Knoxville, Tennessee, Knoxville, Tennessee, for consent to purchase the assets of and to assume the liability to pay deposits made in United American Bank in Knoxville, Knoxville, Tennessee; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 16, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-235-83 Filed 2-17-83; 2:07 pm]

BILLING CODE 6714-01-M

2

FEDERAL ELECTION COMMISSION

Federal Register No. 232

PREVIOUSLY ANNOUNCED DATE AND TIME: Wednesday, February 23, 1983, 10 a.m.

CHANGE IN MEETING: The following matter has been added to the closed session for this date:

Certification (continued from the closed session of 2-17-83)

* * * * *

Federal Register No. 232

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, February 24, 1983, 10 a.m.

CHANGE IN MEETING: The following matters have been added to the open session for this date:

Nonpartisan Communications by Corporations or Labor Organizations—11 CFR 114.3 and 114.4—Explanation and Justification and Transmittal to Congress (continued from the open meeting of 2-17-83)

Disclaimer Notices—11 CFR 110.11—Explanation and Justification and Transmittal to Congress (continued from the open meeting of 2-17-83)

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Information Officer; telephone 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-239-83 Filed 2-17-83; 3:43 pm]

BILLING CODE 6715-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION

NOTICE OF MEETING

February 16, 1983.

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: 10 a.m., February 23, 1983.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: 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—765th Meeting, February 23, 1983, Regular Meeting (10 a.m.)

CAP-1. Project No. 6765-000, BMB Enterprises, Inc.

CAP-2. Project No. 3283-001, Gas and Electric Department of the City of Holyoke, Massachusetts

CAP-3. Project No. 5293-000, Hydro Resource Co.; Project No. 5324-000, Capital Development Co., Project No. 5948-001, Public Utility District No. 1 of Lewis County, Washington; Project No. 6086-000, Western Hydro Electric, Inc.; Project No. 609-000, Rainsong Co.

CAP-4. Project No. 4796-001, Niagara Mohawk Power Corp.

CAP-5. Project No. 6097-001, Freemont Water Power

CAP-6. Project Nos. 6190-002 and 003, Mountain Gems Corp.

CAP-7. Project No. 4881-001, Arthur Bloom and Ada County; Project No. 3598-000, Cook Electric Co.

CAP-8. Project No.2780-004, Solano Irrigation District

CAP-9. Project No. 2903-002, Calaveros County Water District

CAP–10. Project Nos. 3610–000 and 001, Banister Development, Ltd.
CAP–11. Project No. 5342–000, Western Power, Inc.; Project No. 5611–000, Town of Skykomish, Washington; Project No. 5758–000, Public Utility District No. 1 of Snohomish County, Washington; Project No. 6301–000, Woods Creek Inc. and Murray-Pacific Corp.
CAP–12. Project No. 4006–001, City of Ogdensburg
CAP–13. Project No. 6661–000, Frontier Technology, Inc.; Project No. 6691–000, Mountain West Hydro, Inc.
CAP–14. Docket Nos. ER82–493–000 and ER82–49–000, Pennsylvania Power & Light Co.
CAP–15. Docket No. ER80–508–002, Boston Edison Co.
CAP–16. Docket No. ER82–701–001, Florida Power Corp.
CAP–17. Docket No. ER83–89–001, Northern States Power Co. (Minnesota)
CAP–18. Omitted
CAP–19. Docket No. ER83–196–001, Missouri Edison Co.
CAP–20. Docket No. ER79–616–004, Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin)
CAP–21 Docket Nos. ER80–315–000 and ER80–450–000, Kansas City Power & Light Co.
CAP–22. Docket Nos. ER80–592–000, et al., ER80–604–000, ER–80–663–001, ER80–664–001, ER80–665–001, ER80–676–001, ER80–677–001 and ER80–732–001, Wisconsin Electric Power Co.
CAP–23. Docket No. ER82–435–000, Central Louisiana Electric Co.
CAP–24. Docket Nos. ER81–560–000, ER82–746–000 and ER83–171–000, Lockhart Power Co.
CAP–25. Docket No. ER82–200–000, Maine Public Service Co.
CAP–26. Docket Nos. EF79–4011–000 and EF82–4011–000, Southwestern Power Administration
CAP–27. Docket No. EF80–5011–004, Western Area Power Administration
CAP–28. Docket No. EF82–3041–000, U.S. Department of Energy—Southeastern Power Administration (Kerr-Philpott Projects)
CAP–Docket Nos. EL82–27–000, ER82–146–006 and EL82–16–000, Commonwealth Edison Co.
CAP–30. Docket No. EL82–19–001, St. Joe Minerals Corp.
CAP–31. Docket No. EL83–1–000, Sacramento Municipal Utility District v. Pacific Gas & Electric Co.
CAP–32. Docket No. ID–1969–001, Keith R. Potter

Consent Miscellaneous Agenda

CAM–1. Docket No. RM77–22–000, Rate of interest on amounts held subject to refund: Oil pipelines
CAM–2. Docket No. RA82–18–000, Placid Oil Co.
CAM–3. Docket No. RA83–4–000, Petraco-Valley Oil & Refining Co.
CAM–4. Docket No. RO83–1–000, Andrew R. Krissovich d.b.a. Crow Canyon Shell; Docket No. RO83–3–000, Richard E. Brooke and Vincent Haavisto; Docket No. RO83–4–000, Walt Freeman d.b.a. Walt Freeman Chevron; Docket No. RO83–5–000, Bob Diciano; Docket No. RO83–6–000, Carl Donahue d.b.a. St. Francis Texaco
CAM–5. Docket No. GP80–9–001, Equitable Gas Co.

Consent Gas Agenda

CAG–1. Docket No. RP83–25–002, Transwestern Pipeline Co.
CAG–2. Docket No. RP83–27–002, Michigan Wisconsin Pipe Line Co.
CAG–3. Docket No. TA83–1–6–002, Sea Robin Pipeline Co.
CAG–4. Docket No. TA83–1–11–001, United Gas Pipe Line Co.
CAG–5. Docket No. RP83–11–001, Transcontinental Gas Pipe Line Corp.
CAG–6. Docket No. TA83–1–32–002 (PGA83–1), Colorado Interstate Gas Co.
CAG–7. Docket No. RP83–45–000, Montana-Dakota Utilities Co.
CAG–8. Docket No. RP83–44–000, Algonquin Gas Transmission Co.
CAG–9. Docket No. No. RP83–49–000, Transcontinental Gas Pipe Line Corp.
CAG–10. Docket No. RP83–39–000, Tennessee Natural Gas Lines, Inc.
CAG–11. Docket No. RP83–46–000, Kentucky West Virginia Gas Co.
CAG–12. Docket No. RP83–47–000, Tennessee Gas Pipline Co.
CAG–13. Omitted
CAG–14. Docket No. TA83–1–28–000 (PGA83–2), Panhandle Eastern Pipe Line Co.
CAG–15. Docket No. TA83–1–26–000 (PGA83–1), Natural Gas Pipeline Co. of America
CAG–16. Docket No. TA83–1–21–000 (PGA83–2), Columbia Gas Transmission Corp.
CAG–17. Docket No. TA83–1–22–000 (PGA83–1), Consolidated Gas Supply Corp.
CAG–18. Omitted
CAG–19. Docket No. TA83–1–20–000 (PGA83–1), Algonquin Gas Transmission Co.
CAG–20. Docket No. TA83–1–4–000 (PGA83–2), Granite State Gas Transmission, Inc.
CAG–21. Docket No. RP83–43–000, Transwestern Pipeline Co.
CAG–22. Docket No. TA83–1–24–000 (PGA83–1), Equitable Gas Co.
CAG–23. Docket No. TA83–1–60–000 (PGA83–2), Locust Ridge Gas Co.
CAG–24. Docket No. RP83–48–000 High Island Offshore Systems
CAG–25. Docket No. TA83–1–25–000 (PGA83–2), Mississippi River Transmission Corp.
CAG–26. Docket Nos. TA83–1–27–000 (PGA83–1) and RP82–132, North Penn Gas Co.
CAG–27. Docket No. RP82–115–002, Consolidated Gas Supply Corp.
CAG–28. Docket No. OR81–5–000, Santa Fe Pipeline Co. and Enterprise Products Co.
CAG–29. Docket No. RP82–46–002, South Georgia Natural Gas Co.
CAG–30. Docket No. CI83–50–001, Diamond Shamrock Corp.
CAG–31. Docket No. G–7004–010, Pennzoil Co.
CAG–32. Docket No. CI75–45–000, CI75–45–004, CI–75–45–005 and CI75–45–006, Tenneco Oil Co. et al.
CAG–33. Omitted
CAG–34. Omitted
CAG–35. Omitted
CAG–36. Docket No. ST83–7–000, Chaparral Transmission, Inc.
CAG–37. Docket Nos. ST81–260–001 and CP82–206–000, Mustang Fuel Corp.
CAG–38. Docket No. ST83–21–000, Seagull Pipeline Corp.
CAG–39. Docket No. ST83–17–000, Pantera Energy
CAG–40. Docket No. ST82–147–000, Louisiana State Gas Corp.
CAG–41. Docket No. CP79–389–005, Transcontinental Gas Pipe Line Corp; Docket No. CP82–23–003, Texas Eastern Transmission Corp.; Docket No. CP82–148–001, Gasdel Pipeline System Inc. and Transcontinental Gas Pipe Line Corp.; Docket No. CP82–504–001, Texas Eastern Transmission Corp.
CAG–42. Docket No. CP82–532–001, Michigan Consolidated Gas Co.
CAG–43. Docket No. CP83–112–000, Valero Interstate Gas Co.
CAG–44. Docket No. CP83–87–000, Consolidated Gas Supply Corp.
CAG–45. Docket No. CP83–57–000, Dome Pipeline Corp.
CAG–46. Docket No. CP79–289–000, Michigan Wisconsin Pipe Line Co.
CAG–47. Docket No. TA83–1–5–002, Midwestern Gas Transmission Co.

I. Licensed Project Matters

P–1 Project No. 2545–000, The Washington Water Power Co.
P–2. Project Nos. 176–012 and 004, Escondido Mutual Water Co.
P–3. Project No. 3179–001, Suncook Power Corp.; Project No. 3185–001, Pembroke Hydro Corp.
P–4. Project Nos. 5312–000 and 001, J. R. Ferguson & Associates, Inc.; Project Nos. 5337–000 and 001, Westfir Energy Co. Inc.
P–5. Project No. 6814–001, Sheep Creek Irrigation Co.
P–6. Project No. 4301–000, City of Gridley, Calif.; Project Nos. 4490–000 and 001, Richvale Irrigation District; Project No. 5163–000, California Department of Water Resources
P–7. Omitted

II. Electric Rate Matters

ER–1. Docket No. ER80–573–000, Soutwestern Public Service Co.
ER–2. Docket No. ER78–417–000, Kentucky Utilities Co.
ER–3. Docket No. ER81–620–000, Public Service Co. of New Hampshire

Miscellaneous Agenda

M–1. Reserved
M–2. Reserved
M–3. Docket No. RM81–18–000, Revision of Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Liabilities
M–4. Docket No. GP82–47–000, review of off-system sales program
M–5. Docket No. RM83–51–000, Discontinuance of FPC Form 334: Reserves Dedication Report

Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket Nos. RP80–72–000 and RP80–72–008, Algonquin Gas Transmission Co.

RP-2. Docket No. RP79-23-003, Distrigas of Massachusetts Corp.; Docket No. RP79-24-002, Distrigas Corp.
RP-3. Omitted

II. Producer Matters

CI-1. (a) Docket No. G-132299-004, FERC gas rate schedule Nos. 414 and 203, Arco Oil and Gas Co., a Division of Atlantic Richfield Co.; (b) Docket No. RI81-7-000, FERC gas rate schedule No. 279, Phillips Petroleum Co.; (c) Docket No. RI81-8-000, FERC gas rate schedule No. 275, 305 and 328, Arco Oil and Gas Co., Division of Atlantic Richfield Co.; (d) Docket No. RI81-1-000, Amoco Production Co.

III. Pipeline Certificate Matters

CP-1. (a) Docket Nos. CP74-138-003, CP74-139-001 and CP74-140-001, Trunkline LNG Co. and Trunkline Gas Co.; Docket No. CP82-517-000, Association of Businesses Advocating Tariff Equity v. Trunkline LNG Co. and Trunkline Gas Co.; Docket No. CP82-519-000, State of Michigan and Michigan Public Service Commission; Docket No. CP82-533-000, Consumers Power Co. v. Trunkline LNG Co. and Trunkline Gas Co.; Docket No. CP82-541-000, Laclede Gas Co. v. Trunkline LNG Co. and Trunkline Gas Co.; Docket No. RP82-127-000, Michigan Consolidated Gas Co. v. Trunkline LNG Co., Trunkline Gas Co., Panhandle Eastern Pipe Line Co. and Sonatrach; (b) Docket No. TA83-1-30-000 (PGA83-2), Trunkline Gas Co.
CP-2. Docket No. CP84-121-000, Farmland Industries, Inc.; Docket No. CI85-700-000, CRA, Inc.

Kenneth F. Plumb,

Secretary.

[S-238-83 Filed 2-17-83; 8:45 am]

BILLING CODE 6717-01-M

4

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 48F6634, Monday, February 14, 1983.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled Friday, February 18, 1983, at 10 a.m.:

Net Worth Certificates; Regulatory Net Worth
Sale of Branches
FSLIC-guaranteed Advances; Loans to the Federal Savings and Loan Insurance Corporation
Industry Conflicts of Interest; Limitations on Loans to One Borrower (2 documents)
Removals, Suspensions, and Prohibitions Where a Crime Is Charged or Proven
Amendments Relating to Charters of Federal Associations, Mutual Capital Certificates, and Conversion From Mutual to Stock Form

[No. 14, February 17, 1983]

[S-241-83 Filed 2-17-83; 3:31 pm]

BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN MORTGAGE CORPORATION

DATE AND TIME: February 18, 1983, 4 p.m.

PLACE: Fourth floor, Conference Room 4G, 1776 G Street, NW., Washington, D.C.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Scott R. Daugherty.

MATTERS TO BE CONSIDERED: Closed meeting:

Minutes of December 14, 1982 Board of Directors' Meetings
President's Report
1982 Annual Financial Statements Minute Entry
Financial Strategy March 1983 Minute Entry
Short-term Debt Resolution
Hedging Contract Limitation Resolution
Pre-Sale Authority for Long-term Debt Issue
Planning for 1st Quarter of 1983

Dated: February 16, 1983.

[S-234-83 Filed 2-17-83; 2:06 pm]

BILLING CODE 6720-01-M

6

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., February 18, 1983.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Docket No. 82-58: Actions to Adjust or Meet Conditions Unfavorable to Shipping in the United States/Venezuela Trade—Consideration of the status of the proceeding.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-233-83 Filed 2-16-83; 4:45 pm]

BILLING CODE 6730-01-M

7

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

Public Meeting.

DATE: March 14, 1983.

TIME: 9 a.m.–4 p.m.

PLACE: Room 311, Cannon House Office Building.

PURPOSE: To review and consider reports on the guaranteed Student Loan Insurance Premium provision, in-school interest subsidy provision, Special Allowance provision, and to review and consider a report on satisfactory academic progress.

FOR FURTHER INFORMATION CONTACT: Richard T. Jerue, Chief Executive Officer, (202) 472-9023.

This meeting was called by the Commission Chairman, Mr. David R. Jones.

Submitted the 16th day of February 1983.

Richard T. Jerue,

Chief Executive Officer.

[S-240-83 Filed 2-17-83; 3:44 pm]

BILLING CODE 6820-BC-M

8

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Meeting.

TIME AND DATE: 2 p.m., February 23, 1983.

PLACE: Neighborhood Reinvestment Corporation, 1850 K Street, N.W., Suite 400, Washington, DC 20006.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Associate Director, Communications, 202-653-2705.

AGENDA:

I. Call to Order and Remarks of the Chairman
II. Approval of Minutes, November 22, 1982
III. Report of the Audit Committee
IV. Report of the Budget Committee
V. Executive Director's Report
VI. Treasurer's Report

[No. 26, February 16, 1983]

Donnie L. Bryant,

Secretary.

[S-236-83 Filed 2-17-83; 2:06 pm]

BILLING CODE 0000-00-M

9

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission held the following meeting on Monday, February 14, 1983, at 450 5th Street, N.W., Washington, D.C., at 2:45 p.m. to consider the following item.

Formal order of investigation.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries attended the closed meeting. Certain staff members who are responsible for the calendered matters were present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the item considered at the closed meeting was considered pursuant to one or more of the exemptions set forth in 5 U.S.C.

552b(c),(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans and Longstreth voted to consider the item listed for the closed meeting in closed session.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt (202) 272–2092.

February 16, 1983.

[S-237-83 Filed 2-17-83; 2:06 pm]

BILLING CODE 8010-01-M

federal register

Tuesday
February 22, 1983

Part II

Department of Labor

Mine Safety and Health Administration

Wire Ropes; Public Hearings

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 55, 56, 57, 75 and 77

Wire Ropes; Public Hearings

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of public hearings.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold public hearings on its proposal to revise existing safety standards for the use of wire ropes at coal and metal and nonmetal mines. The hearings will be held in Denver, Colorado; Phoenix, Arizona; Pittsburgh, Pennsylvania; and Birmingham, Alabama. The hearings are being held in response to requests from the public, and will cover the significant issues raised by the comments submitted in response to the proposed rule.

DATES: All requests to make oral presentations for the record should be submitted at least five days prior to each hearing date. Immediately before each hearing, any unallotted time will be made available for late requests to make a presentation.

The public hearings will be held at the following locations on the dates indicated, beginning at 9:00 a.m.:

1. March 15, 1983; Denver, Colorado;
2. March 17, 1983; Phoenix, Arizona;
3. March 22, 1983; Pittsburgh, Pennsylvania; and
4. March 24, 1983; Birmingham, Alabama.

ADDRESSES: The hearings will be held at the following locations:

1. March 15, 1983
   Denver Federal Center, Building 25, Auditorium—Room B–1902, 6th Avenue & Kipling Street, Denver, Colorado 80225.
2. March 17, 1983
   Federal Building and Courthouse, Room 1013, 230 North First Avenue, Phoenix, Arizona 85025.
3. March 22, 1983
   Bureau of Mines Auditorium, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
4. March 24, 1983
   Holiday Inn Downtown—Medical Center, Birmingham Room—Second Floor, 420 South 20th Street, Birmingham, Alabama 35233.

Send requests to: Mine Safety and Health Administration; Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations and Variances, MSHA, phone (703) 235–1910.

SUPPLEMENTARY INFORMATION: On November 16, 1982, MSHA proposed revisions to its existing safety standards for the selection, use, examination and retirement of wire ropes at coal and metal and nonmetal mines (47 FR 51684). The proposed revisions would affect standards in 30 CFR Parts 55, 56, 57, 75 and 77. On January 4, 1983, the Agency published a notice extending the comment period to February 18, 1983 (48 FR 273). In total, the comment period allowed over 90 days for the submission of written comments by the public. In the comments and objections filed to the proposed rule, MSHA received requests for public hearings.

The purpose of the public hearings is to receive relevant comment and respond to questions about the proposed rule. The hearings will be conducted in an informal manner by a panel of MSHA officials. Although formal rules of evidence will not apply, the presiding official may exercise discretion in excluding irrelevant or unduly repetitious material and questions.

Each session will begin with an opening statement from MSHA. The hearing panel will be available to answer relevant questions. The public will then be given an opportunity to present oral testimony. In the discretion of the presiding official, speakers may be limited to a maximum of 20 minutes for their presentations. Time will be made available at the end of the hearing for rebuttal statements. A verbatim transcript of each proceeding will be taken and made an official part of the rulemakiang record. Copies of the hearing transcript will be available for review by the public.

MSHA will also accept additional written comments and other appropriate data from any interested party, including those not presenting oral statements. Written comments and data submitted to MSHA will be included in the rulemaking record. To allow for the submission of any post-hearing comments, the record will remain open until April 8, 1983.

The proposed rule would provide uniform protection for all miners who rely on hoists as personnel conveyances or who work in shafts where they may be endangered by the loads lifted by hoists. The proposed rule includes ten standards for the selection, use, examination and retirement of wire ropes. These ten standards would replace an incorporation by reference of the American National Standards Institute's "American National Standard for Wire Rope for Mines," ANSI M11.1, for coal mines in Subpart O of 30 CFR Parts 75 and 77 and revise existing metal and nonmetal standards for wire ropes in 30 CFR 55.19, 56.19, and 57.19.

Issues

The following section-by-section discussion summarizes many of the issues that have been raised thus far by commenters on the proposed rule.

Sections 55/56/57.19–20 and 75/77.1404 Scope.

These standards would apply to wire rope used for hoisting people or hoisting loads that could endanger the safety of people.

Several commenters believed the proposed scope statement would unduly broaden the scope of existing wire rope standards. They interpreted the scope statement to mean the standards would apply to any type of equipment which uses wire ropes to lift loads. In the January 4, 1983 extension notice (48 FR 273), MSHA clarified that the Agency "does not intend to apply the proposed standards to draglines; elevators equipped with a governor rope; or cranes used to lift materials, other than cranes used in shaft and slope sinking operations where people work below the loads lifted."

In the extension notice, MSHA also requested further comment on the appropriateness of the proposed standards to wire rope used on cranes to hoist people. One commenter responded that infrequent use of large cranes to hoist personnel (one to three times a year) should require only a visual inspection of the wire rope and attachments prior to each use.

Many commenters believed that deleting the term "man" from the existing section headings, "Man hoisting" in §§ 55/56/57.19 would broaden the scope of the standards. The Agency is considering the use of the section heading "Personnel hoisting" for the metal and nonmetal sections.

Sections 55/56/57.19–21 and 75/77.1404–1 Minimum Rope Strength.

These standards contain formulas to assure that the strenth of a wire rope is appropriate for its intended use.

Instead of the proposed safety factor of seven, one commenter stated that a safety factor of six should be adequate for calculation of the minimum rope strength for winding drum ropes less than 3000 feet in length used at surface operations. The commenter cited past experience as a rationale for adopting six.

Several commenters indicated that the proposed safety factor of ten for rotation

resistant ropes would be too stringent. These commenters stated that because of the weight of the rope itself and technological constraints on the production of high strength wire rope, the proposed factor of ten would limit the use of such rope to depths of 5,000 to 6,000 feet. In addition, these commenters stated that the proposed safety factor would necessitate a larger rope diameter that would subject the rope to greater bending and crushing forces, perhaps reducing safety. One commenter requested that MSHA define which wire ropes it considers "rotation resistant."

Sections 55/56/57.19–23 and 75/77.1404–3 Daily and Six Month Examinations.

These standards would require daily visual examination of wire ropes and their end attachments for wear, broken wires, structural damage, corrosion and adequacy of lubrication. In addition, the proposed standards would require wire rope diameter measurements or nondestructive tests at specific locations every six months.

Many commenters in the metal and nonmetal industry who currently conduct monthly examinations of their wire ropes objected to the proposed daily examination for several reasons. They stated that a close daily examination of longer ropes at the speeds necessary to notice unsafe conditions would result in unwarranted down-time. On the other hand, they stated, a more cursory examination at faster speeds would not reveal development of unsafe conditions. Most of the commenters associated with metal and nonmetal mines favored retaining the existing monthly examination requirement for these mines. A few commenters suggested an examination every seven days. One commenter stated that visual inspection of hoist ropes, at any frequency, is of limited value in determining wear.

Several commenters from throughout the mining industry believed that the six month inspection and testing requirements would be to infrequent to properly monitor rope wear. Instead, they suggested that these be performed at bi-monthly or quarterly intervals.

Sections 55/56/57.19–22 and 75/77.1404–2 Initial Operation and Measurement.

These standards would require a newly installed wire rope to be operated for at least ten cycles through its full length prior to placement in service. The cycles would be of increasing load and speed.

Several shaft and slope sinking operators stated that the proposed procedures do not recognize the difference between active mining operations and those undergoing shaft and slope construction. They indicated that it is impossible to operate a newly installed hoist rope to its full length when the shaft or slope depth is continually increasing with excavation. These commenters recommended that shaft and slope sinking operations be exempted from this proposed provision.

Some commenters stated that ten cycles may adjust a rope to working conditions, but that ten cycles would not be sufficient to set the rope for establishment of a baseline diameter. A prematurely measured baseline, they reasoned, would lead to premature retirement of a wire rope. One commenter even suggested that it takes 500 to 1000 cycles to establish a valid baseline diameter.

Another commenter questioned the practicality of increasing load and speed in each of the ten cycles.

Sections 55/56/57.19–24 and 75/77.1404–4 Retirement Criteria.

These standards contain proposed removal criteria for damaged or worn wire rope. Conditions that could necessitate rope retirement include broken wires, diameter reduction, distortion of the rope structure, deterioration from corrosion or heat damage.

Commenters in general stated that the proposed criteria are too subjective, particularly the criteria for corrosion or heat damage. These commenters stated that MSHA needs to clarify the degree of corrosion or deterioration that would lead to removal of a wire rope. Others indicated that wire breaks in the valleys between strands of a wire rope are too difficult to detect for valley breaks to be a meaningful retirement criterion. A few commenters stated that the diameter reduction criteria would not take into account deliberate oversizing of a rope for wear that would require premature retirement of such ropes.

One commenter requested that MSHA set mandatory rope retirement after a specific period of use and prohibit the reuse of any rope after removal.

Sections 55/56/57.19–25 and 75/77.1404–5 Load End Attachment.

These standards would prescribe methods of attaching conveyances to wire ropes for hoisting.

Some commenters stated that Canadian research indicates that the proposed torque values for Crosby or U-bolt clips may be too high, possibly causing severe rope distortion in some instances. These commenters proposed that MSHA investigate an alternative method of attachment using reduced torquing, installation of additional clips and a change in the method of clip installation.

Several commenters questioned the prohibition of swaged fittings. One stated that the prohibition would unnecessarily eliminate the use of wire rope slings using swaged fittings. Another stated that swaged fittings minimize rope stress concentrations.

One commenters stated that MSHA should not prohibit the use of splices on ropes of two inches or less in diameter. The commenters stated that such splices can develop a holding power of at least 80 percent of the nominal strength of the rope. Another commenter recommended that splices be allowed for endless rope applications.

Sections 55/56/57.19–26 and 75/77.1404–6 Drum End Attachment.

These standards include proposed requirements for attaching the wire rope to the drum. Thus far, there have been no significant comments on this aspect of the proposed rule.

Sections 55/56/57.19–27 and 75/77.1404–7 End Attachment Retermination.

These standards would require that damaged wire rope be cut off and the rope refastened at an attachment when there is more then one broken wire, improper installation, evidence of corrosion or indication of slippage at an attachment.

Commenters stated that the proposed criterion for corrosion is too subjective. One commenter stated that the appearance of one broken wire at the attachment point is no more serious than one broken wire at any point along the rope. However, the same commenter recommended retention of the existing periodic cut-off provisions for the metal and nonmetal industry because broken wires on the inside of strands are difficult to detect.

Sections 55/56/57.19–28 and 75/77.1404–8 End Attachment Replacement.

These standards would require the replacement of cracked, deformed or excessively worn wire rope attachments. Thus far, there have been no significant comments on this aspect of the proposed rule.

Sections 55/56/57.19–29 and 75/77.1404–9 Groove Radius.

These standards would require sheave and drum grooves that have a radius less than 0.5125 times the nominal rope diameter to be reconditioned or replaced.

One commenter stated that the proposed criterion is too difficult to judge. Another commenter

recommended deletion of the groove radius requirement, stating that a proper groove radius extends the use of a wire rope, but does not affect safety.

Other Existing Rules Affected

Commenters also raised an issue concerning the proposed revocation of the existing sheave to rope diameter (D/d) requirements in §§ 55/56/57.19–39. One commenter stated that it may be inconsistent for MSHA to propose retention of groove radius requirements and revocation of D/d requirements because both equally important.

Another commenter requested that MSHA not eliminate the bridle chain requirements in §§ 75.1403–3(b) and 77.1907(b) as proposed, but instead establish requirements for the safe installation and location of bridle chains. The same commenter objected to the proposed removal of countersigning (§§ 75.1400–4, 77.1403(b) and 77.1906(c)) and record book provisions (§ 75.1807). In addition, the commenter objected to the proposed removal of the existing rated capacity provisions in §§ 75.1401–2 and 77.1403(d)), stating that the provisions do not duplicate existing sections 75.1401 and 77.1402.

Dated: February 16, 1983.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 83-4377 Filed 2-16-83; 8:45 am]

BILLING CODE 4510-43-M

federal register

Tuesday
February 22, 1983

Part III

Department of Housing and Urban Development

Office of the Deputy Under Secretary for Field Coordination

Field Reorganization

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Deputy Under Secretary for Field Coordination

[Docket No. R-83-1205]

Authority Delegations; Proposed Filed Reorganization

AGENCY: Office of the Deputy Under Secretary for Field Coordination, HUD.

ACTION: Notice of proposed field reorganization.

SUMMARY: The Department is restructuring its field organization and reducing its field staff to: accommodate reduced resources and programmatic changes, strengthen the role of the Regional Administrators in managing Regional operations, and simplify current organizational structure to reduce overhead, duplication, and overlap. This Notice includes a cost-benefit analysis to be published in the **Federal Register** as required by Section 7(p) of the Department of Housing and Urban Development Act.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon D. Walker, Deputy Under Secretary for Field Coordination (Designate), Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-7426. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In accordance with Section 7(p) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(p), the Department of Housing and Urban Development is hereby publishing a cost-benefit analysis concerning a proposed plan to reduce staff and restructure the manner in which it administers its programs in the field.

A. Introduction and Background

The Department of Housing and Urban Development is restructuring its field organization and reducing its field staff to: accomodate reduced resources and programmatic changes, strengthen the role of the Regional Administrators in managing Regional operations, and simplify current organizational structure to reduce overhead, duplication, and overlap.

The Department is proposing these changes in response to budget constraints and to program initiatives proposed by this Administration, to produce more with fewer resources, and to eliminate waste and mismanagement.

B. Description of Proposed Changes

1. Nine Regional and nine Area Offices will be consolidated in Regional cities (Boston, New York, Philadelphia, Atlanta, Chicago, Fort Worth, Kansas City, San Francisco, and Seattle). HUD's offices in Denver are currently consolidated.

2. With the exception of the Dallas Area Office which will be consolidated with the Fort Worth Regional and Service Offices in one office in Fort Worth, all other existing field offices will remain in the same localities.

3. Existing Regional jurisdictional boundaries will be maintained to complement those of other Federal departments and agencies.

4. Service Office Supervisors will report directly to the Regional Administrators.

5. Valuation and Endorsement Stations will continue to report to their parent Area or Service Office.

6. A second Deputy Regional Administrator position will be established in seven Regions (Boston, New York, Atlanta, Chicago, Fort Worth, San Francisco, and Seattle). The second Deputy will have line operational responsibilities for the present Area Office functions of the consolidated office.

7. Outstationed personnel will be placed under the administrative supervision of the Service Office Supervisor.

8. Dual-track housing operations (where single-family and multifamily operations are currently organized separately) will be eliminated.

9. Separate Offices of Indian Programs will be maintained. However, in the San Francisco Region, the bulk of Indian program operations will be transferred to a new office in Phoenix, reporting to the Regional Administrator. An adequate staff will remain in San Francisco to provide service to Northern California Tribes.

10. A uniform organizational structure for each type of field office as shown in the attached charts will be established (see Appendix A). There are some exceptions to the uniform structure as follows: (1) Community Planning and Development (CPD), Fair Housing and Equal Opportunity (FHEO), and The Economic Market Analysis (EMAD) functions will be regionalized in the Boston Region. Toll-free access telephone lines will be provided for clients in Hartford and Manchester; (2) FHEO operations will be regionalized in the Seattle Region; (3) Labor Relations (for the establishment of Davis-Bacon wage rates) will be regionalized in the Boston, Atlanta, Kansas City, and Seattle Regions; (4) Multifamily Housing operations will be reassigned from the Nashville Service Office to the Knoxville Area Office; and (5) Environmental rehabilitation and relocation functions will be regionalized in the Atlanta Region. Other organization exceptions are shown in Appendix. B.

11. Present field office designations of "Area Office," "Service Office," and "Valuation and Endorsement Station" will be eliminated. These designations have proven to be troublesome to the Department and confusing to the HUD clientele. The title "Regional Office" will continue to be used. In the future, for example, the Buffalo Area Office would be known as the "Buffalo Office, U.S. Department of Housing and Urban Development." The title of the Regional Administrator will be changed to "Regional Administrator—Regional Housing Commissioner." The heads of all other field offices will be designated as "Manager."

12. The field staff will be reduced to reflect budgetary constraints, organization and programmatic changes, and increased efficiency and productivity.

13. Headquarters organization is not affected by this field reorganization.

C. Cost-Benefit Analysis

For purposes of computing the cost-benefit analysis, an implementation date of June 15, 1983, is assumed. However, no changes will be implemented prior to the end of the 90 day notice period. The above changes will result in a reduction of 304 full-time permanent (FTP) postions in HUD field offices from the 9,535 on board on January 22, 1983. This would be a reduction of 627 from the 9,858 estimated for September 30, 1983 in the FY 1983 Budget and would bring in line the Department's field staff to 9,231 FTPs which represents the FY 83 column of the FY 84 budget.

The costs and savings contained in the analysis are estimates based upon the assumptions described below. Actual cost savings will be affected by the current rate of attrition in field office positions and the number of employees remaining on board when, and if, reductions-in-force take place. Based on projected attrition, it is assumed that about 9,307 FTP will be on board June 15, 1983. The combination of RIF and/or attrition will result in staffing inbalances which will need to be addressed, including the filling of critical vacancies essential for the achievement of Departmental objectives in a given office.

The Department estimates that up to 115 employees will have to be separated to reach the target of 9,231 and address staffing inbalances.

1. *Cost to reorganize based on 115 separations ($5.3 million).* The costs have included one-time costs as well as estimated permanent costs for FY 1983 and 1984 (two years).

a. *One-time costs ($5.1 million).*

(1) *Personnel relocation costs ($2.0 million).* The proposed reorganization may result in approximately 200 employees being offered a transfer of function from one commuting area to another. Based on past experience, it is estimated that up to 60% of the 200 would accept offers in the new location. In addition, in the case of Dallas, approximately 180 employees live outside the Fort Worth commuting area and would, therefore be eligible for relocation reimbursement. However, based on past experience, it is estimated that only 20 employees would actually move. Based on recent data, it is estimated that relocation costs would be approximately $14,000 per employee move. Therefore, relocation costs for the 140 employees expected to move will be $2.0 million.

(60% × 200 employees + 20 employees × $14,000 = $2.0 million)

(2) *Severance costs ($1.3 million).* Severance costs were calculated as follows: Based on current experience, lump sum leave payments are expected to average $1,970 per employee. The current average salary for field employees is $27,725. Severance pay at an expected average of 17 weeks will be $9,060 per employee.

(115 employees × ($1,970 + $9,060) = $1.3 million)

(3) *Unemployment compensation payments ($0.2 million).* Unemployment compensation payments by States must be reimbursed by HUD for most employees separated from Federal Service. These payments are estimated at $111 per week for 20 weeks for each employee separated.

(115 employees × $111.00 per week × 20 weeks = $0.2 million)

(4) *Movement of furniture and equipment ($0.2 million).* Based on past experience, movement of furniture and equipment is expected to cost $1 per square foot within metropolitan areas and $2 per square foot where moves extend beyond the metropolitan area.

(273,738 sq. ft. × $1 sq. ft. = $273,736)

(5) *Space alteration costs ($1.4 million).* Consolidation of the Regional and Area Offices will require space alterations and telephone changes to accommodate the new organizational structure. Costs were derived from an estimate that half of the space would need alterations at an average cost of $5/sq. ft.

(273,738 sq. ft. × $5 sq. ft. = $1,368,690)

b. *Permanent increases in operating costs (2 year basis—$0.2 million).*

The only anticipated increase in permanent operating costs is estimated to result from some increase in travel costs related to the regionalization of certain functions. The $100,000 per year figure was arrived at based on estimates provided by each of the affected Regions.

2. *Dollar savings resulting from reorganization (2 year basis—$36.1 million).*

a. *Personnel savings (2 year basis—$34.0 million).* Personnel savings are calculated on the basis of average employment stated in terms of full-time permanent work years. The savings as a result of the reorganization, based on reductions from levels shown in the FY 1983 Budget, would be as follows:

1983: 505 FTP work-years × $30,000 average salary and benefits	−$15.2M
1984: 627 FPT work-years × $30,000 average salary and benefits	−$18.8M
Total	$34.0M

The fiscal year 1983 budget had estimated a utilization of 9,858 FTP work years for the fiscal year. The proposed reorganization and cost-benefit analysis assume that reductions will be accomplished by June 15, 1983, bringing the field office total to 9,231 FTP. This would result in utilization for the fiscal year of 9,353 work years, or a reduction of 505 FTP work years from the budget. Based on current average field office salaries and benefits of $30,000, this would result in savings of $15.2 million for fiscal year 1983.

b. *Space savings (2 year basis—$2.1 million).* The release of excess space will result in substantial space savings to the Department from that currently occupied. The savings were derived as follows:

(627 employees × 160 sq. ft. per employee × $10.60 per sq. ft. × 2 years = $2.1 million)

The amount and cost per square foot of space per employee are current field averages.

3. *Net savings (2 year basis—$30.8 million).* The one-time cost to reorganize and recurring costs for the first two years of $5.3 million are offset by dollar savings resulting from the reorganization and reduced staff over the first two years of $36.1 million, resulting in a net savings of $30.8 million as a result of the proposed reorganization and reduced staff.

4. *Impact on local economies.* The ranges of employment ceilings for HUD offices in the new structure (see Appendix C) are estimates developed for purposes of organizational planning, based on projections of workload and allocations of staff in relation to workload. These estimates will be refined as more detailed budget and personnel planning for the new structure are completed. It is expected, however, that the subsequent refinements will not be of a magnitude that will affect judgments on the impact of the reorganization.

The proposed reorganization will have no measurable impact on any single locality. As Appendix C indicates, the magnitude of movement of staff from location to location in relation to the size of affected communities is insignificant in terms of its possible impact on housing markets, schools, public services, tax bases, employment, and traffic congestion. The impact on localilties as a percentage of total population is small. The largest single impact in terms of number of affected employees is in Dallas, Texas where 237 employees will be transferred to Fort Worth. However, of the employees currently working in the Dallas Area Office, approximately 180 live in the Dallas area and of that number it is not anticipated that more than 20 will move from their current residence as a result of this action.

5. *Impact on the quality of services.* No changes that would impact on clients are being made in 36 percent of the Department's 80 field offices. The impact of the reorganization on the quality and level of service provided to the Department's affected clients will be minimal. In the affected Regional cities, no changes in normal processing are anticipated and appeals should be processed more quickly through the elimination of the Area Manager level.

Service to those localities currently provided through HUD Service Offices will not be affected with respect to normal processing and processing of appeals will be improved through the elimination of the Area Office level.

In the case of Dallas/Fort Worth, relocation of the Dallas Area Office by approximately 35 miles will not significantly affect service to HUD clients.

In the case of moving Indian program staff from San Francisco to Phoenix, service to program clients will not diminish since the bulk of the workload is closer to Phoenix (many of the staff are already located in Phoenix). Service to northern California Indian tribes will not diminish since an adequate staff to

provide for them will remain in San Francisco.

The regionalization of CPD, FHEO, Labor Relations, and environmental functions in some localities will have a minor impact on clients. With respect to the regionalization of CPD in the Boston Region, any impact in Hartford will be mitigated by the transfer of the small cities program to the State and changes to the existing Community Development Block Grant (CDBG) program will further reduce the need for direct access between localities and HUD CPD staff throughout the Region. Also, some CPD staff will remain outstationed in the Hartford and Manchester Offices.

(Secs. 7(p) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(p))

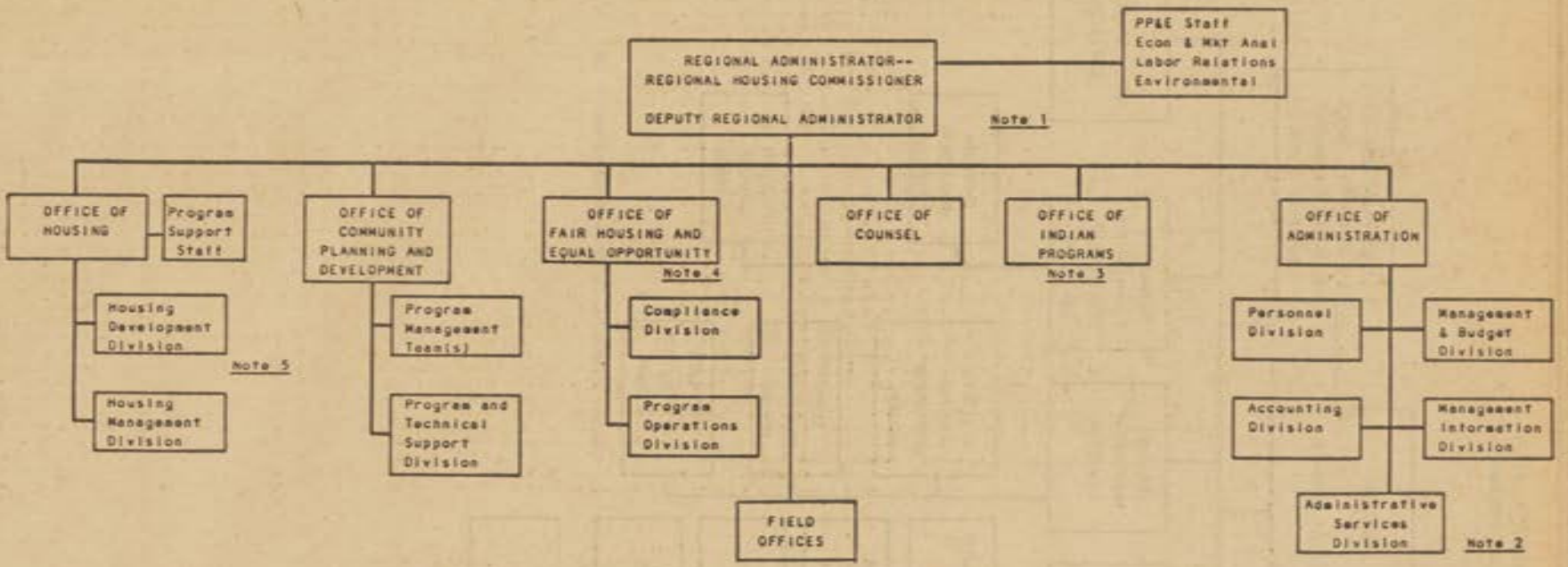
Dated: February 15, 1983.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

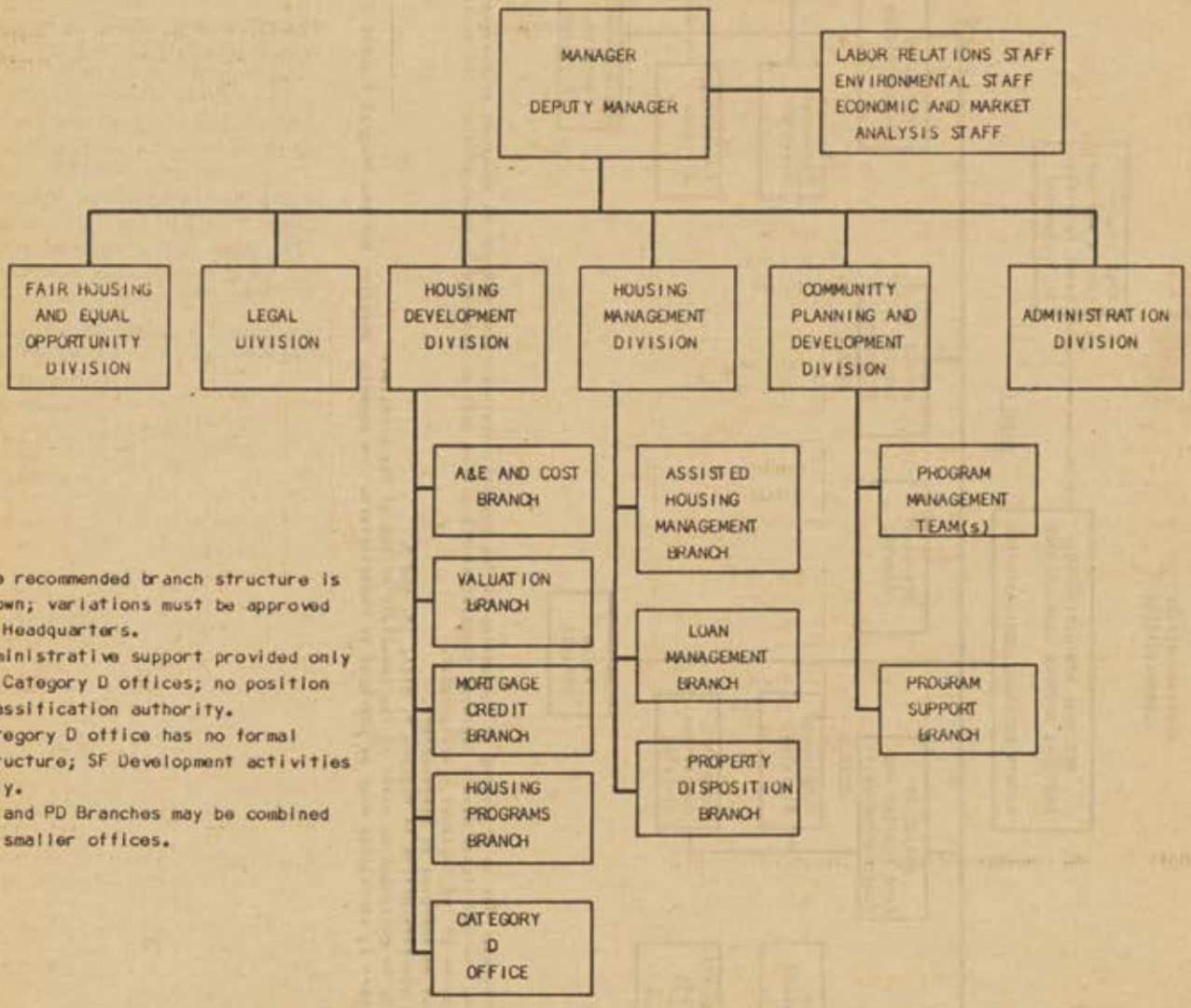
BILLING CODE 4210-01-M

REGIONAL OFFICE
(CONSOLIDATED)



1. The Immediate Office of the Regional Administrator may be organized at the option of the Regional Administrator subject to approval by Headquarters, and no function may be reassigned to other offices. An additional Deputy Regional Administrator position must be approved by Headquarters. The environmental function may be placed in CPD at the discretion of the Regional Administrator.
2. Recommended structure shown; variations must be approved by Headquarters.
3. Office of Indian Programs established as a separate office in Regions V, VIII, IX, and X.
4. The management liaison functions continue to be performed by staff in the immediate office of the Director.
5. Recommended branch structure is shown on Chart 2; variations must be approved by Headquarters. No Director position for the Program Support Staff.

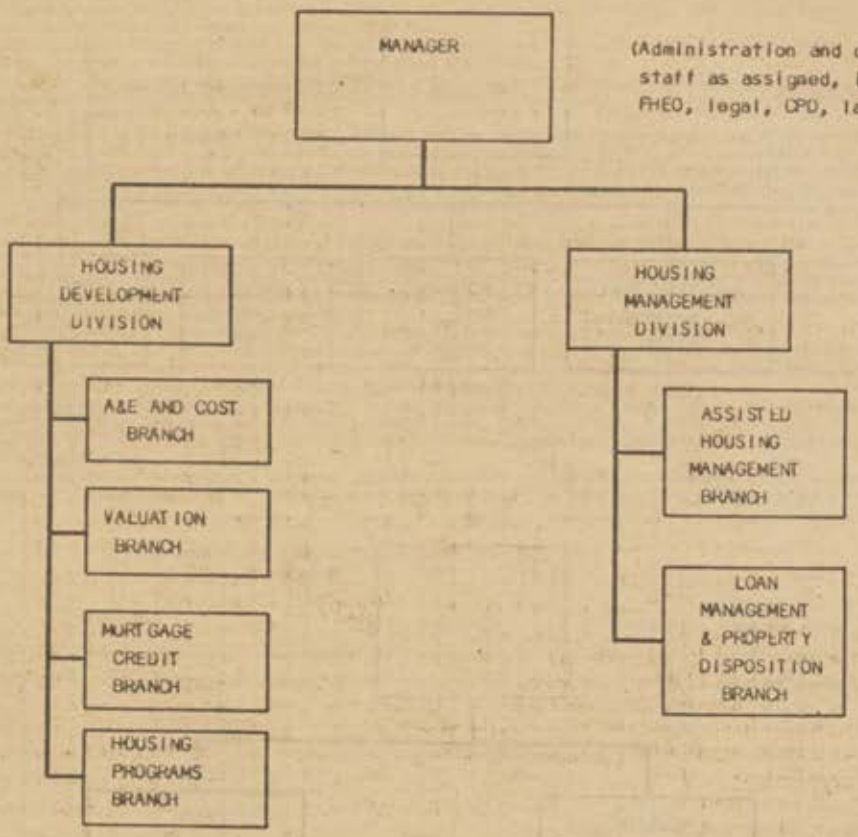
CATEGORY A OFFICE
(ALL PROGRAMS)



NOTES:

1. The recommended branch structure is shown; variations must be approved by Headquarters.
2. Administrative support provided only to Category D offices; no position classification authority.
3. Category D office has no formal structure; SF Development activities only.
4. LM and PD Branches may be combined in smaller offices.

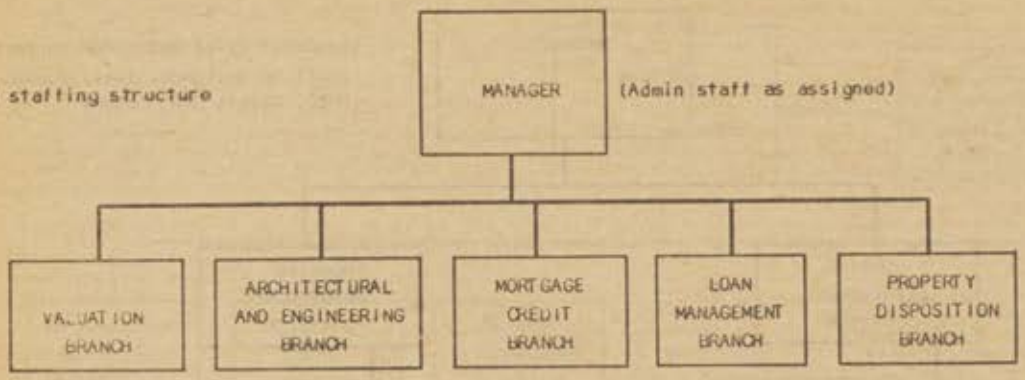
CATEGORY B OFFICE
(ALL HOUSING PROGRAMS)



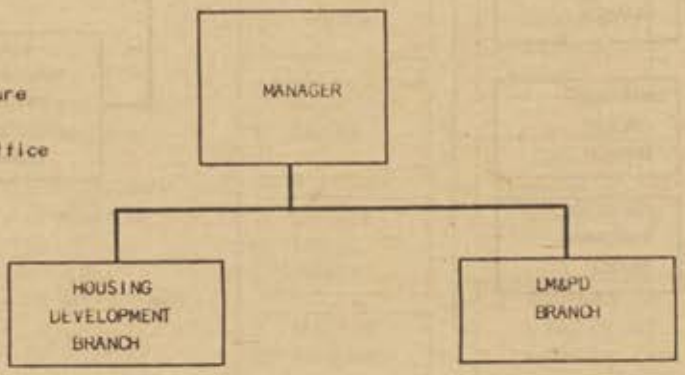
Note 1: The recommended branch structure is shown; variations must be approved by Headquarters.

CATEGORY C OFFICE
(ALL S/F HOUSING PROGRAMS)

Full staffing structure



Minimum staffing structure
(Based on criteria in Handbook 1171.1, Area Office Organization)



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Appendix B—Summary of Organizational Changes

Region	Type of Change
I. Boston	A second Deputy Regional Administrator is authorized. All programmatic functions of CPD, FHEO, Labor Relations, and EMAD are regionalized, except that a CPD presence may be maintained in Hartford and Manchester. The Manchester and Providence Offices report to the Regional Administrator. The status of the Hartford Office is changed to a Category "B" Office.
II. New York	The dual-track Housing structure in the New York, Newark, and Caribbean Offices is changed to single-track. A second Deputy Regional Administrator is authorized. The Albany and Camden Offices report to the Regional Administrator.
III. Philadelphia	The Office of Administration in the Regional Office consists of a Personnel Division, an Accounting Division with budget functions, and a Management Systems and Services Division. The Charleston Office reports to the Regional Administrator. The dual-track Housing structure in the Philadelphia Office is changed to single-track.
IV. Atlanta	All Labor Relations, Environmental, rehabilitation, and Relocation functions are regionalized. The regionalization of the Labor Relations function is on an experimental, prototype basis to be evaluated at the end of a year. Multifamily Housing functions are reassigned from Nashville to Knoxville. The Coral Gables, Orlando, Tampa, Nashville, and Memphis Offices report to the Regional Administrator. The dual-track Housing structure in the Atlanta Office is changed to single-track. A second Deputy Regional Administrator is authorized. The Office of CPD in the Regional Office consists of a Management and Special Programs Division, an Operations Division, and a Technical Assistance Division.
V. Chicago	A second Deputy Regional Administrator is authorized. The dual-track Housing structure in the Chicago, Detroit, and Minneapolis-St. Paul Offices is changed to single-track. The Cleveland, Cincinnati, Flint, and Grand Rapids Offices report to the Regional Administrator.
VI. Fort Worth	A second Deputy Regional Administrator is authorized. The Dallas and Fort Worth Offices will be consolidated into the Fort Worth Regional Office. The Office of Administration in the Regional Office consists of a Personnel Division, an Administrative Services Division, a Management Information Division, and a Comptroller Division consisting of accounting, management, and budget functions. The Houston, Lubbock, Albuquerque, Shreveport, and Tulsa Offices report to the Regional Administrator.
VII. Kansas City	All Labor Relations functions are regionalized. The Des Moines Office reports to the Regional Administrator.
VIII. Denver	The Helena and Salt Lake City Offices report to the Regional Administrator. The dual-track Housing structure in the Denver Office is changed to single-track. The Office of Administration consists of a Personnel Division, an Administrative Services Division, an Accounting Division, and a Management Division consisting of a management information, management, and budget functions.
IX. San Francisco	A second Deputy Regional Administrator is authorized. The dual-track Housing structure in the Los Angeles, San Francisco, and Sacramento Offices is changed to single-track. The Santa Ana, San Diego, Phoenix, Tucson, Fresno, Las Vegas, Reno, and Sacramento Offices report to the Regional Administrator. The Office of Indian Housing functions of the San Francisco Office will be located in the Phoenix Office except for a staff to service the Northern California tribes.
X. Seattle	A second Deputy Regional Administrator is authorized. All programmatic functions of FHEO and Labor Relations are regionalized, except that a Labor Relations and FHEO presence may be maintained in the Anchorage Office. The Boise and Spokane Offices report to the Regional Administrator.

Appendix C—HUD Staffing Impact on Localities

HUD office	On-board, Jan. 22, 1983	Proposed ceiling	Change	Local population 1980 census
I. Boston Regional Totals	527	515	−12	
Boston Consolidated Office	330	327	−3	562,994
Hartford AO	110	83	−27	136,392
Manchester SO	48	62	+14	90,936
Providence SO	35	39	+4	156,804
Bangor V&E	2	2		31,643
Burlington V&E	2	2		37,712
II. New York Regional Totals	4,092	1,056	−36	
New York Consolidated Office	481	478	−3	7,071,030
Buffalo AO	182	169	−13	357,870
Caribbean AO	148	138	−10	434,849
Newark AO	216	209	−7	329,248
Albany SO	18	16	−2	101,727
Camden SO	47	46	−1	84,910
III. Philadelphia Regional Totals	949	900	−49	
Philadelphia Consolidated Office	367	338	−29	1,688,210
Baltimore AO	138	126	−12	786,775
Pittsburgh AO	155	139	−16	423,938
Richmond AO	124	123	−1	219,214
Washington, D.C. AO	123	126	+3	637,651
Charleston SO	39	45	+6	83,968
Wilmington V&E	3	3		70,195
IV. Atlanta Regional Totals	1,606	1,538	−68	
Atlanta Consolidated Office	404	419	+15	425,022
Birmingham AO	155	143	−12	284,413
Columbia AO	137	120	−17	99,296
Greensboro AO	177	170	−7	155,642
Jackson AO	117	105	−12	202,895
Jacksonville AO	168	162	−6	540,898
Knoxville AO	125	135	+10	183,139
Louisville AO	146	136	−10	298,451
Coral Gables SO	41	40	−1	43,241
Memphis SO	29	25	−4	646,356
Nashville SO	63	24	−39	455,651
Orlando SO	16	19	+3	128,394
Tampa SO	28	40	+12	271,523
V. Chicago Regional Totals	1,775	1,785	+10	
Chicago Consolidated Office	513	527	+14	3,005,072
Columbus AO	187	179	−8	564,871
Detroit AO	316	307	−9	1,203,339

APPENDIX C—HUD STAFFING IMPACT ON LOCALITIES—Continued

HUD office	On-board, Jan. 22, 1983	Proposed ceiling	Change	Local population 1980 census
Indianapolis AO	181	173	−8	700,807
Milwaukee AO	143	139	−4	636,212
Minn/St. Paul AO	172	176	+4	641,181
Cincinnati SO	71	78	+7	385,457
Cleveland SO	102	116	+14	573,822
Flint SO	13	12	−1	159,611
Grand Rapids SO	71	72	+1	181,843
Springfield V&E	6	6		99,637
VI. Fort Worth Regional Totals	1,043	1,008	−35	
Fort Worth Consolidated Office	143	384	−19	1,289,219
Fort Worth SO	23			
Dallas AO	237			
Little Rock AO	95	97	+2	158,461
New Orleans AO	127	119	−8	557,482
Oklahoma City AO	127	129	+2	403,213
San Antonio AO	122	116	−6	785,410
Albuquerque SO	17	14	−3	331,767
Houston SO	88	96	+8	1,594,066
Lubbock SO	24	19	−5	173,979
Shreveport SO	20	16	−4	205,815
Tulsa SO	20	18	−2	360,919
VII. Kansas City Regional Totals	587	540	−47	
Kansas City Consolidated Office	275	257	−18	448,159
Omaha AO	118	99	−19	311,681
St. Louis AO	129	119	−10	453,085
Des Moines SO	60	60		191,003
Topeka V&E	5	5		115,266
VIII. Denver Regional Totals	421	395	−26	
Denver Consolidated Office	353	326	−27	491,396
Helena SO	16	16		23,938
Salt Lake City SO	29	29	+1	163,033
Casper V&E	8	8		51,016
Fargo V&E	7	7		61,308
Sioux Falls V&E	8	9		81,343
IX. San Francisco Regional Totals	1,097	1,080	−17	
San Francisco Consolidated Office	456	357	−99	678,974
Honolulu AO	43	39	−4	365,114
Los Angeles AO	295	283	−12	2,966,763
Fresno SO	25	32	+7	218,202
Las Vegas SO	20	34	+14	164,674
Phoenix SO	72	145	+73	764,911
Reno SO	7	8	+1	100,756
Sacramento SO	95	91	−4	275,741
San Diego SO	25	32	+7	875,504
Santa Ana SO	51	45	−6	203,713
Tucson SO	8	14	+6	330,537
X. Seattle Regional Totals	438	414	−24	
Seattle Consolidated Office	242	230	−12	493,846
Anchorage AO	52	48	−4	173,017
Portland AO	114	101	−13	366,383
Boise SO	14	15	+1	102,451
Spokane SO	16	20	+4	171,300
Total field	9,535	9,231	−304	

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Listing of Public Laws

Last Listing February 18, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.J. Res. 60/Pub. L. 98–2 To direct the President to issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day". (Feb. 16, 1983; 97 Stat. 5) Price: $1.75.