3-17-83
Vol. 48 No. 53
Pages 11247-11398

federal register

Thursday
March 17, 1983

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Aircraft
Federal Aviation Administration

Anchorage Grounds
Coast Guard

Aviation Safety
Federal Aviation Administration

Banks, Banking
Federal Reserve System
Fiscal Service

Bridges
Coast Guard

Fisheries
National Oceanic and Atmospheric Administration

Freedom of Information
Environmental Protection Agency

Hazardous Materials
Environmental Protection Agency

Income Taxes
Internal Revenue Service

Marine Safety
Coast Guard

Marketing Agreements
Agricultural Marketing Service

Milk Marketing Orders
Agricultural Marketing Service

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

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

Selected Subjects

Natural Gas
Federal Energy Regulatory Commission

Navigation (Water)
Coast Guard

Price Support Programs
Commodity Credit Corporation

Railroads
Federal Railroad Administration
Urban Mass Transportation Administration

Rye
Federal Grain Inspection Service

Television Broadcasting
Federal Communications Commission

Toys
Consumer Product Safety Commission

Contents

Federal Register
Vol. 48, No. 53
Thursday, March 17, 1983

The President
PROCLAMATIONS
11247 Loyalty Day (Proc. 5032)

Executive Agencies

Agricultural Marketing Service
RULES
11249 Almonds grown in Calif.
Milk marketing orders:
11251 Southern Illinois
11252 Southern Michigan
11249 Oranges (navel) grown in Ariz. and Calif.
PROPOSED RULES
11276 Oranges (navel) and (Valencia) grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Commodity Credit Corporation; Federal Grain Inspection Service.

Air Force Department
NOTICES
Meetings:
11311 Scientific Advisory Board

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Committees; establishment, renewals, terminations, etc.:
11335 Life Course and Prevention Research Review Committee et al.

Arts and Humanities, National Foundation
NOTICES
Meetings:
11357 Design Arts Advisory Panel
11357 Media Arts Advisory Panel

Centers for Disease Control
NOTICES
Grants and cooperative agreements:
11336 Tuberculosis control programs; correction

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
11305 Illinois
11305 Nebraska
11305 Vermont

Coast Guard
RULES
Anchorage regulations:
11269 Louisiana
11268 Wisconsin, correction
Drawbridge operations:
11269 Maine
Navigation aids:
11266 Marking of structures, sunken vessels, and other obstructions
Regattas and marine parades; safety of life:
11268 NJBA Regatta, Colorado River
PROPOSED RULES
Anchorage regulations:
11301 Michigan; cancellation
Regattas and marine parades; safety of life:
11300 Great Kennebec River Whatever Race
NOTICES
Committees; establishment, renewals, terminations, etc.:
11366 Chemical Transportation Advisory Committee; request for applications for membership
11365 Seamen aboard vessels inspected and certificated, occupational safety and health; memorandum of understanding with OSHA

Commerce Department
See International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration; National Technical Information Service.

Commodity Credit Corporation
RULES
Loan and purchase programs:
11253 Milk price support program

Consumer Product Safety Commission
PROPOSED RULES
11289 Toy chests; requirements to address strangulation risk
NOTICES
11311 Agency forms submitted to OMB for review

Defense Department
See Air Force Department; Defense Intelligence Agency; Navy Department.

Defense Intelligence Agency
NOTICES
11311 Privacy Act; systems of records

Economic Regulatory Administration
NOTICES
Powerplant and industrial fuel use; electric utility conservation:
11312 Plan receipts; approval
Remedial orders:
11312 Hudson Oil Co.

Energy Department
See Economic Regulatory Administration; Energy Information Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.

Energy Information Administration
NOTICES
11313 Agency forms submitted to OMB for review

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
11271 Oregon
11270 Freedom of Information Act; implementation
PROPOSED RULES
Hazardous waste programs; interim authorizations; State programs:
11301 Missouri
Pesticide programs:
11302 Data requirements for registration; comment period reopened
NOTICES
11333 Pesticide registration guidelines; availability
Toxic and Hazardous substances control:
11333 Premanufacture notification requirements; test marketing exemption approvals

Federal Aviation Administration
RULES
Aircraft registration:
11390 Rotorcraft; location and size of identification marks
PROPOSED RULES
11285-11287 VOR Federal airways (3 documents)
11288 VOR Federal airways and jet routes

Federal Communications Commission
PROPOSED RULES
Television stations; table of assignments:
11302 Alaska

Federal Deposit Insurance Corporation
NOTICES
11371, 11372 Meetings; Sunshine Act (5 documents)

Federal Election Commission
NOTICES
11373 Meetings; Sunshine Act

Federal Energy Regulatory Commission
PROPOSED RULES
Natural Gas Policy Act; ceiling prices for high cost natural gas produced from tight formations; various States:
11299 Texas
NOTICES
Hearings, etc.:
11314 Alabama Power Co.
11315 Cleveland Electric Illuminating Co. (2 documents)
11315 Empire District Electric Co. (2 documents)
11316 Glenn-Colusa Irrigation District
11316, 11317 Idaho Power Co. (2 documents)
11316 Locke, Frank R.
11318 Public Service Commission of New York
11319 Public Service Co. of Indiana
11314 Sears, C. Frederick
11319 Sierra Pacific Power Co.
11330 Southern Natural Gas Co.
11330 Tennessee Gas Pipeline Co.
11330 United Gas Pipe Line Co.
11331 Upper Peninsula Power Co.
11331 Washington Water Power Co.
Natural Gas Policy Act:
11320, 11325 Jurisdictional agency determinations (2 documents)
Small power production and cogeneration facilities; qualifying status; certification applications, etc.:
11314 Boone Valley Cooperative Processing Association
11317 Pacific Wind Systems

Federal Grain Inspection Service
PROPOSED RULES
11276 Rye; standards; review of existing regulations

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
11366 Travis and Williamson Counties, Tex.; intent to prepare

Federal Maritime Commission
NOTICES
Complaints filed:
11334 Prudential Lines, Inc., et al.
11373 Meetings; Sunshine Act

Federal Railroad Administration
RULES
11272 Conrail commuter service operations; transfer

Federal Reserve System
RULES
Interest on deposits (Regulation Q):
11255 Early withdrawal penalty; temporary suspension; California
NOTICES
Applications, etc.:
11334 Middle States Bancorporation, Inc.
11335 Skylake Bankshares, Inc.
Bank holding companies; proposed de novo nonbank activities:
11334 Northwest Bancorporation et al.
11373 Meetings; Sunshine Act (2 documents)

Federal Trade Commission
NOTICES
11335 Premerger notification waiting periods; early terminations

Fiscal Service
RULES
Checks drawn on U.S. Treasury:
11261 Reclamation authority; offset requirements; temporary

Health and Human Services Department
See Alcohol, Drug Abuse, and Mental Health Administration; Centers for Disease Control; Human Development Services Office; National Institutes of Health; Public Health Service.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
11331 Decisions and orders

Human Development Services Office
NOTICES
Grant applications and proposals; closing dates:
11394 Runaway and homeless youth program

Interior Department
See also Land Management Bureau; Minerals Management Service; Mines Bureau.
NOTICES
11346 Wilderness inventory decisions; Colorado

Internal Revenue Service
RULES
Income taxes:
11256 Thrift institutions filing consolidated returns; bad debt deduction

International Trade Administration
NOTICES
Countervailing duties:
11305 Fireplace mesh panels from Taiwan
11307 Float glass from Belgium; revocation
11308 Sugar content of certain articles from Australia
11307 Export profiles, worldwide, for U.S. exporters marketing their products overseas; inquiry

Interstate Commerce Commission
NOTICES
Motor carriers:
11354 Holding companies; removal of extraordinary financial conditions; final policy statement
11349 Permanent authority applications
11348 Permanent authority applications; restriction removals
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
11354 Russ Transport, Inc., et al.
11348 Petitions, applications, finance matters (including temporary authorities), alternate route deviations, intrastate applications, gateways, and pack and crate
Rail carriers; contract tariff exemptions:
11355 Norfolk & Western Railway Co. et al.
Railroad operation, acquisition, construction, etc.:
11356 Illinois Central Gulf Railroad Co.; abandonment exemption

Justice Department
NOTICES
11356 Agency forms submitted to OMB for review

Labor Department
See Occupational Safety and Health Administration.

Land Management Bureau
NOTICES
Airport leases:
11342 Wyoming
Exchange of public lands for private land:
11339 Oregon
11341 Utah
Leasing of public lands:
11339 Montana
Meetings:
11343 Bakersfield District Advisory Council
11338 Carson City District Advisory Council
11337 Casper District Advisory Council
11337 Eugene District Advisory Council
11337 Phoenix/Lower Gila Resource Areas Grazing Advisory Board; correction
Motor vehicles, off-road, etc.; area closures and openings:
11343, 11344 California (2 documents)
Sale of public lands:
11337 New Mexico
11340 Oregon
11341 Wyoming
Survey plat filings:
11338, 11343, 11344 Minnesota (6 documents)

Minerals Management Service
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
11346 General American Oil Co. of Texas
11345 Superior Oil Co.
11346 Union Oil Co. of California

Mines Bureau
NOTICES
11345 Agency forms submitted to OMB for review

National Aeronautics and Space Administration
NOTICES
Meetings:
11357 Aeronautics Advisory Committee

National Bureau of Standards
NOTICES
Meetings:
11309 International Legal Metrology Advisory Committee

National Highway Traffic Safety Administration
PROPOSED RULES
Motor vehicle safety standards:
11303 Passenger cars; fuel system integrity evaluation report; extension of time

National Institutes of Health
NOTICES
Meetings:
11336 President's Cancer Panel
11336 Pulmonary Diseases Advisory Committee

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
11274 Tanner crab off Alaska; closure
PROPOSED RULES
Fishery conservation and management:
11304 Swordfish; South Atlantic, Gulf of Mexico, Caribbean, New England, and Mid-Atlantic Fishery Management Councils; hearings
NOTICES
Marine mammal permit applications, etc.:
11310 Kelly, Dennis
11310 Sea World, Inc.
11309 Southwest Fisheries Center

National Technical Information Service
NOTICES
Patent licenses, exclusive:
11310 Evergreen Scientific Co.
11310 Unlimited Pegasus, Inc.

National Transportation Safety Board
NOTICES
11360 Accident reports, safety recommendations, and responses, etc.; availability

Navy Department
NOTICES
11312 Privacy Act; systems of records

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
11357 Connecticut Yankee Atomic Power Co.
11358 Consumers Power Co.
11358 Louisiana Power & Light Co.
11358 Pennsylvania Power & Light Co. et al.
11358 Philadelphia Electric Co.
11359 Public Service Co. of Colorado
11359 Southern California Edison Co. et al.
11360 Export and import license applications for nuclear facilities or materials (Exxon Nuclear Co. et al.)
11373 Meetings; Sunshine Act
11360 Regulatory guides; issuance, availability, and withdrawal
Safety analysis and evaluation reports; availability, etc.:
11359 Public Service Co. of New Hampshire et al.

Occupational Safety and Health Administration
NOTICES
11365 Seamen aboard vessels inspected and certificated by Coast Guard, occupational safety and health; memorandum of understanding with Coast Guard

Public Health Service
NOTICES
Organization, functions, and authority delegations:
11336, 11337 Health Resources and Services Administrator (2 documents)

Railroad Retirement Board
NOTICES
11363 General fund borrowing authority in FY 1983; over fifty percent; report to President and Congress
11374 Meetings; Sunshine Act

Research and Special Programs Administration
NOTICES
Hazardous materials:
11367 Applications; exemptions, renewals, etc.

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration; Urban Mass Transportation Administration

Treasury Department
See Fiscal Service; Internal Revenue Service.

Urban Mass Transportation Administration
RULES
11272 Conrail commuter service operations; transfer

Separate Parts in This Issue

Part II
11390 Department of Transportation, Federal Aviation Administration

Part III
11394 Department of Health and Human Services, Human Development Services Office

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations:
5032 11247

7 CFR
907 11249
981 11249
1032 11251
1040 11252
1430 11253
Proposed Rules:
810 11276
907 11276
908 11276

12 CFR
217 11255

14 CFR
45 11390
Proposed Rules:
71 (4 documents) 11285–11288
75 11288

16 CFR
Proposed Rules:
1500 11289
1513 11289

18 CFR
Proposed Rules:
27 11299

26 CFR
1 11256

31 CFR
240 11261

33 CFR
64 11266
66 11266
100 11268
110 (2 documents) 11268, 11269
117 11269
Proposed Rules:
100 11300
110 11301

40 CFR
2 11270
52 11271
Proposed Rules:
123 11301
158 11302

47 CFR
Proposed Rules:
73 11302

49 CFR
670 11272
Proposed Rules:
571 11303

50 CFR
671 11274
Proposed Rules:
630 11304

Federal Register
Vol. 48, No. 53
Thursday, March 17, 1983

Presidential Documents

Title 3—

The President

Proclamation 5032 of March 15, 1983

Loyalty Day, 1983

By the President of the United States of America

A Proclamation

It was once written that America is great because it is good, and if America ever ceases to be good, America will cease to be great. So long as Americans remain faithful—in deeds as well as thought—to the ideals embodied in our Constitution and furthered in our free institutions, our Nation's greatness will flourish.

Americans have fought, and many have died, to preserve the blessings of liberty in this fair land. Each of us has the opportunity to honor these sacrifices and to renew our commitment to American ideals as we go about our daily lives. When we participate in a free election, extend a helping hand to a neighbor, live responsible and productive lives, or teach a child through our own actions that all people are equal under the law, we manifest our allegiance to this great country.

We must never take our precious freedoms for granted. Rather, from time to time we must rededicate ourselves to the magnificent ideals of our great democracy—liberty, justice, and dignity for all mankind.

For this purpose, the Congress, by joint resolution approved July 18, 1958 (72 Stat. 369; 36 U.S.C. 162), has designated May 1 of each year as Loyalty Day, a day for reflection upon our national institutions, our heritage of freedom, and what it means to be an American.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Sunday, May 1, 1983, as Loyalty Day and call upon all Americans and patriotic, civic, and educational organizations to observe that day with appropriate ceremonies.

I call upon all government officials to display the flag of the United States on all Government buildings and grounds on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-7211
Filed 3-16-83; 11:21 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 48, No. 53
Thursday, March 17, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 570; Navel Orange Reg. 569, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 18–24, 1983, and increases, the quantity of such oranges that may be so shipped during the period March 11–17, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective March 18, 1983, and the amendment is effective for the period March 11–17, 1983.

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

SUPPLEMENTARY INFORMATION:

Findings.

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

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

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on March 15, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is improved.

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

List of Subjects in 7 CFR Part 907

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

PART 907—[AMENDED]

1. Section 907.870 is added as follows:

§ 907.870 Navel orange regulation 570.

The quantities of navel oranges grown in California and Arizona which may be handled during the period March 18, 1983 through March 24, 1983, are established as follows:

(1) District 1: 1,750,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

2. Section 907.869 Navel Orange Regulation 569 (48 FR 10037), is hereby revised to read:

§ 907.869 Navel orange regulation 569.

* * * * *

(1) District 1: 1,750,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

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

Dated: March 16, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-7238 Filed 3-16-83; 1:14 pm]

BILLING CODE 3410-02-M

7 CFR Part 981

Handling of Almonds Grown in California; Administrative Rules and Regulations Governing Almond Butter and Crediting for Marketing Promotion

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the almond butter and creditable marketing promotion provisions of the administrative rules and regulations established under the Federal marketing order for California almonds to: (1) Liberalize the definition of "almond butter" as it applies to the disposition of reserve almonds and (2) require handlers who wish to receive credit against their assessment obligations for the distribution of sample packages of almonds to obtain approval from the Almond Board of California prior to such distribution. These changes are made in response to changing industry needs and to improve order operation.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it will result in only minimal costs being incurred by the regulated 33 handlers.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register**. The change in the definition of "almond butter" will relax restrictions on handlers, and handlers should have the opportunity to utilize that increased flexibility as soon as possible.

The change in the creditable marketing promotion provisions is designed as a notice to handlers that distribution of sample packages to certain market segments is not eligible for credit against assessment obligations. The Almond Board of California should have the opportunity to implement this safeguard as soon as possible.

Notice of this action was published in the February 7, 1983, issue of the **Federal Register** (48 FR 5569), and interested persons were afforded an opportunity to submit written comments. No comments were received.

This final rule revises §§ 981.466 and 981.441(d)(1)(i)(D) of Subpart—Administrative Rules and Regulations (7 CFR Part 981.401-981.474; 47 FR 25001; 40783). This subpart is issued under the marketing agreement and Order No. 981 (7 CFR 981), both as amended, regulating the handling of almonds grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based on two unanimous recommendations of the Almond Board of California, hereinafter referred to as the "Board," which works with USDA in administering the order.

Section 981.466 stipulates the specifications for almond butter as used in § 981.66(c) as an outlet for the disposition of reserve almonds. Section 981.466 currently defines "almond butter" as a "comminuted food product prepared by grinding shelled almonds into a homogeneous plastic or semiplastic mass or liquid having very few particles larger than 1/16 inch in any dimension."

Recently, the Board launched a new program to use reserve almonds to expand the almond butter market. The Board hopes to expand almond butter consumption to absorb a large quantity of almonds in the face of anticipated larger crops. To meet this goal, new almond butter products must be developed which can compete with peanut butter. Thus, the following two changes in the current definition of "almond butter" should be made to encourage the development of such new products.

First, the words "or blanched" should be added after the word "shelled" to allow for an almond butter made from blanched almonds. Recent research has shown that unflavored, blanched, roasted almond butter is preferred over almond butter made from other almond forms. While "blanched almonds" may be construed to be a type of "shelled almonds," the industry defines "blanched almonds" and "shelled almonds" as two distinct products. Thus, the additional language is added for clarification.

The second change provides for a chunky style almond butter containing almond chunks or pieces up to a maximum of 25 percent by weight of the finished product. The size of the individual almond pieces used to make this chunky style almond butter could not exceed 5/16 inch in any dimension. While the current definition allows for a chunky style almond butter "having very few particles larger than 1/16 inch in any dimension," the Board believes that this definition is too strict in light of current standards for chunky style peanut butter. The change will encourage the development of chunky style almond butter products which can compete with chunky style peanut butter.

Section 981.441(d)(1)(i) stipulates the conditions under which handlers may receive credit against their pro rata expense assessment obligations for the distribution of sample packages containing one-half ounce or less of almonds to charitable or educational outlets. Section 981.441(d)(1)(i)(D) specifies that credit shall not be granted for sample packages distributed to market segments where almonds are already being sold, and that "handlers should obtain approval from the Board prior to distribution to ensure that this condition is met."

This final rule also revises § 981.441(d)(1)(i)(D) by changing "should" to "shall", thereby making Board approval a mandatory requirement. This change is to put handlers on notice that they cannot receive credit against their asssessment obligations for the distribution of sample packages to market segments where almonds are already being sold.

After consideration of all relevant matter presented, including that in the notice, the Board's recommendation, and other available information, it is further found that to revise §§ 981.466 and 981.441(d)(1)(i)(D) will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 981

Marketing agreements and orders, Almonds, and California.

PART 981—[AMENDED]

Therefore, §§ 981.466 and 981.441(d)(1)(i)(D) of Subpart—Administrative Rules and Regulations are revised as follows:

1. Section 981.466 is revised to read as follows:

§ 981.466 Almond butter.

Almond butter as used in § 981.66(c) is hereby defined as a comminuted food product prepared by grinding shelled or blanched almonds into a homogeneous plastic or semiplastic mass or liquid having very few particles larger than 1/16 inch in any dimension. To produce chunky style almond butter, almond chunks or pieces may be added up to a maximum of 25 percent by weight of the finished product. The size of the almond pieces used to make chunky style almond butter may not exceed 5/16 inch in any dimension.

2. Section 981.441(d)(1)(i)(D) is revised to read as follows:

§ 981.441 Crediting for marketing promotion including paid advertising.

* * * * *

(d) * * *

(1) * * *

(i) * * *

(D) No credit shall be granted for sample packages distributed to market segments where almonds are already being sold. Handlers shall obtain approval from the Board prior to distribution to ensure that this condition is met.

* * * * *

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

Dated: March 11, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83-6882 Filed 3-16-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1032

[Milk Order No. 32]

Milk in the Southern Illinois Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to nonpool plants and still be priced under the order. The suspension removes the limits on such movements of milk during the months of March through August 1983. The action was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for dairy farmers regularly associated with the market. A seasonal increase in milk production and a reduction in the fluid milk requirements of pool distributing plants supplied by the cooperative association prompted the request.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Proposed Suspension: issued February 18, 1983; published February 24, 1983 (48 FR 7745).

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

It has been determined that the 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. The initial request for this action was received on February 14, 1983. A notice of proposed suspension was issued on February 18, 1983, inviting interested parties to submit comments on the proposed action on or before March 3, 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 insure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southern Illinois marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 7745) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of March through August 1983, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1032.13(b)(2), the language "during the months of May, June, and July, during the months of August and December for not more than 12 days of production of producer milk by such producer, and in any other month for not more than 8 days of production of producer milk by such producer".

2. In § 1032.13(b)(3), the language "for not more days of production of producer milk, by such producer than is received at a pool plant(s) pursuant to paragraph (a) of this section".

Statement of Consideration

This action removes the limits on the amount of milk that may be diverted from pool plants to nonpool plants during the months of March through August 1983. The order now provides that during the months of January through April and September through November not more than 8 days' production of a producer may be diverted to nonpool plants that are not other order plants. Such diversions are limited to not more than 12 days' production of a producer during August and December. Diversions to nonpool plants that are also other order plants are limited each month of the year to not more than the number of days of production of a producer that is received at pool plants.

The suspension was requested by a cooperative association that supplies milk to handlers regulated under the order. The cooperative association has received notification that pool distributing plants it supplies will need less fluid milk during March through August 1983 due to a decrease in Class I sales in the Southern Illinois market. In addition, milk production is increasing seasonally in this market. As a result, some milk of the cooperative's members will be temporarily in excess of fluid milk needs and will have to be moved to nonpool plants for surplus disposal during March through August.

Outlets for the excess milk include manufacturing plants located in the production area and distributing plants in the St. Louis area that are regulated under the adjacent St. Louis-Ozarks order. Without the suspension, some of the excess milk would become pooled under the St. Louis-Ozarks order, thereby lowering returns to producers supplying that market, while other costly and inefficient movements of milk would be made to continue to pool the milk of dairy farmers under the Southern Illinois order. Suspension of the diversion limitations will permit the excess milk to be moved to available outlets for surplus use in the most efficient manner and will assure its continued pooling in the market with which it has regularly been associated.

Interested parties were given an opportunity to submit written data, views, or arguments concerning the suspension. No views in opposition to the suspension were received.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will permit the most efficient movements of milk not needed for fluid use to available outlets for surplus use and assure the continued pooling of such milk in the market with which it has been regularly associated;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1032

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of March through August 1983.

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

Effective date: March 17, 1983.

Signed at Washington, D.C., on March 14, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-6970 Filed 3-16-83; 8:45 am]

BILLING CODE 3410-02-M

---

7 CFR Part 1040

Milk in the Southern Michigan Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends for the months of March through September 1983 the requirement in the Southern Michigan Federal milk order that a cooperative association deliver to pool distributing plants at least 50 percent of its members' producer milk in order to qualify its supply plants as pool plants under the order. The suspension was requested by a cooperative association that represents producers supplying milk to the fluid market. The action is needed to ensure that dairy farmers who historically have been associated with the Southern Michigan market will continue to share in the market's fluid milk sales.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of proposed suspension: Issued February 23, 1983; published February 28, 1983 (48 FR 8288).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291.

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 issuance of the suspension in time to include March 1983 in the suspension period. The initial request for the action was received on February 15, 1983. A notice of proposed suspension was issued February 23, 1983, inviting interested parties to comment on the proposed action by March 7, 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. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southern Michigan marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 8288) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded an opportunity to file written data, views, and arguments thereon. Two comments were received. A favorable comment from the proponent cooperative was filed and a comment in opposition to the suspension was received from a dairy farmer.

After consideration of all relevant information, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of March through September 1983 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1040.7(b)(2) the words "if transfers from such supply plant to plants described in paragraph (b)(5) of this section and by direct delivery from the farm to plants qualified under paragraph (a) of this section are:"

2. In § 1040.7(b)(2), subdivisions (i) and (ii).

Statement of Consideration

This action makes inoperative for the months of March through September 1983 the provisions requiring a cooperative association to deliver at least 50 percent of its members' producer milk to pool distributing plants, either through its supply plants or directly from farms, in order to qualify the supply plants as pool plants. The suspension was requested by Michigan Milk Producers Association which represents a majority of the producers supplying the market.

This action is needed because deliveries of producer milk have increased in the Southern Michigan market at a time when Class I use is declining. January 1983, the most recent month for which data are available, was the 45th consecutive month of increased milk production in the market and also was the 27th consecutive month of declining Class I sales. During 1982, producer receipts for the market increased 2.45 percent over the previous year while Class I sales decreased 5.44 percent. The increase in milk production has resulted from larger cow numbers and increased production per cow. Lower fluid milk sales are attributable to the depressed economy in Michigan.

The suspension is needed to accommodate the petitioner's recent loss of sales to a major distributor in the market.

If the provisions are not suspended for the months of March through September 1983, Michigan Milk Producers Association would encounter considerable difficulty in pooling certain supply plants and the milk of producers who historically have been associated with the Southern Michigan fluid market. This would disrupt the orderly marketing of milk in the Southern Michigan marketing area.

In view of the circumstances, the aforesaid provisions should be suspended to ensure the orderly marketing of milk supplies. This action will eliminate the possibility that producers of milk for the fluid market would lose their producer status because of the present pooling provisions and thus not have their milk priced under the order.

An individual producer opposed the proposed suspension. His comments were directed against the operations of the proponent cooperative rather than to an elevation of the current marketing conditions for the Southern Michigan market. The comments do not provide an adequate basis for denying the proposed suspension.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions in the marketing area in that substantial quantities of milk from producers who regularly supply the market otherwise would be excluded from the marketwide

pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded an opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1040

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions in § 1040.7(b)(2) of the order are hereby suspended for March through September 1983.

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

Effective date: March 17, 1983.

Signed at Washington, D.C., on: March 14, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-6971 Filed 3-16-83; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1430

1982–83 Milk Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination for 1982–83 Milk Price Support Program.

SUMMARY: The Commodity Credit Corporation (CCC) hereby determines that as part of the milk price support program, 50 cents per hundredweight shall be deducted from the proceeds of sale of all milk marketed commercially by producers during the period April 16 1983, through September 30, 1983. This deduction is authorized by the Agricultural Act of 1949 ("1949 Act"), as amended by section 101 of the Omnibus Budget Reconciliation Act of 1982 ("Reconciliation Act") (Pub. L. 97–253, 96 Stat. 763, approved September 8, 1982).

EFFECTIVE DATE: April 16, 1983.

FOR FURTHER INFORMATION CONTACT: Charles N. Shaw, Dairy/Sweeteners Group, Analysis Division, ASCS–USDA, 3741 South Building, P.O. Box 2415, Washington, D.C. 20013; (202) 447–7601. The Final Regulatory Impact Analysis and Final Regulatory Flexibility Analysis describing the actions taken in this notice of determination and their impact are available from Charles N. Shaw.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as a "major" action since the determination will result in an annual effect on the economy in excess of $100 million.

The title and number of the Federal assistance program to which this notice applies are: Title—Community Loans and Purchases; Number—10.051 as found in the Catalog of Federal Domestic Assistance.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not applicable to this notice of determination since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice. While the Secretary of Agriculture has determined that CCC will voluntarily comply with the provisions of 5 U.S.C. 553 (b) and (c), the Regulatory Flexibility Act does not apply in the case of voluntary agency compliance with proposed rulemaking procedures. Nevertheless, since this notice of determination may have a significant economic impact on a substantial number of small entities, a Final Regulatory Flexibility Analysis has been prepared.

An Environmental Evaluation of the effect of this notice of determination has been completed. The notice of determination is not expected to have any significant impact on the quality of the human environment. In addition, this action will not adversely affect environmental factors such as water quality or air quality. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Statutory Authority

Section 201(c) of the 1949 Act provides that the price of milk shall be supported at a level not in excess of 90 percent nor less than 75 percent of parity as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adquate to maintain productive capacity sufficient to meet anticipated future needs. Section 201(d) of the 1949 Act, as added by the Reconciliation Act, also provides that, notwithstanding any other provision of law, for the period beginning October 1, 1982, and ending September 30, 1984, the price of milk shall be supported at not less than $13.10 per hundredweight for milk containing 3.67 percent milkfat.

Section 201(d) of the 1949 Act authorizes the Secretary of Agriculture, during the period October 1, 1982, through September 30, 1985, to provide for a deduction of 50 cents per hundredweight from the proceeds of the sale of all milk marketed commercially by producers. These deductions are to be remitted to CCC to offset a portion of the cost of the dairy price support program. This authority does not apply for any fiscal year for which the Secretary estimates that the net price support purchases will be less than 5 billion pounds milk equivalent. If at any time during a fiscal year the Secretary estimates that the net price support purchases during that year will be less than 5 billion pounds, the authority for making deductions shall not apply for the balance of the year.

Section 201(d) of the 1949 Act further authorizes the Secretary of Agriculture, during the period April 1, 1983, through September 30, 1985, to provide for an additional deduction of 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially by producers if a program is established whereby the second 50-cent deduction is refunded to producers who reduce their milk marketings by a specified amount. This authority does not apply to any fiscal year for which the Secretary estimates that the net price support purchases of dairy products will be less than 7.5 billion pounds milk equivalent during the fiscal year.

Background

For the period October 1, 1982, through September 30, 1983 the level of price support for manufacturing grade milk of national average milkfat content, 3.67 percent, was established at $13.10 per hundredweight by a notice promulgated on September 24, 1982 (47 FR 42128).

The notice of September 24 also provided for a deduction of 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially by producers, beginning December 1, 1982. Proposed regulations establishing procedures for collecting the 50-cent deduction were published on September 24, 1982 (47 FR 42112) and the regulations were published in final form on November 30, 1982 (47 FR 53831). The collection of the 50-cent deduction on the basis of the September 24 notice has been barred by a preliminary injunction issued in litigation challenging the deduction on the ground that certain rulemaking procedures were not

correctly followed in promulgating the notice. That litigation continues.

Proposed regulations revising the collection procedures to permit the collection of an additional deduction of 50 cents per hundredweight from the proceeds of sale of milk and to establish a program under which the additional 50 cents deduction would be refunded to producers who reduced their marketings were published on December 17, 1982 (47 FR 56500). A notice proposing to implement a $1.00 per hundredweight deduction from commercial milk marketings and analyzing alternatives to that proposal was published on January 27, 1983 (48 FR 3764).

Price Support Program

The price of milk is supported by CCC through purchases of butter, cheese and nonfat dry milk at prices calculated to enable plant operators to pay dairy farmers, on average, a price equal to the support level. The effectiveness of the program depends on competition by manufacturers for available supplies of milk so that the average price received by farmers will equal the announced support price. At times of significant price support purchases, the purchase prices for these products tend to become the floor for the market prices of such products. Since most of the fluid milk prices are based on prices paid for manufacturing milk, the price support program undergirds all milk and dairy product prices.

Response to Public Comments

In making this determination, all comments bearing on the determination have been considered. This includes comments received in response to the January 27, 1983 notice of proposed determination, the September 24, 1982, notice of determination, and the September 24 and December 17, 1982, notices of proposed rulemaking.

The Department received approximately 5,000 comments in response to the proposals of December 17, 1982, and January 27, 1983. Of this total, approximately 4,600 were from producers, 75 from consumers, 35 from dairy cooperatives, 30 from proprietary dairy businesses, 30 from farm organizations, 45 from various agencies of State and local governments, 25 from other farm businesses, 10 from banks and other financial institutions, and 45 from producer handlers. In addition, there were petitions containing in excess of 500 signatures.

The Department received approximately 25,000 comments bearing on the subject matter of this determination in response to the September 24, 1982, notice of determination and proposed rulemaking. In addition, a number of petitions containing nearly 23,000 signatures were received.

Nearly all of the comments opposed the deduction and approximately a third also submitted suggested alternative proposals for reducing the dairy surplus and the cost of the milk price support program.

Some respondents suggested increased donations of dairy products. This is being accomplished under current programs of the Department. Projections of increased donations are included in the final impact analysis for this determination. Other comments suggested a reduction in dairy imports, or increased dairy exports. Imports are already controlled through a quota system and annually average less than 2 percent of domestic milk production. Exports of U.S. dairy products are limited because the domestic support price has resulted in a price for U.S. dairy products well above the world market.

Respondents also suggested numerous modifications to the proposed deduction, or alternatives to it. Many of the alternatives would require additional legislation or are otherwise beyond the capacity of the Secretary to implement. For example, respondents suggested termination or major modification of the price support program, a reduction in the support price, a payment program to encourage producers to reduce milk production, and an increase in the minimum amount of solids in fluid milk sold to consumers.

Some respondents suggested that the deduction proposal be modified to exempt from the deduction small producers, producers in specific regions of the country, or all producer-handlers. Others suggested that specific classes of milk be exempted. In this connection, the regulatory impact analysis was criticized for its failure to address the differential effect of the proposed deduction on various groups of producers. The modifications suggested by these respondents have not been adopted. The milk price support program is a national program which benefits milk producers of all categories in all regions of the country. Milk and milk products flow freely in interstate commerce without regard to either geographic or political boundaries. There is no basis for concluding that any group of producers do not benefit from the program and therefore should be exempt from a deduction which is intended to help offset the cost of the program. Some individual producers will be more seriously affected by the deduction than others. The price support program, however, does not guarantee a profit to every dairy farmer.

Although virtually all comments received by the Department opposed any deduction, no practical alternative is available at this time for addressing the problem of excessive milk production and milk price support program costs. Failure to implement any deduction would result in a continuation of the present situation in which milk production and price support program costs are unacceptably high.

Even with a $1.00 deduction, it is estimated that net price support purchases by CCC of milk and milk products during fiscal year 1983 would be 13.9 billion pounds milk equivalent. Thus, the first of the two statutory conditions that must be met before a deduction of $1.00 per hundredweight on commercial milk marketing is imposed has been satisfied. However, the statute also requires that there be a program for refunding 50 cents of that $1.00 to producers who reduce commercial marketing by a prescribed amount. The Department published, on January 27, 1983, a proposal for the implementation of a $1.00 per hundredweight deduction and a refund program, but no final regulation establishing a refund program has been published. Therefore, only a 50-cent, not the proposed $1.00, per hundredweight deduction may be imposed at this time. This deduction will be collected in accordance with the regulations published on November 30, 1982 (47 FR 53831).

Summary of Final Regulatory Impact Analysis

In response to comments received by the department and on the basis of more recent data, some modifications have been made in the Preliminary Regulatory Impact Analysis prepared in connection with the publication of the proposed determination on January 27. The Final Regulatory Impact Analysis reflecting these revisions is available to the public and is summarized below.

For fiscal year 1983, the level of milk price support has been established at the statutory minimum of $13.10 per hundredweight for manufacturing grade milk of national average milkfat content, 3.67 percent. (47 FR 42128, September 24, 1982).

With price support at $13.10 per hundredweight, production is projected to be 138.6 billion pounds for fiscal year 1983 if there is no deduction program, up 3.6 billion pounds from fiscal year 1982. Relatively low feed prices, resulting from record crop production, will keep milk-feed price relationships favorable for increased production. Commercial

consumption is projected to increase 1.9 billion pounds to 124.0 billion pounds, milk equivalent, because of relatively stable retail prices and increased population. It is estimated that CCC removals in fiscal year 1983 will be 14.7 billion pounds, up about 0.9 billion pounds or about 6.5 percent more than a year earlier. Despite the upward trend in consumption, purchases would continue to exceed dispositions, and CCC stocks would continue to build—a condition that has existed since October 1979.

Even with implementation of a 50 cents per hundredweight deduction on April 16, 1983, milk production in fiscal year 1983 is likely to increase from the fiscal year 1982 level by 3.2 billion pounds. Implementation of a $1.00 per hundredweight deduction would result in production increasing by 2.8 billion pounds. Neither of the two deduction programs would have a great downward effect upon milk production this fiscal year because they would not become effective until the season of highest milk production has begun.

Net price support purchases during fiscal year 1983 are projected to be 14.3 billion pounds, at a cost of $2,375 million if a 50-cent per hundredweight deduction is imposed on April 16, 1983, and 13.9 billion pounds, at a cost of $2,314 million if the deduction is $1.00 per hundredweight. Net outlays, before deductions, are projected to be $2,433 million with a 50-cent per hundredweight deduction and $2,372 million with a $1.00 per hundredweight deduction. During the period April 16, 1983, through September 30, 1983, a 50-cent per hundredweight deduction will likely total $324 million and a $1.00 per hundredweight deduction will total $646 million. Therefore, net CCC outlays for the fiscal year, after deductions, are projected to be $2,109 million assuming a 50-cent deduction and $1,726 million assuming a $1.00 deduction. These figures compare with an estimated purchase cost of $2,282 million and a net outlay of $2,496 million for fiscal year 1982, and an estimated purchase cost of $2,438 million and a net outlay of $2,496 million for fiscal year 1983 if there is no deduction.

Implementation of a deduction would principally affect farm income in the areas of greatest production. More than 60 percent of the Nation's milk production is concentrated in eight States: Wisconsin, California, New York, Minnesota, Pennsylvania, Michigan, Ohio and Iowa. However, every milk producer in the United States who markets milk commercially will be affected by the program. A 50-cent deduction represents less than 4 percent of producer gross income from milk and a $1.00 deduction represents less than 8 percent of producer gross income from milk. Since this determination is effective only for the period April 16, 1983, through September 30, 1983, this effect will be approximately halved for producers' income during fiscal year 1983.

List of Subjects in 7 CFR Part 1430

Milk, Agriculture, Price support programs, Dairy products.

Final Determination

A deduction of 50-cents per hundredweight shall be made from the proceeds of the sale of all milk marketed commercially by producers during the period April 16, 1983, through September 30, 1983.

It is estimated that, even with the 50 cent deduction applicable during this period, net price support purchases by CCC of milk and milk products will exceed 7.5 billion pounds of milk equivalent during fiscal year 1983.

In reaching this determination, consideration has been given not only to the statutory standards in section 201(c) of the 1949 Act but also to the Congressional policy statement with respect to dairy production in section 204 of the Agricultural Act of 1954. The general non-binding policy of section 204 is, of course, subject to the specific statutory standards of section 201(c). The determination will not affect the promotion of increased use of dairy products and will encourage efficient production units consisting of high-grade, disease-free cattle and modern sanitary equipment. It also will assure dairy farmers as a whole of a fair return for their labor and investment while assuring an adequate supply of pure and wholesome milk to meet current needs. Furthermore, the determination will assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs.

(Sec. 201 (c) and (d) of the Agricultural Act of 1949, as amended (7 U.S.C. 1446); and secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714b and 714c))

Signed at Washington on March 15, 1983.

John R. Block,

Secretary of Agriculture.

[FR Doc. 83-7144 Filed 3-16-83; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0460]

Regulation Q; Interest on Deposits, Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, flooding, and mud slides in the designated counties of California.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boutilier, Attorney (202/452-2418), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On February 9, 1983, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the California counties of Alameda, Colusa, Contra Costa, Lake, Los Angeles, Marin, Mendocino, Orange, San Benito, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, and Ventura major disaster areas. The declaration was subsequently amended on February 14, 1983, to add the county of Monterey; and was amended again on March 4, 1983, to add the counties of Butte, Glenn, Kern, Kings, Sutter, Tehama, and San Bernardino. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms, flooding, and mud slides beginning on or about January 21, 1983.

A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to February 9, 1983, and will remain in effect until 12 midnight, August 12, 1983.

List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the disaster directly affected by the severe storms, flooding, and mud slides, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, March 11, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-6873 Filed 3-16-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7876]

Income Tax; Taxable Years Beginning After December 31, 1953; Bad Debt Deduction for Thrift Institutions That Join in Filing Consolidated Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the percentage bad debt deduction for certain thrift institutions. The regulations affect thrift institutions that are members of affiliated groups filing consolidated returns.

DATE: The regulations are effective for taxable years for which the due date (without extensions) for filing returns is after March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Yerachmiel E. Weinstein of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Attention: CC:LR:T (202-566-3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On January 30, 1981, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954 (46 FR 9965) ("1981 notice"). The proposed amendments related to the determination of the percentage bad debt deduction of thrift institutions that join in filing consolidated returns. A public hearing was held on September 9, 1982. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

The regulation dealing with the determination of the consolidated percentage bad debt deduction currently in effect ("pre-1979 regulation") was supplanted by final regulations published on August 9, 1979, as T.D. 7637 in 44 FR 46838 ("1979 regulation"). These final 1979 regulations were originally promulgated to be effective for taxable years beginning after December 31, 1980. The effective date of the 1979 regulations was subsequently postponed to taxable years for which the due date (without extensions) for filing returns is after March 14, 1983, by T.D. 7815, filed on March 12, 1982.

Prior Regulations

A thrift institution is generally entitled, under the "percentage of taxable income method" of section 593(b)(2), to take as a deduction for an addition to its reserve for bad debts on qualifying loans an amount not greater than 40 percent of its taxable income (as modified under section 593(b)(2)(E)). Alternatively, a thrift institution is allowed to take as a deduction for an addition to its reserve for bad debts on qualifying loans an amount calculated under the experience method or the commercial bank percentage of eligible loans method. The deduction, in any taxable year, is the largest amount determined under any of these three alternative methods. The Code, however, does not address the question of whether losses generated by a thrift institution should affect the computation of the taxable income which is the base for computing the bad debt deduction under the percentage of taxable income method ("taxable income base"). In a separate return context, a thrift institution is required to reduce the taxable income base by loss carryovers and, for losses arising in taxable years beginning after 1977, by loss carrybacks as well. Section 1.593-6A(b)(5)(vii).

For a thrift institution that is a member ("thrift member") of an affiliated group filing a consolidated return ("consolidated group"), the additional question arises of how to treat losses of other members of the consolidated group for purposes of computing the taxable income base. The pre-1979 regulations resolved this question by providing that there would be no offset of a thrift member's taxable income base by a loss of another member, although these regulations did not follow the separate return rule for offsetting a thrift member's own losses.

A report of The General Accounting Office entitled "Savings and Loan Associations: Changes Needed in the Regulation of their Service Corporations," dated July 14, 1978, noted that many thrift institutions that were members of consolidated groups were segregating their loss activities in a separate corporation in order to maximize their taxable income base. By segregating these loss activities in a separate corporation, the thrift institution's taxable income base would not be reduced by these losses, even though the losses would continue to reduce consolidated taxable income (as determined after the bad debt deduction) for purposes of determining the tax liability of the consolidated group.

The 1979 regulations provided that the losses of each member of the consolidated group would be assigned on a pro rata basis to each thrift member for purposes of calculating each thrift member's taxable income base. The 1979 regulations thus did not differentiate between losses generated by thrift members and nonthrift members, nor did they treat any differently losses generated by nonthrift members into which the loss activities of a thrift member were segregated ("functionally related losses").

The 1981 notice, on the other hand, represents a more sophisticated response to the question of dealing with other members' losses for purposes of the taxable income base under the percentage of taxable income method. The central theme of the response is to differentiate between losses generated by thrift members and nonthrift members, and to treat the section 593 bad debt deduction as an attribute of each individual thrift member, without regard to whether the thrift member uses the percentage of taxable income method and without regard to the method used by any other thrift member. Losses generated by thrift members

(regardless of the method used to calculate their bad debt deduction) are first offset ratably against each thrift member's taxable income base before those losses are offset against nonthrift income. Losses of nonthrift members are offset against each thrift member's taxable income base only to the extent of the residual loss (if any) remaining after offsetting income and losses of all nonthrift members. The different treatment accorded thrift and nonthrift losses reflects the fact that generally the loss of a thrift member will eventually reduce the taxable income base, either by reducing the taxable income base in other taxable years of the thrift member generating the loss (which would be the case if separate returns were filed) or by reducing the taxable income base of other thrift members currently. In contrast, a nonthrift member's loss would not affect a thrift's taxable income base at all if separate returns were filed.

The 1981 notice also differentiates between nonthrift members' losses and functionally related losses, treating the latter as if they were generated by a thrift member, whether or not the separate corporation into which the activities were segregated had an overall loss.

Another important feature of the 1981 notice was the introduction of a system of restoration. Under this system, if a thrift member's taxable income base is offset by a loss of a nonthrift member in one taxable year, the taxable income base of the thrift would, in effect, be "restored" in a subsequent taxable year in which the nonthrift has taxable income. The increase to the thrift's taxable income base cannot exceed the amount of the loss which previously offset the thrift's taxable income base. This system represents a new concept in the consolidated return treatment of members entitled to special deductions computed with reference to their taxable income. This concept involves preventing the offset of other members' losses, which is an inevitable consequence of consolidation, from permanently reducing the special deduction. The only effect of that offset on the special deduction becomes one of timing. By reducing the special deduction for losses of other members, only to restore it when those other members have income, the special deduction is preserved, while maintaining the essence of consolidation, which is the treatment of the consolidated group as a single economic unit, offsetting income and losses of members currently.

Comments on the Proposed Regulations

While the 1981 notice was an improvement in the scheme of taxation of thrift members of a consolidated group, certain features of that notice were subject to criticism. In particular, offsetting a thrift member's taxable income base by nonthrift losses, even with a system of restoration, was criticized as unnecessarily more harsh than the treatment of those nonthrift losses were separate returns filed. In addition, the treatment of functionally related losses of nonthrift members was criticized. Although it was recognized that functionally related losses should indeed reduce a thrift members' taxable income base, the use of those losses when the nonthrift member as a whole generates net taxable income was criticized as an unnecessary disrespect of the separate existence of that member. Further, the system of restoration was criticized as primitive, in that only income generated in subsequent years could restore a loss. It was noted that the system did not allow a thrift to prevent or lessen a decrease (by reason of loss offset) to its taxable income base by netting prior years' income of that activity against current years' losses.

Changes Adopted in These Final Regulations

In response to these criticisms, these final regulations adopt a number of changes to the 1981 notice. They require a reduction of a thrift member's taxable income base only for losses of other thrift members and for certain functionally related losses. Based upon the treatment of losses on a separate return, losses of other thrift members that offset the taxable income base, however, include a bad debt deduction under either the experience method or the commercial bank percentage of eligible loans method. Also, in the case of losses of other thrift members, no restoration is allowed. Restoration of the other thrift member's income in other years would only have the effect of reducing that other thrift member's taxable income base in those other years. Thus, where a thrift member incurs losses, restoration ceases to be a matter of preserving the special deduction for thrift members. It becomes instead merely a matter of determining which thrift member gets the deduction, generally producing no net benefit for the consolidated group as a whole.

In the case of nonthrift members with functionally related losses, these final regulations reduce a thrift member's taxable income base only after offsetting it by losses (both current and from other years) of other thrift members. The reduction to a thrift member's taxable income base due to a functionally related loss is limited to the amount of the overall loss of the functionally related member, *i.e.*, to the extent that the nonthrift member which has the functionally related loss suffers an overall loss which is available on a consolidated return to offset other members' income. Furthermore, the definition of "functionally related loss" has been narrowed to take into account the expanded powers of thrift institutions under the Garn-St. Germain Depository Institutions Act of 1982, Pub. L. No. 97-320, 96 Stat. 1469. A functionally related loss of a nonthrift is defined with regard to all activities of the nonthrift which are functionally related to a thrift institution's activities.

In addition to offsetting current functionally related losses, these final regulations also offset a thrift member's taxable income base by consolidated net operating loss carrybacks and carryforwards attributable to functionally related losses of nonthrift members. This offset represents a complete netting of different years' losses and income. The final regulations similarly adopt a complete netting approach for the increase to a thrift member's taxable income base by reason of functionally related income. Not only is functionally related income generated in years subsequent to the year in which a nonthrift incurs a functionally related loss taken into account, but functionally related income generated in prior year is also taken into account.

There are three important limitations on this offsetting of a thrift member's taxable income base by other years' losses, however. First, those other years' losses are taken into account only to the extent they contribute to a consolidated net operating loss carryover or carryback arising in the loss year. Second, those other years' losses are generally only taken into account to the extent of the amount attributable to thrift members or functionally related activities of nonthrift members. Third, those other years' losses are generally only taken into account in a particular year to the extent they are absorbed in that year by consolidated taxable income.

These final regulations also provide a mechanism for the group to not only restore a thrift member's taxable income base by reason of the previous reduction to that thrift member's taxable income base, but also to avoid or reduce the reduction to a thrift member's taxable income base by netting prior income

against a current loss. Thus, only the remaining amount of the loss not offset by the prior years' income will need to be restored in subsequent taxable years.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Pursuant to 5 U.S.C. 605(b) the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this Treasury decision as it will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Analysis is not required.

Drafting Information

The principal author of these regulations is Yerachmiel E. Weinstein of the Legislation and Regulation Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects in 26 CFR 1.1501-1 through 1.1564-1

Income taxes, Controlled group of corporations, Consolidated returns.

Amendments to the Regulations

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accordingly, 26 CFR Part 1 is amended as follows:

Paragraph 1. Section 1.1502–12 is amended by adding at the end thereof a new paragraph (q) to read as set forth below:

§ 1.1502-12 Separate taxable income.

* * * * *

(q) A thrift institution's deduction under section 593(b)(2) (relating to the addition to the reserve for bad debts of a thrift institution under the percentage of taxable income method) shall be determined under § 1.1502–42.

Par. 2. Section 1.1502–42 is amended by revising paragraph (d) and by adding new paragraphs (e) through (j).

These revised and added provisions read as follows:

§ 1.1502-42 Mutual savings banks, etc.

* * * * *

(d) *Taxable income; taxable years for which the due date (without extensions) for filing returns is after March 14, 1983.*—(1) *In general.* For a taxable year for which the due date (without extensions) for filing returns is after March 14, 1983, a thrift's taxable income for purposes of section 593(b)(2) is its tentative taxable income (as defined in paragraph (e)(1) of this section).

(2) *Definitions.* For purposes of this section—

(i) A "thrift" is a member described in section 593(a).

(ii) A "nonthrift" is a member that is not a thrift.

(e) *Tentative taxable income (or loss).*—(1) *Thrift.* For purposes of this section, a thrift's tentative taxable income (or loss) is its separate taxable income (determined under § 1.1502–12 with paragraph (q) thereof and without any deduction under section 593(b)), subject to the following adjustments in the following order:

(i) The adjustments described in paragraph (e)(3) of this section;

(ii) The adjustments described in section 593(b)(2)(E) for those thrifts with separate taxable income greater than zero (determined after the adjustments under paragraph (e)(3) of this section); and

(iii) The adjustments described in paragraph (f) of this section.

(2) *Nonthrift.* For purposes of this section, a nonthrift's tentative taxable income (or loss) is its separate taxable income (determined under § 1.1502–12), adjusted for the portion of the consolidated net operating loss deduction attributable to the member, the portion of the consolidated net capital loss carryover or carryback attributable to the member, and further adjusted as described in paragraph (e)(3) of this section.

(3) *Adjustments for all members.* For each member, the following adjustments taken into account in the computation of consolidated taxable income are included in determining its tentative taxable income (or loss) in order to adjust separate taxable income of the member to take into account certain consolidated items:

(i) The portions of the consolidated charitable contributions deduction and the consolidated dividends received deduction attributable to the member.

(ii) The member's capital gain net income, determined without any net capital loss carryover or carryback attributable to the member.

(iii) The member's net capital loss and section 1231 net loss, reduced by the portion of the consolidated net capital loss attributable to the member.

(f) *Adjustments for thrifts.*—(1) *Reductions.* A thrift's separate taxable income (as adjusted under paragraph (e)(3) of this section) is reduced (but not below zero) by losses of thrifts and to the extent attributable to functionally related activities, losses of a nonthrift. Certain operating rules for determining the amount of the reductions are provided in paragraph (f)(4) of this section. The reductions are made in the following amounts in the following order:

(i) The thrift's allocable share (as determined under paragraph (h)(2) of this section) of another thrift's tentative taxable loss. That tentative taxable loss is determined by including a deduction under section 593(b) (other than paragraph (2) thereof) for the year in which the loss arises.

(ii) The thrift's allocable share (as determined under paragraph (h)(3) of this section) of the portion of the consolidated net operating loss deduction attributable to it or another thrift. That consolidated net operating loss deduction is determined by including a deduction under section 593(b) (other than paragraph (2) thereof) for the year in which the loss arose. The portion of a consolidated net operating loss deduction attributable to another thrift is computed by excluding losses arising in taxable years for which the due date (without extensions) for filing returns is before March 15, 1983.

(iii) The thrift's allocable share (as determined under paragraph (h)(4) of this section) of the loss attributable to functionally related activities of a nonthrift (as determined under paragraph (g) of this section). For a rule netting that share against certain income attributable to functionally related activities of that nonthrift, see paragraph (f)(4)(iv) of this section.

(iv) The thrift's allocable share (as determined under paragraph (h)(3) of this section) of the portion of the consolidated net operating loss deduction attributable to functionally related activities of a nonthrift (as determined under paragraph (h)(5) of this section). That consolidated net operating loss deduction is determined by excluding losses arising in taxable years for which the due date (without extensions) for filing returns is before March 15, 1983. For a rule netting that share against certain income attributable to functionally related activities of that nonthrift, see paragraph (f)(4)(iv) of this section.

(2) *Increases.* (i) A thrift's separate taxable income (as adjusted under paragraphs (e)(3) and (f)(1) of this section) is increased in a subsequent consolidated return year to restore reductions made in a prior consolidated return year to a thrift's separate taxable

income by reason of losses of a nonthrift. This increase is the amount of the thrift's allocable share (as determined under paragraph (h)(6) of this section) of the income attributable to functionally related activities of a nonthrift in a consolidated return year and is made only in that year. This increase is made only if both the thrift and the nonthrift were members of the group in the consolidated return years in which both the reduction and increase are made.

(ii) This subdivision (ii) limits the increases to a thrift's separate taxable income to assure that income of a particular nonthrift is used to restore reductions of a thrift only to the extent that such nonthrift's losses reduced the thrift's income. Therefore, as of the end of a consolidated return year, the cumulative increases to a thrift's tentative taxable income (by reason of income attributable to functionally related activities of a nonthrift) may not exceed the cumulative reductions to the thrift's separate taxable income made (by reason of the nonthrift's functionally related activities) under paragraph (f)(1) (iii) and (iv) of this section in the current and all prior consolidated return years during which both the thrift institution and the nonthrift institution were members of the group.

(iii) For a netting rule, see paragraph (f)(4)(iv) of this section.

(3) *Special Rule.* (i) If a carryback to a thrift's separate taxable income diminishes the reduction to a thrift's separate taxable income for a prior consolidated return year otherwise required by paragraph (f)(1) (iii) or (iv) of this section, then any increases to a thrift's separate taxable income under paragraph (f)(2) of this section for an intervening consolidated return year must be recomputed to take into account the effect of such carryback. Thus, if a net operating loss attributable to a thrift is carried back and completely offsets the thrift's separate taxable income (before the reductions under paragraph (f)(1) (iii) or (iv) or this section), any increase to the thrift's separate taxable income under paragraph (f)(2) of this section (attributable to a reduction in the year to which the loss is carried) for an intervening consolidated return year will be eliminated. The recomputation required by this subparagraph (3) must be reflected on an amended return for the intervening consolidated return year for which the increase was previously reported. See example (2) in paragraph (j) of this section.

(ii) If a deficiency for an intervening consolidated return year results from the application of paragraph (f)(3)(i) of this section with respect to an item to which section 6501(h) applies, the deficiency may be assessed at any time within the period described in section 6501(h).

(iii) For purposes of chapter 67 of the Code (relating to interest), the last date prescribed for payment of any tax owed as a result of the application of paragraph (f)(3)(i) of this section is deemed to be the last day of the taxable year for which the item carried back arose.

(4) *Operating rules.* For purposes of paragraphs (d) through (j) of this section—

(i) The portion of a consolidated net operating loss deduction attributable to a member is determined as follows:

(A) First, determine under § 1.1502-79(a)(3) the portion of each consolidated net operating loss attributable to the member for the particular year in which the loss arose.

(B) Second, apply the anti-double-counting rule in paragraph (h)(3)(iii) of this section so as not to take the same loss into account twice.

(C) Finally, apply the loss absorption limit in paragraph (f)(4)(iii) of this section to the total amount of the consolidated net operating loss deduction from a particular loss year.

(ii) Capital loss carryovers and carrybacks shall be taken into account in a manner consistent with the principles of paragraphs (d) through (j) of this section.

(iii) This subdivision (iii) prescribes a loss absorption limit. The total amount of the consolidated net operating loss deduction from a given year (loss year) taken into account as reductions under paragraph (f)(1) of this section for another year (absorption year) shall not exceed the amount of the consolidated net operating loss deduction attributable to the loss year absorbed in computing consolidated taxable income for the absorption year. For this purpose, consolidated taxable income for the absorption year shall include a deduction under section 593(b) (other than paragraph (2) thereof) for each thrift member.

(iv) This subdivision (iv) prescribes a rule for netting in certain cases income attributable to functionally related activities of a nonthrift in a consolidated return year ("income year") against losses attributable to functionally related activities of that nonthrift which arise in a consolidated return year ("loss year"). That nonthrift's income is netted against the portion of that nonthrift's loss which would otherwise be applied in a consolidated return year ("reduction year") under paragraph (f)(1) (iii) or (iv) of this section to reduce a thrift's tentative taxable income, but—

(A) Only if the income year is not later than the loss year and the reduction year, and

(B) Only to the extent the income had not previously been taken into account under paragraph (f)(2) of this section or this subdivision (iv) as of the close of the later of the loss year and the reduction year.

(g) *Income (or loss) attributable to functionally related activities of a nonthrift.*—(1) *In general.* For purposes of this section, the income (or loss) attributable to functionally related activities of a nonthrift is the income (or loss) of the nonthrift.

(i) Attributable to the provision of assets or the rendition of services to a thrift (such as the leasing of office space or providing computer or financial services), or

(ii) Derived from the assets described in section 7701(a)(19)(C) (iii) through (x), but only if such assets comprise 5 percent or more of the gross assets of the nonthrift.

(2) *Amount of income (or loss).* The amount of income (or loss) from such activities is the excess of (i) gross income from such activities over (ii) the deductions of the nonthrift allocable and apportionable to that gross income under the principles of § 1.861-8. The loss attributable to functionally related activities of a nonthrift is the excess (if any) of such deductions over such gross income. That loss, however, may not exceed the amount of the tentative taxable loss of that nonthrift (determined by excluding losses arising in taxable years for which the due date (without extensions) for filing returns is before March 15, 1983).

(h) *Allocation of income and losses.*—(1) *In general.* Paragraph (h) (2)-(5) of this section provides rules for allocating different losses among thrifts that have tentative taxable income greater than zero. Generally, these allocations are made in the order listed in paragraph (f)(1) of this section and are based upon the relative tentative taxable income of the thrifts to which the particular loss is allocated. For purposes of each allocation under a subdivision of such paragraph (f)(1), the tentative taxable income of the thrifts used in making this allocation is reduced by the thrift's allocable share of losses allocated to the thrift under a prior subdivision of such paragraph (f)(1). Accordingly, for purposes of this paragraph (h), tentative taxable income is determined without regard to paragraph (f) of this section, except as otherwise provided. Paragraph (h)(6) of this section provides rules for allocating income attributable to functionally related activities of a

nonthrift based upon the relative reductions to thrift income made on account of that nonthrift.

(2) *Allocation of tentative taxable loss of other thrifts.* For purposes of paragraph (f)(1)(i) of this section, a thrift's allocable share of another thrift's tentative taxable loss is the loss multiplied by a fraction. The numerator of the fraction is the tentative taxable income (if greater than zero) of the thrift, and the denominator is the aggregate of such tentative taxable income of each thrift.

(3) *Allocation of portions of a consolidated net operating loss deduction.* (i) For purposes of paragraph (f)(1)(ii) of this section, a first thrift's allocable share of the portion of the consolidated net operating loss deduction attributable to another thrift is determined under paragraph (h)(2) of this section as if that portion were a tentative taxable loss of that other thrift and by computing tentative taxable income under such paragraph (h)(2) by taking into account paragraph (f)(1)(i) of this section. A thrift's allocable share of the portion of the consolidated net operating loss deduction attributable to that thrift is equal to that entire portion.

(ii) For purposes of paragraph (f)(1)(iv) of this section, a thrift's allocable share of the portion of a consolidated net operating loss deduction attributable to functionally related activities of a nonthrift (determined under paragraph (h)(5) of this section) is determined under paragraph (h)(4) of this section as if that portion were a loss attributable to functionally related activities of the nonthrift and by computing tentative taxable income under such paragraph (h)(4) by taking into account paragraph (f)(1) (i), (ii), and (iii) of this section.

(iii) This subdivision (iii) prevents the "double-counting" of losses. The reduction to the tentative taxable income of a thrift is diminished to the extent the loss that gave rise to the reduction has previously been taken into account in reducing a thrift's tentative taxable income. Thus, any loss taken into account as a reduction to a thrift's separate taxable income under any subdivision of paragraph (f)(1) of this section shall be reduced (but not below zero) to the extent taken into account—

(A) In a prior consolidated return year under any subdivision of such paragraph (f)(1) or

(B) In the current consolidated return year under a previous subdivision of such paragraph (f)(1).

(4) *Allocation of loss attributable to functionally related activities of a nonthrift.* For purposes of paragraph (f)(1)(iii) of this section, a thrift's allocable share of a loss attributable to functionally related activities of a nonthrift is determined by multiplying the loss by a fraction. The numerator of the fraction is the tentative taxable income (if greater than zero) of the thrift (taking into account paragraph (f)(1) (i) and (ii) of this section) and the denominator is the aggregate of such tentative taxable income (so determined) of each thrift.

(5) *Portion of the consolidated net operating loss deduction attributable to functionally related activities of a particular nonthrift.* The portion of the consolidated net operating loss deduction attributable to functionally related activities of a particular nonthrift is the lesser of the following two amounts:

(i) The portion of the consolidated net operating loss deduction attributable to that nonthrift.

(ii) The aggregate of the losses attributable to functionally related activities of that nonthrift for the taxable years in which the consolidated net operating loss deduction arose.

(6) *Allocation of income attributable to functionally related activities of a nonthrift.* For purposes of paragraph (f)(2) of this section, a thrift institution's allocable share of the income attributable to functionally related activities of a nonthrift is determined by multiplying that income by a fraction. The numerator of the fraction is the amount of the cumulative reductions referred to in paragraph (f)(2)(ii) of this section (minus the cumulative increases under paragraph (f)(2) of this section) made on account of that nonthrift for the thrift and the denominator is the sum of such cumulative reductions (minus such cumulative increases) made on account of that nonthrift for all thrifts.

(7) *Proper accounting* The provisions of section 482 apply in determining a thrift institution's tentative taxable income, and in determining the gross income and deductions attributable to functionally related activities. For example, an expense such as the salary of an individual who performs services for both a thrift and a nonthrift must be allocated in a manner that fairly reflects the value of the services rendered to each.

(i) [Reserved]

(j) *Examples.* The provisions of this section may be illustrated by the following examples. In each example the letter "T" for a member denotes a thrift and the letters "NT" denote a nonthrift. Also, in each example, a thrift loss includes a bad debt deduction under section 593(b) (other than paragraph (2) thereof) for such year and a thrift with income would have such a bad debt deduction of zero.

Example (1). (a) In 1983, corporations T1, T2, NT1, and NT2 are formed. These corporations constitute an affiliated group that files a consolidated return on the basis of a calendar year. For 1983, 1984, and 1985, the tentative taxable income (or loss) of each member (before the application of paragraph (f) of this section) is as follows:

	1983	1984	1985
NT1	$(60)	$(140)	$15
T1	1,000	500	750
NT2	(90)	(220)	150
T2	(300)	400	250

In 1983, NT1, in addition to its other business activities, acted as a collection agency for T1. Deductions attributable to those activities exceeded gross income attributable to those activities by $70. NT1's other activities generated a $10 gain. In 1984 and 1985, NT1 acted as a collection agency for T1 as its sole activity.

(b) The tentative taxable incomes of T1 and T2 for 1983 (determined under paragraph (e) of this section) as of the close of that year are adjusted by paragraph (f) of this section as follows:

(i) T1's tentative taxable income:		
T1's tentative taxable income (before the application of paragraph (f) of this section		$1,000
Less:		
T2's tentative taxable los	$300	
NT1's functionally related loss (limited by NT1's overall loss)	60	360
T1's tentative taxable income for 1983		640

(ii) T2's tentative taxable income for 1983 is zero.

(c) The tentative taxable incomes of T1 and T2 for 1984 (determined under paragraph (e) of this section as of the close of that year) are adjusted by paragraph (f) of this section as follows:

(i) T1's tentative taxable income:

T1's tentative taxable income (before the application of paragraph (f) of this section)	$500
Less:	
T1's allocable portion of NT1's functionally related loss (140x500/(500+400))	78
T1's tentative taxable income for 1984	422

(ii) T2's tentative taxable income:	
T2's tentative taxable income (before the application of paragraph (f) of this section	400
Less:	
T2's allocable portion of NT1's functionally related loss (140x400/(500+400))	62
T2's tentative taxable income for 1984	338

(d) For 1985, the amount under paragraph (f) (2) of this section for both T1 and T2 is $15 (NT1's tentative taxable income from functionally related activities for 1985). For 1983 and 1984, T1's tentative taxable income was reduced by a total of $138 (*i.e.*, $60 + $78) due to NT1's losses from functionally related activities. For 1984, T2's tentative taxable income was reduced by $62 due to those losses. Accordingly, under paragraph (f)(2) of this section, T1's tentative taxable income for 1983 is increased by $10 (*i.e.*, $15x$138/($138+$62)) and T2's tentative

taxable income is increased by $5 (*i.e.*, $15x$62/($138+$62)).

Example (2). (a) In 1983, corporations T, NT1, and NT2 are formed. these corporations constitute an affiliated group. NT2 provides computer services to T as its sole activity. For the calendar years 1983, 1984, and 1985, the group files a consolidated return. The tentative taxable income of each member (before the application of paragraph (f) of this section) is as follows:

	1983	1984	1985
T	$100	$0	$(200)
NT1	200	0	100
NT2	(20)	20	0

(b) Under paragraph (f)(1) of this section, T's tentative taxable income for 1983 (determined at the close of that year) is reduced to $80 (*i.e.*, $100 less NT2's $20 loss). For 1984, under paragraph (f)(2) of this section, T's tentative taxable income is increased by $20. For 1985, the consolidated net operating loss of $100 (all of which is attributable to T) is carried back to 1983. That $100 carryback is not limited by paragraph (f)(4)(iii) of this section, since consolidated taxable income for 1983 available for absorption after a bad debt deduction of $0 under section 593(b) (other than paragraph (2) thereof) for that year is $280. Accordingly, under paragraph (f)(1)(ii) of this section, T's tentative taxable income is reduced by the full $100, which is taken into account before the previous reduction of T's tentative taxable income under paragraph (f)(1)(iii) of this section. In addition, under paragraph (f)(3)(i) of this section, the group must file an amended return for 1984 to eliminate the increase to T's bad debt deduction for 1984 by reason of the consolidated net operating loss carryback to 1983.

Example (3). (a) T and NT are formed in 1983 and are the only members of an affiliated group filing a consolidated return on a calendar year basis. NT provided computer services to T as its sole activity. For 1983, 1984, and 1985, the tentative taxable income of T and NT (before the application of paragraph (f) of this section) is as follows:

	1983	1984	1985
T	$100	$0	$0
NT	0	40	(40)

(b) At the close of 1983, T's tentative taxable income is $100. For 1985, however, the group has a consolidated net operating loss of $40, all of which is attributable to NT's functionally related activities and which is carried back to 1983. However, T's tentative taxable income for 1983 is not reduced under paragraph (f)(1)(iv) of this section, since, under paragraph (f)(4)(iv) of this section, NT's 1984 income attributable to functionally related activities of $40 is netted against that $40 carryback.

Example (4). (a) In 1983, corporations T1, T2, NT1, and NT2 are formed. For calendar years 1983, 1984, and 1985, the affiliated group consisting of T1, T2, NT1, and NT2 filed a consolidated return. NT1 provided computer services to T1 as its sole activity. The tentative taxable income of each member (before the application of paragraph (f) of this section) is as follows:

	1983	1984	1985
T1	(50)	100	30
T2	(50)	(80)	(25)
NT1	(50)	(40)	(99)
NT2	120	30	100

(b) For 1983, the group has a consolidated net operating loss of $30, apportioned $10 each to T1, T2, and NT1 under § 1.1502-79(a)(3). For 1984, the only thrift with tentative taxable income greater than zero (before applying paragraph (f) of this section) is T1. That tentative taxable income of $100 is first reduced to $20 by T2's $80 1984 loss under paragraph (f)(1)(i) of this section. Next, T1's remaining tentative taxable income of $20 is reduced to $10 by the portions attributable to T1 and T2 of the 1983 consolidated net operating loss carryover to 1984 under paragraph (f)(1)(ii) of this section. The sum of those portions is limited to $10 (*i.e.*, $5 each) by paragraph (f)(4)(iii) of this section because 1984 consolidated taxable income available for absorption after a bad debt deduction under section 593(b) (other than paragraph (2) thereof) for each thrift member for that year is $10. For that reason, paragraph (f)(4)(iii) of this section also prevents any further portion of that carryover from being taken into account in 1984 as a reduction under paragraph (f)(1) of this section. T1's remaining tentative taxable income of $10 is reduced to zero, under paragraph (f)(1)(iii) of this section, by NT1's 1984 tentative taxable loss.

(c) For 1985, the only thrift with tentative taxable income greater than zero (before applying paragraph (f) of this section) is T1. T1's tentative taxable income for 1985 of $30 is reduced to $5 by T2's 1985 loss of $25 under paragraph (f)(1)(i) of this section. Next, the portions attributable to T1 and T2 of the consolidated net operating loss carryover from 1983 to 1985 for purposes of paragraph (f)(1)(ii) of this section must be determined. That determination is made without applying the rules for loss absorption in computing consolidated taxable income under § 1.1502-21(b)(3). Those portions are instead determined in 3 steps under paragraph (f)(4)(i) of this section. The first of those steps is to determine each of T1's and T2's attributable portions of the 1983 consolidated net operating loss which under § 1.1502-79 (a)(3) is $10 or $20 for both thrifts. The second of those steps is to apply the anti-double counting rule under paragraph (h)(3)(iii) of this section to reduce that $20 amount by the $10 total of the two $5 portions attributable to T1 and T2 of the consolidated net operating loss carryover from 1983 to 1984 taken into account as reductions to T1's tentative taxable income for 1984 under paragraph (f)(1)(ii) of this section. That leaves a $10 total amount available to be taken into account as reductions to T1's remaining tentative taxable income of $5 for 1985 under paragraph (f)(1)(ii) of this section. Under the third of those steps that $10 amount, however, is limited, under the loss absorption limit of paragraph (f)(4)(iii) of this section, to the $6 of the 1983 consolidated net operating loss carryover to 1985 which is absorbed in computing consolidated taxable income for 1985 since 1985 consolidated taxable income available for absorption after a bad debt deduction under section 593(b) (other than paragraph (2) thereof) for that year is $6 (*i.e.*, $30+$100−$99−$25). Because separate taxable income cannot be reduced below zero under paragraph (f)(1) of this section, T1's remaining tentative taxable income of $5 is thus reduced to zero by the portions attributable to T1 and T2, respectively, of the consolidated net operating loss carryover from 1983 to 1985 under paragraph (f)(1)(ii) of this section.

(Secs. 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 637, 917; 26 U.S.C. 1502, 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 14, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-6974 Filed 3-14-83; 4:57 pm]

BILLING CODE 4830-01-M

Fiscal Service

31 CFR Part 240

Extension of the Treasury's Reclamation Authority

AGENCY: Bureau of Government Financial Operations, Fiscal Service, Treasury.

ACTION: Temporary rule.

SUMMARY: Under 31 CFR 240.4 and 240.5, Treasury has the right to refunds from banks and other indorsers receiving payment on Treasury checks bearing forged or unauthorized indorsements or any other material defects or alterations. The United States has a common law right to offset amounts owed to it against amounts in its possession belonging to its debtors. *United States v. Munsey Trust Co.*, 332 U.S. 234, 239 (1947). Further, Treasury is authorized under the Federal Claims Collection Act of 1966, as amended by Pub. L. 97-365, section 10, to issue regulations that authorize it to recover amounts of delinquent reclamations and accrued interest thereon by offsetting those amounts against amounts in the possession of the United States that are owed to presenting banks.

For reasons stated in the Supplementary Information section of this rule, Treasury has decided to publish this temporary rule with an effective date of fewer than 30 days from the date of publication. In the near future, Treasury will be publishing a

Notice of Proposed Rulemaking requesting public comments on whether procedures similar to those contained in this temporary rule should be adopted as a final rule.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Michael D. Serlin, Assistant Commissioner, Governmentwide Accounting, Room 416, Treasury Annex, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226 (202-566-5594).

SUPPLEMENTARY INFORMATION: The purpose of the rule is more effective debt collection. Under the Federal Claims Collection Act of 1966, as amended, the Secretary of the Treasury has the duty to attempt collection of all claims of the United States for money or property arising out of the activities of, or referred to Treasury. *See,* section 1, Pub. L. 97-258, 96 Stat. 877 at 971, Sept. 13, 1982 (Revised 31 U.S.C.A. 3711 (1982)) and 4 CFR 102.3. Treasury's claims against indorsers of, and banks that present for payment, Treasury checks bearing forged or unauthorized indorsements are within the scope of this duty. Historically, many presenting banks have declined to pay these legitimate claims (reclamations), forcing Treasury to either litigate its claims, a procedure which is rarely cost-effective, or absorb the loss.

Treasury first advised the public that it was considering collecting amounts owed it because of check claims by offset against amounts owed a presenting bank by a Federal Reserve Bank in an Advance Notice of Proposed Rulemaking (ANPR) published in the **Federal Register** on April 25, 1979 (44 FR 24306). (Although the term "setoff" was used in the ANPR and in the Notice of Proposed Rulemaking discussed below, the term "offset" will be used uniformly here because the debt collection methods described are substantially the same.) Because of the substantial questions raised by several commenters, Treasury withheld further action on the proposal pending additional consideration. 44 FR 53090, Sept. 12, 1979.

After further consideration, Treasury again invited comments for the public concerning a proposed change in the regulations that would allow Treasury to recover delinquent reclamations through offset. Notice of Proposed Rulemaking (NOPR), published November 4, 1981 (46 FR 54762). Unlike the ANPR, the NOPR provided specific regulatory language for comment. Although the NOPR also provided for recovery from presenting banks' reserve account balances, the Supplementary Information portion of the document referred both to offset authorized by contract between Treasury and presenting banks and to offset authorized at common law. This latter type of offset is referred to by regulations implementing the Federal Claims Collection Act. 4 CFR 102.3.

Treasury received 35 comments on the NOPR. Many of the comments alleged that Treasury lacked the statutory authority to offset and that the unavailability of an oral pre-offset hearing deprived affected banks of due process. In Treasury's view, the subsequent passage of Pub. L. 97-365, the Debt Collection Act of 1982 (the Act), resolves these objections. The Act gives federal agencies express authority to recover debts by administrative offset, referred to in this rule as "offset," under a comprehensive administrative procedure that does not require an oral hearing. *Compare,* Pub. L. 97-365, section 5. Congress' conscious omission of the right to an oral hearing reflects its assessment that due process does not require an oral hearing in this context. However, section 10 of the Act does require that, prior to effecting offset, agencies provide the debtor with:

(1) Written notification of the nature and amount of the claim, the intention of the agency to collect the claim through administrative offset, and an explanation of the rights of the debtor under this section;

(2) an opportunity to inspect and copy the records of the agency with respect to the claim;

(3) an opportunity for the review, within the agency, of the determination of the agency with respect to the claim; and

(4) an opportunity to enter into a written agreement with the head of the agency or his designee, for the repayment of the amount of the claim.

Recognizing that due process is a flexible concept and that courts often defer to Congress' view of the requisites of due process, *i.e.,* acts of Congress are presumed to be constitutional, *Buttfield v. Stranahan,* 192 U.S. 470 (1904), Treasury does not consider an oral hearing necessary to afford a presenting bank due process in connection with recovery of these check claims.

In addition to its authority to effect offset under the Federal Claims Collection Act, *as amended,* Treasury may also retain its common law right of offset. *United States v. Munsey Trust Co.,* 332 U.S. 234, 239 (1947).

The remaining comments on the November 1981 proposed rule and Treasury's responses thereto are as follows:

(1) Some commenters thought that the existing system (that is, voluntary payment of reclamations) would be more effective if Treasury began reclamations sooner, thus making the rule unnecessary. Delayed reclamation by Treasury makes it more difficult for the presenting banks to recover from prior indorsers.

Response: A reclamation is not begun until a payee has made a claim against Treasury for the proceeds of his or her check or until Treasury is notified of a payee's death. Treasury can not know that there is a forged or unauthorized endorsement before that time. Under section 1, Pub. L. 97-258, 96 Stat. 877 at 970, Sept. 13, 1982 (Revised 31 U.S.C.A. 3702 (1982)), a payee can submit a claim up to six years after the date the check was issued. Most delays in beginning a reclamation are caused by the delay in receiving the claim from the payee. Furthermore, under section 1, Pub. L. 97-258 96 Stat. 877 at 971, Sept. 13, 1982 (Revised 31 U.S.C.A. 3712 (1982)), the United States has at least six years from the date a check is presented to it for payment to make a claim therefor against a prior indorser. With regard to the presenting bank's rights against prior indorsers, as long as the presenting bank promptly notifies a prior indorser upon receipt of a reclamation notice that the prior indorser appears to have breached its warranty that all prior endorsements were genuine or authorized, the fact that the reclamation notice was delayed does not affect the rights of the presenting bank against the prior indorser. Uniform Commercial Code ("UCC") 4-207(4) allows a presenting bank to recover against a prior indorser "within a reasonable time after the person claiming learns of the breach [of the warranty under UCC 4-207(2)]."

(2) Several commenters alleged that Treasury is uncooperative in providing sufficient information to determine the presenting bank's liability when reclamation is initiated.

Response: With respect to providing the presenting banks with sufficient information to determine their liability, Treasury has always provided a copy of the check and the payee's claim, where a payee has filed a claim. In addition, Treasury recently has made significant improvements in the quality of microfilm check copies provided to presenting banks with reclamation demands. Also, a staff has been established within the Bureau of Government Financial Operations with the sole responsibility for processing requests from the banking community on a timely basis. Treasury will continue its efforts to be more responsive to the banking community.

(3) Some commenters argued that Treasury has no legal authority to issue the proposed rule.

Response: The Supreme Court has recognized Treasury's authority to issue regulation governing the rights and duties of the United States on the commercial paper it issues, *Clearfield Trust Co. v. United States.* 318 U.S. 363, 366 (1943), and the United States' common law right to offset has been recognized for many years, *United States v. Munsey Trust Co.,* 332 U.S. 234; 4 CFR 102.3.

In addition, as previously stated, the Federal Claims Collection Act, as amended, provides express statutory authority to offset.

(4) There is no provision for presenting banks to receive interest payments on improper offsets.

Response: Treasury has no legal authority to pay interest on amounts wrongfully withheld. However, because collection by offset will be preceded by notice to the debtor of the amount due, and because the debtor will have an opportunity to contest the indebtedness before it is collected, the risk of erroneous collection will be minimal.

(5) The presenting banks do not have sufficient time to investigate reclamations. A longer period was suggested.

Response: With respect to suggestions for a longer period before collection, the final rule has been changed so that collection will not occur prior to 120 days after the reclamation date.

Section 10 of Pub. L. 97–365 requires each agency that promulgates administrative offset regulations to consider:

(1) The best interests of the United States,

(2) The likelihood of collecting a claim by administrative offset, and

(3) with respect to the collection of claims after the expiration of the statute of limitations in 28 U.S.C. 2415, the cost effectiveness of leaving such claims unresolved for more than six years.

Because Treasury's right to reclaim is limited by section 1, Pub. L. 97–258, 96 Stat. 877 at 971, Sept. 13, 1982 (Revised 31 U.S.C.A. 3712(a) (1982)), rather than 28 U.S.C. 2415, we conclude that the third consideration is inapplicable to this rule. This rule is in the best interests of the United States because it will enable Treasury efficiently to recover debts that it could not otherwise collect in a cost-effective manner. Also, because offset will be sought against presenting banks that have continuing financial dealings with the United States, the likelihood of recovery by offset will be substantial.

The substance of this temporary rule on the one hand, and the proposal in the ANPR and the NOPR on the other, are substantially the same with one difference. All three involve enforced collection, without resort to litigation, of amounts presenting banks owe Treasury because they received payment on checks involving breaches of the banks' warranties that indorsements were genuine or authorized. All involved recovery by offset against amounts the United States or its agents owe the presenting banks independent of the payment on a check. All afford presenting banks the opportunity to present evidence and arguments contesting Treasury's claims before collection takes place. The primary difference between the ANPR, the NOPR and this temporary rule, is the source of funds for that offset. The ANPR and the NOPR targeted presenting banks' reserve account balances and this temporary rule targets other indebtedness of the United States to the presenting banks.

Accordingly, it is Treasury's view that there is good cause not to issue an additional NOPR. *See,* 5 U.S.C. 553(b)(B). Such an additional NOPR is unnecessary in view of the fact that Treasury has repeatedly sought comments from affected parties on proposals to implement some form of offset. *See,* Advance Notice of Proposed Rulemaking, 44 FR 24306, and Notice of Proposed Rulemaking, 46 FR 54762. The affected parties have had an adequate opportunity to express their views on the concept of offset. Because Treasury envisioned offset against reserve account balances at earlier stages of the rulemaking process, none of the negative comments received by Treasury referred to common law offset, which we believe is substantially similar to "administrative offset" under section 10 of the Debt Collection Act. We note, however, that common law offset has been accepted generally in the banking community as a debt collection method. In addition, it is specifically referred to as an appropriate debt collection method in the Federal Claims Collection Standards, 4 CFR Part 102. We, therefore, do not believe that the delay in collecting debts that an additional comment period would require is appropriate.

Delaying collection on long-outstanding reclamations pending publication of an additional NOPR, receipt and assessment of comments, and publication of a final rule would be contrary to the significant public interest in timely collection of debts owed to the United States. At the end of November, 1982, Treasury had outstanding reclamations issued since May 26, 1981, totalling $14.13 million. Of that amount, $4.60 million was for reclamations that had been outstanding for more than 120 days. Treasury finds that the public interest would best be served by collecting delinquent reclamations in a more timely fashion as soon as possible and that this rule is essential thereto. In addition, Treasury is presently owed $118,000 in interest on reclamations for which the bank has paid the principal amount, but has failed to pay accrued interest. Unlike the principal amounts owed Treasury, those interest amounts do not accrue interest. It is likely that this sum will continue to grow as long as there is no offset mechanism in place. Therefore, it is imperative that Treasury have an efficient means to collect these debts as soon as possible.

Based on the foregoing, Treasury has concluded that it has good cause as required by 5 U.S.C. 553(d)(3) for making this rule effective less than 30 days from the date of publication. This conclusion is based substantially on the above-identified cost to the government of further delay in publishing this offset rule. In addition, the present reclamation system has existed for many years. Treasury has repeatedly informed banks of, and the banks have been given ample time to, exercise their right to contest Treasury's claims. They are aware of the quality and quantity of information that Treasury requires before it will abandon a reclamation. Finally, Treasury does not intend to offset until it has considered each argument timely presented by a bank and has concluded that, notwithstanding those arguments, the bank is liable for the amount of the reclamation.

It should be noted that the time available to banks to either pay or submit a protest in order to avoid offset action will vary depending on when the reclamation was issued. This variation will exist during the period the temporary rule is to be effective. An example of the variation is that the presenting bank will have until April 25, 1983, to pay or submit a protest in order to avoid offset of a reclamation issued on November 23, 1982; but in the case of a reclamation issued on April 24, 1983, it must submit a protest by July 25, 1983, or pay the amount owed by August 25, 1983, in order to avoid offset. The text of the rule sets out these timeframes specifically with respect to all periods covered.

It is possible that in some cases payment will have been made or a valid protest submitted by a bank before offset, but too late for Treasury to stop the offset process. To cover that possiblity, section 240.7(d) of the regulation provides for prompt refund of

the amount of the overpayment or erroneous offset.

It has been determined that this amendment is not a "major rule" as defined in Executive Order 12291, dated February 17, 1981. This determination is based on the fact that the rule's only purpose and effect will be to increase the efficiency and effectiveness of the United States' efforts to collect debts that arise under existing law and for the collection of which the Secretary is responsible under existing law. In addition, the only significant alternative collection device, litigation, has not been sufficiently effective. The provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply to this rule because a notice of proposed rulemaking is not required by 5 U.S.C. 553.

List of Subjects in 31 CFR Part 240

Banks, Banking, Forgery, Treasury checks.

PART 240—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE UNITED STATES TREASURY

Accordingly, 31 CFR Part 240 is amended as follows:

1. By revising the authority citation to read as follows:

Authority: 5 U.S.C. 301; 12 U.S.C. 391; sec. 1, Pub. L. 97-258, 96 Stat. 877 at 955, Sept. 13, 1982 (Revised 31 U.S.C.A. 3331 (1982)); sec. 1, Pub. L. 97-258, 96 Stat. 877 at 957, Sept. 13, 1982 (Revised 31 U.S.C.A. 3343 (1982)); sec. 1, Pub. L. 97-258, 96 Stat. 877 at 971, Sept. 13, 1982 (Revised 31 U.S.C.A. 3711 (1982)), as amended by secs. 10 and 11, Pub. L. 97-365; 318 U.S. 363 (1943); and 332 U.S. 234, 239 (1947).

2. By revising § 240.1 to read as follows:

§ 240.1 Scope of regulations.

The regulations in this part prescribe the requirements for indorsement and the conditions for payment of checks drawn on the United States Treasury. These regulations also establish procedures for the collection of amounts due the United States Treasury because of payments on checks bearing forged or other unauthorized indorsements, or other material defects or alterations.

3. By revising § 240.2 to read as follows:

§ 240.2 Definitions.

(a) "Check" or "checks" means a check or checks drawn on the United States Treasury.

(b) "Check payment" means the amount paid to a presenting bank in accordance with § 240.8 (a)(3) of this Part.

(c) "Days" means calendar days.

(d) "Financial organization" means any bank, savings bank, savings and loan association, Federal or State chartered credit union, or similar institution.

(e) "Item" means a reference in a monthly interest billing statement to a check for the amount of which Treasury has demanded refund from a presenting bank.

(f) "Monthly interest billing statement" means a statement prepared by Treasury and sent to a presenting bank which includes the following information regarding each outstanding demand for refund:

(1) The reclamation date;

(2) The reclamation number;

(3) Check identifying information;

(4) The balance due, including interest; and

(5) If applicable, that the demand is subject to collection by immediate offset.

(g) "Person" or "persons" means an individual or individuals, or an organization or organizations, including all forms of financial organizations.

(h) "Presenting bank" means: (1) A financial organization which, either directly or through a correspondent banking relationship, presents checks to and receives credit from a Federal Reserve Bank, or (2) a despositary which is authorized to charge checks directly to the General Account of the United States Treasury and present them directly to Treasury for payment.

(i) "Protest" means a presenting bank's written statement and any supporting documentation tending to prove that it is not liable for refund of the reclamation balance.

(j) "Reclamation" means a demand by Treasury for refund of the amount of a check payment.

(k) "Reclamation date" means the date on which a demand for refund was prepared. This date appears on the face of the reclamation ticket. Normally, demands are sent to presenting banks within two working days of the reclamation date.

(l) "Treasury" means the United States Treasury.

(m) "U.S. securities" means securities of the United States and securities of Federal agencies and wholly or partially Government-owned corporations for which the Treasury acts as transfer agent.

(n) "Unauthorized indorsement" means (1) an indorsement made by a person other than the payee, except as authorized by and in accordance with § 240.4 and §§ 240.10 through 240.14 of this part, (2) an indorsement by a financial organization under circumstances in which the financial organization breaches the guaranty required of it by 31 CFR 209.10(a) (*see* 31 CFR 209.9), or (3) a missing indorsement where the depositary bank had no authority to supply the indorsement.

4. By revising § 240.5 to read as follows:

§ 240.5 Collection of amounts of paid checks.

(a) If, after a check has been paid by Treasury, it is found to:

(1) Bear an unauthorized indorsement, or

(2) Contain any other material defect or alteration which was not discovered upon first examination,

then, upon demand by the Treasury in accordance with the procedures specified in § 240.6 of this Part, the presenting bank or other indorser shall refund to Treasury the amount of the check payment.

(b) Interest on any unpaid item shall commence to accrue on the sixty-first day after the reclamation date. Interest shall be calculated at the rate set from time to time for purposes of section 1, Pub. L. 97-258, 96 Stat. 877 at 882 (Revised 31 U.S.C.A. 323 (1982)). Interest shall continue to accrue until the amount demanded is paid or the reclamation is abandoned.

(c) In addition to its right to recover interest, Treasury shall have the right to recover such other applicable charges (*e.g.*, administrative collection costs, late payment penalties) as may be authorized or required by law.

§§ 240.8-240.14 [Redesignated from §§ 240.6-240.12].

5. By redesignating §§ 240.6 through 240.12 as §§ 240.8 through 240.14, respectively, and by adding new §§ 240.6 and 240.7 as follows:

§ 240.6 Demand and protest.

(a) For all reclamations an initial demand for refund of the amount of a check payment will be made by sending a "Request for Refund (Reclamation)," to the presenting bank. This Request shall advise the presenting bank of the amount demanded and the reason for the demand. Treasury will make follow-up demands by including each unpaid item on at least three monthly interest billing statements sent to the presenting bank. Monthly interest billing statements will identify any unpaid reclamation demands and will also show the amount of any accrued interest for each outstanding reclamation. Beginning with monthly interest billing statements issued on or about the end of March, 1983, monthly interest billing

statements will contain or be accompanied by notice to the bank that:

(1) Treasury intends to collect the debt through administrative offset if the reclamation is not paid within 120 days of the reclamation date;

(2) the bank has an opportunity to inspect and copy Treasury's records with respect to the reclamation,

(3) the bank may, by filing a protest, request Treasury to review its decision that the bank is liable for the reclamation, and

(4) the bank has an opportunity to enter into a written agreement with Treasury for the repayment of the amount of the reclamation. In order for a bank to request such a repayment agreement, it must demonstrate to the satisfaction of Treasury that it is unable to repay the entire amount owed at the time that it is due.

(b) Requests for an appointment to inspect and copy Treasury's records with respect to a reclamation and requests to enter into repayment agreements should be sent in writing to: Department of the Treasury, Division of Check Claims, Reclamation Policy and Collection Section, 401 14th Street SW., Washington, D.C. 20227.

(c) (1) For reclamations dated on or before December 24, 1982, presenting banks will have been sent an initial demand and at least three of the followup demands described in paragraph (a) of this section before offset is accomplished. However, only two of the followup demands will contain the information described in paragraphs (a) (1) through (4) of this section. With respect to these reclamations, if Treasury has not received payment of the amount demanded or a protest meeting the requirements of paragraph (d) (1) of this section by April 25, 1983, the amount of the reclamation and accrued interest will be offset.

(2) For reclamations dated from December 25, 1982, through January 24, 1983 inclusive, presenting banks will have been sent an initial demand and four of the followup demands described in paragraph (a) of this section before offset is accomplished. However, only three of the followup demands will contain the information described in paragraphs (a) (1) through (4) of this section. With respect to these reclamations, if Treasury has not received payment of the amount demanded or a protest meeting the requirements of paragraph (d) (1) of this section by May 25, 1983, the amount of the reclamation and accrued interest will be offset.

(3) For reclamations dated from January 24, 1983, through February 24, 1983 inclusive, presenting banks will have been sent an initial demand and four of the followup demands described in paragraph (a) of this section before offset is accomplished. With respect to these reclamations, if Treasury has not received payment of the amount demanded or a protest meeting the requirements of paragraph (d) (1) of this section by June 25, 1983, the amount of the reclamation and accrued interest will be offset.

(4) For reclamations dated from February 25, 1983, through March 24, 1983 inclusive, presenting banks will have been sent an initial demand and four of the followup demands described in paragraph (a) of this section before offset is accomplished. With respect to these reclamations, if Treasury has not received payment of the amount demanded or a protest meeting the requirements of paragraph (d) (1) of this section by July 25, 1983, the amount of the reclamation and accrued interest will be offset.

(5) For reclamations dated from March 25, 1983, through April 24, 1983 inclusive, presenting banks will have been sent an initial demand and four of the followup demands described in paragraph (a) of this section before offset is accomplished. With respect to these reclamations, if Treasury has not received a protest meeting the requirements of paragraph (d) (1) of this section by July 25, 1983, or payment of the amount demanded by August 25, 1983, the amount of the reclamation and accrued interest will be offset.

(6) For reclamations dated on or after April 25, 1983, presenting banks will be sent an initial demand and three of the followup demands described in paragraph (a) of this section before offset is accomplished. With respect to these reclamations, if Treasury has not received a protest meeting the requirements of paragraph (d) (1) of this section within 90 days of the reclamation date or payment of the amount demanded within 120 days of the reclamation date, the amount of the reclamation and accrued interest will be offset.

(d) (1) If a presenting bank wishes to contest its liability for the principal amount demanded, it shall send a protest, *i.e.*, a written statement and all documentary evidence (*e.g.*, affidavits, account agreements, signature cards) and other written information raising a question of law or fact which, if resolved in the bank's favor, would disprove its liability for the reclamation, to: Department of the Treasury, Division of Check Claims, Reclamation Policy and Collection Section, 401 14th Street SW., Washington, D.C. 20227.

The Assistant Director (Support Services), Division of Check Claims, who has supervisory authority over the Reclamation Policy and Collection Section, or his authorized subordinate, shall consider and decide any protest properly submitted under this paragraph. Neither the Assistant Director (Support Services), Division of Check Claims, nor any of his subordinates, shall have any involvement in the process of making findings or demands under § 240.5(a). In order to be considered, and to be timely, a protest must be received at the above address by the time specified in paragraph (c) of this section. Treasury will refrain from collection in accordance with § 240.7 while a timely protest is being considered.

(2) If Treasury accepts the protest, the presenting bank shall be notified in writing that Treasury's efforts to collect the item and any accrued interest have been abandoned.

(3) If the evidence sent by the presenting bank does not satisfy Treasury that refund of the amount demanded is not required under § 240.5(a), Treasury will notify the presenting bank in writing of its decision that the bank is liable for the amount demanded. If the presenting bank fails to send the amount demanded within 30 days of the date of Treasury's decision, Treasury shall proceed to collect the amount owed in acordance with § 240.7, provided that no offset shall be taken sooner than 120 days after the reclamation date.

§ 240.7 Offset.

(a) If an item, and/or accrued interest on that item remain unpaid for 120 days after the reclamation date and the presenting bank has been sent at least one monthly interest billing statement informing it that Treasury intends to collect that item by offset, Treasury may refer the matter to any other federal agency and request that agency to offset the indebtedness and other applicable charges against amounts owed by the other federal agency to the presenting bank. Monthly interest billing statements will identify those items that are to be referred to another agency for offset. If an agency to which an indebtedness is referred in accordance with this paragraph is unable to effect offset in whole or in part within 30 days of the date that the matter is referred to it, it shall so inform Treasury and terminate its efforts to offset. Treasury may then refer the debt to any other federal agency and request offset in accordance with this paragraph. Treasury designates each agency acting

under this paragraph as its designee for the sole purpose of effecting offset. No such designee shall be liable to any party for any loss resulting from its action under this paragraph.

(b) If Treasury is unable to collect an amount owed by use of the offset described in paragraph (a) of this section, Treasury shall take such action against the presenting bank as may be necessary to protect the interests of the United States, including referral to the Department of Justice.

(c) The procedures provided for in §§ 240.5, 240.6(c), and this section shall apply to reclamations bearing reclamation dates on or after May 26, 1981.

(d) If Treasury effects offset under this section and it is later determined that the presenting bank paid the amount of the reclamation and accrued interest thereon, or that a presenting bank which had timely filed a protest was not liable for the amount of the reclamation, Treasury shall promptly refund to the presenting bank the amount of its payment.

Dated: March 14, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83-6968 Filed 3-16-83; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 64 and 66

[CGD 78-156]

Marking of Structures, Sunken Vessels, and Other Obstructions

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These final rules revise regulations which govern the marking of structures (including Offshore Thermal Energy Conversion (OTEC) facilities), sunken vessels, and other obstructions. These revisions expand the scope of the regulations so as to correspond with statutory amendments to 14 U.S.C. 85 and 86 covering certain obstructions beyond the territorial seas of the United States, made by Pub. L. 93-283, sections 1(2) and 1(3) (88 Stat. 139). Additional changes, primarily editorial, delete redundant and archaic requirements. These changes also enable the regulations to be more clearly understood.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Robert C. Hayden, Ofice of Navigation, Short Range Aids to Navigation Division (G-NSR-1/14), Rm 1416, U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, D.C. 20593, (202) 426-1973, between 7 a.m. and 3:30 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) was published in the **Federal Register** of 19 November 1981, beginning at page 56829 (46 FR 56829). Interested parties were given until January 18, 1982 to submit comments. No requests for a public hearing were received and no hearing was held.

Drafting Information

The principal persons involved in drafting this proposal are Lieutenant (Junior Grade) Robert C. Hayden, Project Manager, Office of Navigation, and Lieutenant Mark D. Hanlon, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Comments from four sources were received. One comment recommended that § 64.01-3(b)(5) be changed to read: "Artificial islands and structures subject to Part 67 of this subchapter." This is incorporated into the final rule, since structures subject to Part 67 must be exempted from Part 64.

Another comment demonstrated that proposed § 64.20-1 would eliminate the existing application process required for aids to navigation on structures, as prescribed by § 66.01-35. This was not our intent. The application procedure serves an important function by requiring the owner or operator to recognize responsibility for operation, maintenance, and eventual disestablishment of the aid to navigation. Therefore, the existing application requirement in § 66.01-35 is transferred to § 64.20-1.

Another comment suggested that in proposed § 64.20-1 the word "building" should be changed to "establishing" since "building" suggests a fixed structure. The regulations are intended to include both floating and fixed structures, therefore, we have incorporated the word "establishing".

Another comment indicated that upon removal of § 66.01-35, §§ 66.01-40 and 45 become incomplete or meaningless. In § 66.01-40 this occurs because reference is made to the former title of Part 64, Part 68, and §§ 66.01-35 which no longer exist. The latter part of § 66.01-45 refers to penalties concerning structures which have been transferred to Part 64. To solve these problems this document modifies § 66.01-40(a) to reflect the new title of Part 64 and changes any reference to Part 68, which no longer exists, to Subchapter J, which contains the current regulations for bridges. § 66.01-40(b) is amended to delete references to § 66.01-35 and changes references from Part 68 to Subchapter J. The part of § 66.01-45 which refers to structures is deleted.

In addition to these editorial changes, the recitation of "Authority" for Parts 64 and 66 is expanded to include 14 U.S.C. 83; 33 U.S.C. 409; 42 U.S.C. 9118; and 43 U.S.C. 1333.

Regulatory Evaluation

These final regulations have been evaluated under E.O. 12291 and DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated May 22, 1980 and have been determined to be neither major nor significant.

The proposed rules would revise regulations which govern the marking of miscellaneous structures (not covered under 33 CFR Part 67), sunken vessels, and other obstructions. Due to expanded statutory jurisdiction, the regulations would require marking of structures, sunken vessels and other obstructions outside U.S. territorial waters. Current regulations require markings of structures, sunken vessels and other obstructions inside U.S. territorial waters. The Coast Guard expects the impact of this proposed rule to be minimal. Of an estimated 500 private aids to navigation to be put in service next year, fewer than 25 will result from this regulation.

Where markings are required, the cost would be minimal when compared with the potential cost of ship and cargo loss and the potential cost of pollution damage to the environment. The estimated cost of marking an obstruction varies considerably with the size of the object, its location, and the degree of hazard to navigation presented. The cost may range from $300 to $10,000 per year. An average cost is about $1,000 per year.

In the areas outside U.S. territorial waters, covered by the expanded applicability of these regulations, marking is only expected to be required on structures that have been erected for commercial purposes. In these instances, the cost associated with required obstruction marking is insignificant when compared with the total cost of the structure.

By comparison, the damage to a vessel caused by collision with a structure or other obstruction can range into the millions of dollars. In addition there may be injuries or loss of life and

environmental damage due to pollution. While the likelihood of such incidents can not be established, marking is required only in these instances where there is a reasonable risk that they may occur.

Regulatory Flexibility Analysis

The proposed 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. No significant impact was found because these final regulations primarily update, simplify and consolidate existing regulations by clarifying the applicability of the regulations, deleting extraneous material, and organizing the regulations in a more logical manner. Few obstructions owned by small entities are likely to require marking in the areas of expanded jurisdiction.

List of Subjects in 33 CFR Parts 64 and 66

Navigation (water).

In consideration of the foregoing, 33 CFR Parts 64 and 66 are amended as follows:

1. By revising Part 64 to read as follows:

PART 64—MARKING OF STRUCTURES, SUNKEN VESSELS AND OTHER OBSTRUCTIONS

Subpart 64.01—General

Sec.
64.01-1 Purpose.
64.01-3 Scope.
64.01-6 Definition of terms.

Subpart 64.10—Sunken Vessels and Other Obstructions

64.10-1 Markings and notification requirements.
64.10-3 Approval of markings.
64.10-6 Duration of marking on sunken vessels in navigable waters.

Subpart 64.20—Structures

64.20-1 Marking and notification requirements.
64.20-3 Duration of marking of structures.

Subpart 64.30—Miscellaneous Provisions

64.30-1 Determination of marking necessity.
64.30-3 Marking by the Coast Guard.

Authority: 14 U.S.C. 81, 83, 85, 86, 92, 633; 33 U.S.C. 409; Pub. L. 96-320, 94 Stat. 974 (42 U.S.C. 9118); 43 U.S.C. 1333; [49 CFR 1.46(b)]

Subpart 64.01—General

§ 64.01-1 Purpose.

This part prescribes rules relating to the marking of structures, sunken vessels and other obstructions for the protection of maritime navigation.

§ 64.01-3 Scope.

(a) Except as provided in paragraph (b) of this section these rules apply to—

(1) Structures located in or over waters subject to the jurisdiction of the United States and, on the high seas, structures owned or operated by persons subject to the jurisdiction of the United States;

(2) Sunken vessels in the navigable waters or waters above the continental shelf of the United States; and

(3) Other obstructions existing on or in the navigable waters or waters above the continental shelf of the United States.

(b) The following obstructions are exempt from the requirements of this part—

(1) Dredging pipelines subject to subchapter D of this chapter;

(2) Bridges subject to subchapter J of this chapter;

(3) Vessels subject to the International Regulations for preventing Collisions at Sea, 1972 (1972 COLREGS) or the Inland Navigation Rules;

(4) Deepwater port facilities subject to subchapter NN of this chapter; and

(5) Artificial islands and structures subject to Part 67 of this subchapter.

§ 64.01-6 Definition of terms.

As used in this part:

"Markings" means the lights and other signals placed on or near structures, sunken vessels, and other obstructions for the protection of navigation.

"Structures" means any fixed or floating obstruction, intentionally placed in the water, which may interfere with or restrict marine navigation.

Subpart 64.10—Sunken Vessels and Other Obstructions

§ 64.10-1 Marking and notification requirements

(a) The owner of a vessel, raft or other craft wrecked and sunk in a navigable channel is required by 33 U.S.C. 409 to mark it immediately with a buoy or daymark during the day and with a light at night. The courts have interpreted the statute very broadly, holding that it is not to be applied to vessels only and that "navigable channel" is not limited to those channels marked by buoys or other aids to navigation. Sunken vessels and other obstructions should be marked whenever they constitute a hazard to navigation.

(b) Owners of vessels sunk in waters subject to the jurisdiction of the United States or sunk on the high seas, if the owner is subject to the jurisdiction of the United States, shall promptly report to the District Commander, in whose jurisdiction the obstruction is located, the action they are taking to mark the sunken vessel, giving the following information (in addition to the report required by 46 CFR 4.05-1, Notice of Marine Casualty):

(1) Name and description of the sunken vessel;

(2) Accurate description of the location of the vessel;

(3) Depth of water over the vessel; and

(4) Location and type of marking established, including color and shape of buoy or other daymark and characteristic of the light.

(c) Owners of other obstructions may report the existence of such obstructions and mark them in the same manner as prescribed for sunken vessels.

Note.—Outer Continental Shelf (OCS) lessees are subject to additional notification requirements provided in OCS Order No.1, paragraph 4 (44 FR 76216, December 21, 1979), issued by U.S. Geological Survey.

§ 64.10-3 Approval of markings.

(a) All markings of sunken vessels and other obstructions established in accordance with § 64.10-1 must be reported to and approved by the appropriate District Commander.

(b) Should the District Commander determine that these markings are inconsistent with Part 62 of this subchapter, they must be replaced as soon as practicable with approved markings.

§ 64.10-6 Duration of marking on sunken vessels in navigable waters.

Markings shall be maintained until—

(a) The sunken vessel or other obstruction is removed; or

(b) The right of the owner to abandon is legally established and exercised.

Note.—Notices of abandonment of sunken vessels or other obstructions will not be accepted by the Coast Guard. Any notice of intention to abandon should be addressed to the District Engineer, Corps of Engineers, U.S. Army, within whose district the sunken vessel or other obstruction is located.

Subpart 64.20—Structures

§ 64.20-1 Marking and notification requirements.

Before establishing a structure, the owner or operator shall apply for Coast Guard authorization to mark the structure in accordance with § 66.01-5 of this chapter. The appropriate District Commander will determine the marking requirements.

§ 64.20-3 Duration of marking on structures.

Markings determined to be required shall be established and maintained until—

(a) The structure is removed; or

(b) Otherwise directed by the District Commander.

Subpart 64.30—Miscellaneous Provisions

§ 64.30-1 Determination of marking necessity.

(a) In determining the necessity of marking for the protection of maritime navigation, the District Commander considers, but is not limited to, the following—

(1) Physical characteristics of the obstruction;

(2) Depth of water in which it is located;

(3) Proximity of the obstruction to historic or designated vessel routes;

(4) Proximity of the obstruction to other obstructions or aids to navigation; and

(5) Type of vessel traffic at the obstruction site.

(6) [Reserved]

§ 64.30-3 Marking by the Coast Guard.

(a) The District Commander may mark for the protection of maritime navigation any structure, sunken vessel or other obstruction that is not suitably marked by the owner. Markings established by the Coast Guard do not relieve the owner's duty or responsibility to mark the sunken vessel or other obstruction, or to remove it as required by law.

(b) Costs for markings established by the Coast Guard will be determined in accordance with Part 74 of this Chapter.

(c) Costs for marking of a sunken vessel or other obstruction shall be charged to the owner and shall continue until—

(1) The vessel or other obstruction is removed;

(2) The right of the owner to abandon is legally established and has been exercised; or

(3) The District Commander directs otherwise.

Note.—When the needs of navigation permit, the owner may be given reasonable opportunity to establish and maintain the necessary markings.

PART 66—PRIVATE AIDS TO NAVIGATION

2. The authority for Part 66 is revised to read as follows:

Authority: 14 U.S.C. 81, 83, 85, 86, 92, 633, 33 U.S.C. 409; Pub. L. 96-320, 94 Stat. 974 (42 U.S.C. 9118), 43 U.S.C. 1333 unless otherwise noted.

§ 66.01-35 [Removed]

3. By removing 33 CFR 66.01-35.

4. By revising 33 CFR 66.01-40 to read as follows:

§ 66.01-40 Exemptions.

(a) Nothing in the preceding sections of this subpart shall be construed to interfere with or nullify the requirements of existing laws and regulations pertaining to the marking of structures, vessels and other obstructions sunken in waters subject to the jurisdiction of the United States (Part 64 of this subchapter), the marking of artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf (Part 67 of this subchapter), or the lighting of bridges over navigable waters of the United States (subchapter J of this subchapter).

(b) Persons marking bridges pursuant to subchapter J of this title are exempted from the provisions of § 66.01-5.

By revising § 66.01-45 to read as follows:

§ 66.01-45 Penalties.

Any person, public body or instrumentality, excluding the armed forces, who shall establish, erect or maintain any aid to maritime navigation without first obtaining authority to do so from the Coast Guard, with the exception of those established in accordance with § 64.10 of this chapter, or who shall violate the regulations relative thereto issued in this part, is subject to the provisions of 14 U.S.C. 83.

Dated: March 3, 1983.

R. A. Bauman,

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

[FR Doc. 83-6989 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Part 110

[CGD 09-82-04]

Special Anchorage Area; Fish Creek Harbor, Fish Creek, Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Final rule, Correction.

SUMMARY: This document corrects the area description contained in final regulations establishing a Special Anchorage Area at Fish Creek Harbor, Fish Creek, Wisconsin which was published 16 August 1982 (47 FR 35482).

The final rule description of the Special Anchorage Area placed a portion of it on shore. This correction is intended to redescribe the Anchorage Area entirely within the harbor.

FOR FURTHER INFORMATION CONTACT: Ensign Steven J. Boyle, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199, or phone (216) 522-7064. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

PART 110—[AMENDED]

Accordingly, the Coast Guard is correcting 33 CFR 110.79c to read as follows:

§ 110.79c Fish Creek Harbor, Fish Creek, Wisconsin

The area within the following boundaries: Beginning at latitude 45°07'58" N., longitude 87°14'41" W.; thence to latitude 45°07'58" N., longitude 87°14'35" W.; thence to latitude 45°07'50" N., longitude 87°14'30" W.; thence to latitude 45°07'47" N., longitude 87°14'38" W.; thence to the point of beginning.

(Sec. 1, 28 Stat. 647, as amended (33 USC 258); sec. 6(g)(1)(c) 80 Stat. 937 (49 USC 1655(g)(1)(c)); 49 CFR 1.46(c)(3); 33 CFR 1.05-1(g) (1) and (2))

Dated: March 8, 1983.

Henry H. Bell,

Rear Admiral, Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 83-6978 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Part 100

[CGD11 CR-04-83]

Establishment of Special Local Regulations; "NJBA Regatta"

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the NJBA Regatta high speed ski boat race on the Colorado River, to be held on 12 and 13 March 1983 between river mile 179½ and Headgate Rock Dam. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 12 March 1983 and terminate on 13 March 1983.

FOR FURTHER INFORMATION CONTACT: Lt. N. M. Turner, Commander(bpa), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590-2213.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. There was not sufficient time to publish proposed rules in advance of the event

or to provide for a delayed effective date.

Drafting information: The principal individuals involved in drafting this rule are Lt. Noris M. Turner, Chief, Boating and Public Affairs Branch, Eleventh Coast Guard District, and Lt. Catherine M. Kelly, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of regulations: The National Jet Boat Association's "NJBA Regatta" will be conducted on the Colorado River beginning March 12, 1983, starting from river mile 179½. This event will have 200 18- to 20-foot inboard high speed ski boats that could pose hazards to navigation. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Evaluation: These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opened periodically to recreational vessels.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding the following section:

§ 100.35-11-CR04 National Jet Boat Association/NJBA Regatta.

(a) *Regulated area.* The following regulated area will be closed intermittently to all vessel traffic from 7:00 AM to 8:00 PM each day on 12 and 13 March 1983: That portion of the Colorado River commencing at approximate river mile 179½, thence southerly along the natural flow of the river to Headgate Rock Dam and return to the starting point.

(b) *Special local regulations.* (1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during the above hours, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: February 23, 1983.

A. P. Manning,

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

[FR Doc. 83-6980 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Part 110

[CCGD8-82-13]

Anchorage Regulations; Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard has amended the anchorage regulations on the Lower Mississippi River by establishing a permanent anchorage in the vicinity of Magnolia, Louisiana called the Magnolia Anchorage. This action was necessary to provide needed additional anchorage space for deep draft vessels.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Lcdr R. E. Ford, Port Safety Officer, Captain of the Port, New Orleans, LA, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117, Tel: (504) 589-7118.

SUPPLEMENTARY INFORMATION: On October 28, 1982, the Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** for this regulation (47 FR 47866). Interested persons were requested to submit comments and no comments were received.

Drafting Information: The drafters of this regulation are Lt M. W. Brown, Project Officer, c/o Commander, Eighth Coast Guard District (mps) and Lt J. C. Helfrich, Project Attorney, c/o Commander, Eighth Coast Guard District (dl), Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130.

Economic Assessment and Certification: These 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). An economic evaluation of the proposal was not conducted since its impact is expected to be minimal. Any economic effects will be positive, however, as this anchorage will decrease transit times and will mean lower operating costs for vessels. It is also certified that in accordance with section 605(b) of the Regulatory Flexibility Act, these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Final Regulation

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations is amended as follows:

PART 110—[AMENDED]

33 CFR 110.195 is amended by redesignating (a)(5) through (a)(26) as (a)(6) through (a)(27) and by adding a new paragraph (a)(5) to read as follows:

§ 110.195 Mississippi River Below Baton Rouge, LA, Including South and Southwest Passes.

(a) * * *

(5) *Magnolia Anchorage.* An area 1.4 miles in length along the right descending bank of the river from mile 45.5 to mile 46.9 above Head of Passes. From mile 45.5 to mile 46.3 the area has a width of 1100 feet. From mile 46.3 to mile 46.9 the area has a width of 600 feet as measured 500 feet riverward from the right descending bank.

* * * * *

(33 U.S.C. 471; 4 U.S.C. 1655(g)(1); 49 CFR 1.46(c)(1); 33 CFR 1.05-1(g))

Dated: February 25, 1983.

W. H. Stewart,

Rear Admiral, Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 83-6979 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Part 117

[CGD 01-82-15]

Drawbridge Operation Regulations; Back Cove, Portland, Maine

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Canadian National Railway Company the Coast Guard is changing the regulations governing the operation of the railroad drawspan across Back Cove to allow the drawspan to be maintained in a closed position. The existing regulations permit the Canadian National to require a 24 hour notice for an opening of the draw. The draw has not been opened except for inspection purposes during the last three years. The change will provide for the reasonable needs of navigation.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch,

First Coast Guard District, Boston, MA, 02114 (617-223-0645).

SUPPLEMENTARY INFORMATION: On 7 October 1982 the Coast Guard published a proposed rule (47 FR 44258) concerning this amendment. The Commander, First Coast Guard District published the proposal as a Public Notice dated 10 December 1982 and as an item in the Local Notice to Mariners. Interested persons were given until 24 January 1983 to submit comments.

Drafting Information

The principal persons involved in drafting this proposal are: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, and Lieutenant Susan M. Krupanski, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of the Proposed Regulation

There was no response to the **Federal Register** notice. Two letters, one each from the National Marine Fisheries Service (NMFS) and the Wm. Underwood Company, were generated by the First District notice. The NMFS indicated no objection to the proposal. The Wm. Underwood Co. expressed concern that a closing of the drawspan could reduce the future value of its Burnham and Morrill Company Plant (B & M) located above the bridge. The company also expressed concern about fire protection if fire boats are not able to approach the plant.

The B & M Company no longer uses its marine facility and does not plan to use it in the foreseeable future. Nevertheless, there is no reason to discourage any subsequent desire to reestablish marine operations. As for fire protection, the Deputy Chief of the City of Portland Fire Department has stated that the B & M plant can be protected adequately by the Fire Department's land vehicles. These final regulations have been reviewed under provisions of Executive Order 12291 and have been determined not to be a major rule. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). As explained above, an economic evaluation has not been conducted. In accordance with section 605(d) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—[AMENDED]

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.20 to read as follows:

§ 117.20 Back Cove, Portland, Maine

(a) The drawspan of this bridge need not be opened for the passage of vessels.

(b) The draw shall be returned to operable condition within six months after notification from the Commandant to take such action.

(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: March 2, 1983.

L. L. Zumstein,

Rear Admiral, Coast Guard, Commander, First Coast Guard District.

[FR Doc. 83-7016 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 2

[OLEC-FRL 2322-7]

Public Information

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule modifies the Environmental Protection Agency (EPA) regulations regarding the collection of fees for Freedom of Information Act (FOIA) requests. This modification is intended to preserve public funds by requiring full payment in advance, thereby reducing costs to the Government of collecting fees and to avoid defaults by individuals who request costly record searches. This modification of EPA's regulation will permit EPA to collect amounts owed before records are released to requesters.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Charles Breece, Office of General Counsel, Contracts and Information Law Branch (A-134), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Telephone: 202-382-5460.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act permits EPA to charge fees for photocopying records which are to be released and for the time expended in searching for such records. EPA's current policy for collecting fees was published in the **Federal Register** on September 1, 1976 (43 FR 36902). Under the current EPA regulations, an EPA office may request prepayment in cases where costs for services rendered in connection with a FOIA request exceed $25. However, if a requester makes an assurance to pay the amount of fees due, an EPA office could release the requested records without actually receiving payment. Many EPA office are disclosing records based upon assurances to pay by requesters. In a recent audit, EPA's Office of Inspector General found that a number of requesters who have received records under FOIA are not making timely payments for such records. Collecting these unpaid amounts increases EPA's costs of administering the FOIA.

EPA will discontinue the practice of releasing records before payment is received. By requiring full payment in advance, EPA will eliminate defaults by individuals who request costly record searches and will reduce the costs to EPA of collecting from persons who fail to pay. This rule also requires requesters to submit payments to the EPA Financial Management offices.

Robert M. Perry,

Associate Administrator and General Counsel.

List of Subjects in 40 CFR Part 2

Administrative practice and procedure, Freedom of information, Confidential business information.

PART 2—[AMENDED]

Accordingly, the Environmental Protection Agency revises 40 CFR 2.120 (b), (c), and (e) as follows:

§ 2.120 Fees; payment; Waiver.

* * * * *

(b) *Method of Payment.* All fee payments shall be in the form of a check or money order payable to the "U.S. Environmental Protection Agency" and shall be sent (accompanied by a reference to the pertinent Request Identification Number(s)) to the appropriate Headquarter's or Regional Financial Management Officer.

(c) *Notice of estimated fees in excess of $25.* (1) Where it is estimated that the fee chargeable under this section will amount to more than $25, and the requester had not submitted payment in advance to cover the estimated fees, the requester shall be notified of the amount of the estimated fees or such portion thereof as can readily be estimated. In such cases, a request will not be deemed to have been received until the requester is notified of the estimated fees and the requester pays the total amount of fees due (or estimated to become due) under this section. Such a notification of costs

shall be transmitted to the requester as soon as possible, but in any event within five working days, giving the best estimate possible.

(2) Where an estimated fee, paid by the requester in advance, exceeds the fee chargeable under the fee schedule for services actually performed, the balance will be refunded by the Agency. Where the actual fees due for the services are in excess of the estimate, the requester will be required to remit the amount of the actual fees before the copies are released.

* * * * *

(e) In the event a requester who is in arrears for previous requests makes a request under this Part, the EPA Freedom of Information Officer shall inform the requester that EPA will not process the request until the arrears have been paid in full. Any request made by an individual who specifies an affiliation with or representation of a corporation, association, law firm, or other organization shall be deemed to be a request by the corporation, association, law firm, or other organization. If an organization can show that the person who made the request for which payment is overdue did not make the request on behalf of the organization, the organization will not be considered in arrears, but the individual shall be.

[FR Doc. 83-6914 Filed 3-16-83; 8:45 am]
BILLING CODE 6560-50-M

---

40 CFR Part 52

[A-10-FRL 2307-7]

Approval and Promulgation of State Implementation Plans; Revision to Oregon State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this Notice, EPA announces its approval of a revision to the State of Oregon Implementation Plan (SIP). This revision is the removal of the Mid-Willamette Valley Air Pollution Authority (MWVAPA) Regulations from the SIP. MWVAPA was dissolved in 1975.

DATES: This action will be effective on May 16, 1983 unless notice is received before April 18, 1983 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal thirty-day comment period on this action.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-82-18), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97207.

Copy of the State's submittal may be examined at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101, Telephone: (206) 442-1980, FTS: 399-1980.

SUPPLEMENTARY INFORMATION: In 1970, MWVAPA adopted rules which were approved as part of the Oregon SIP in 1972. However, the MWVAPA was dissolved in 1975. To simplify the State's rules, the Environmental Quality Commission voted on June 11, 1982 to repeal all but three of the MWVAPA rules and to remove all of the MWVAPA rules from the Oregon SIP. On August 9, 1982 the Oregon Department of Environmental Quality submitted a request to remove the MWVAPA rules as a revision to the Oregon SIP.

All of the MWVAPA rules which are necessary to meet the requirements of the Clean Air Act are duplicated in the Department of Environmental Quality's rules with equal or more stringent provisions. The three remaining rules, which pertain to odors, nuisance and large particle fallout, are not needed to maintain ambient air quality standards in the affected counties. Therefore, EPA is approving the removal of the MWVAPA regulations.

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

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date of publication of this notice. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This action constitutes a SIP approval under Section 110 within the terms of the January 27, 1981 certification.

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirements of regulatory impact analysis. This regulation is not judged to be major, since it merely approves actions taken by the State and does not establish any new requirements.

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

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410(a)).

List of Subjects in 40 CFR Part 52

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

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

Dated: March 8, 1983.

Anne M. Burford,

Administrator.

PART 52—[AMENDED]

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

Subpart MM—Oregon

In § 52.1970, paragraph (c)(56) is added as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(56) On August 9, 1982 the State of Oregon Department of Environmental

Quality submitted a revision to remove the Mid-Willamette Valley Air Pollution Authority Regulations from the Oregon state implementation plan.

[FR Doc. 83-6624 Filed 3-16-83; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Urban Mass Transportation Administration

49 CFR Part 670

[UMTA Docket No. 82-B]

Transfer of Conrail Commuter Service Operations

AGENCY: Federal Railroad Administration (FRA) and Urban Mass Transportation Administration (UMTA), Department of Transportation (DOT).

ACTION: Amendment to final rule.

SUMMARY: The purpose of this document is to amend a final rule published in the **Federal Register** on August 5, 1982, allocating funds appropriated by Congress to facilitate transfer of commuter rail service from the Consolidated Rail Corporation (Conrail) to other operators. As a result of Congressional action contained in the Department of Transportation and Related Agencies Appropriation Act, 1983, changes to the funding allocations are necessary in order to conform the regulations to Congressional directive.

DATE: This amendment is effective on December 18, 1982.

FOR FURTHER INFORMATION CONTACT: William R. Fashouer, Office of the Chief Counsel of FRA, (202) 426-7710, or Anthony A. Anderson, Office of the Chief Counsel of UMTA (202) 426-4011, both located at 400 Seventh Street, SW., Washington, D.C. 20590. FRA and UMTA office hours are from 8:30 a.m. to 5:00 p.m. e.s.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: This document prescribes standards for the obligation and equitable distribution of funds authorized under section 1139(b) of the Northeast Rail Service Act of 1981 (NERSA), Subtitle E of Title XI of Pub. L. No. 97-35, 95 Stat. 643 (1981).

Background

On August 13, 1981, Congress enacted NERSA, which provides for the transfer of commuter rail service operations from Conrail to either the Northeast Commuter Services Corporation (NCSC) or directly to the commuter authorities for whom Conrail had provided the service. Section 1139(b) of NERSA authorizes $50,000,000 to be appropriated to the Secretary of Transportation to facilitate the transfer of commuter rail services from Conrail to other operators. Congress appropriated $45,000,000 for this purpose in the Department of Transportation and Related Agencies Appropriation Act, 1982 (Pub. L. No. 97-102, 95 Stat. 1451), and an additional $5,000,000 in the Supplemental Appropriations Act, 1982 (Pub. L. No. 97-257, 96 Stat. 853).

Section 1139(b) of NERSA requires the Secretary to issue regulations governing the obligation and distribution of the transition assistance. FRA and UMTA issued a final rule implementing section 1139(b) on August 5, 1982 (47 FR 33965). The final rule established applicant eligibility criteria, set forth a formula for the allocation of funds appropriated for the transfer, identified eligible uses for the allocated funds, and outlined application procedures.

Subsequent to the issuance of the final rule, Congress enacted the Department of Transportation and Related Agencies Appropriation Act, 1983 (Pub. L. No. 97-369). The 1983 DOT Appropriation Act appropriates an additional $75,000,000 for necessary expenses to carry out section 1139(b) of NERSA to be derived from funds previously appropriated for purchase of Conrail securities. This brings the total amount appropriated for expenses attendant to the transfer of Conrail commuter rail services to $125,000,000. In addition to providing an appropriation of $75,000,000, Congress included in the Conference Report accompanying the Act specific direction as to how all appropriated funds are to be allocated between the commuter authorities and NCSC. H.R. Rep. No. 960, 97th Cong., 2nd Sess. 15 (1982). The Conference Report allocation is as follows:

MTA/CDOT	$59,000,000
SEPTA	39,000,000
New Jersey Transit	22,000,000
MDOT/NCSC	5,000,000
Total	125,000,000

The appropriation of additional commuter service transition assistance and adoption by Congress of specific funding allocations necessitates changes to the final rule issued by FRA and UMTA on August 5, 1982.

The only section of the final rule affected by the Congressional action is § 670.9, *Commuter service transition assistance,* which allocates funds to NCSC and the six commuter authorities. Under the final rule NCSC was to receive $4 million for general administrative expenses and the costs of services it provides in common for all commuter authorities. The remainder of the transition assistance appropriated by Congress in fiscal year 1982 was to be allocated among the six commuter authorities on the basis of calendar year 1980 car mile and revenue passenger data provided by Conrail to each agency. Except for two categories of expenses, NCSC development of an Accounting Management Control Data Processing System, and NCSC conduct of SEPTA labor negotiations, transition assistance allocated to the commuter authorities was to be provided directly to them.

In order to conform with Congress' directive section 670.9(a) is being revised to provide that MDOT, DelDOT, and NCSC together will be eligible to receive a total of $5,000,000 in commuter transition assistance funds. NCSC has estimated that it will require approximately $4,762,000, while MDOT and DelDOT have estimated their total requirements to be $126,750 and $20,000 respectively. So as to assure that NCSC's needs are met, while also anticipating the possibility of additional requirements from MDOT or DelDOT, NCSC will be eligible to receive up to $4,780,000, MDOT will be eligible to receive up to $190,000 and DelDOT will be eligible to receive up to $30,000, the latter two amounts being approximately 150% of MDOT's and DelDOT's respective estimated requirements. In addition, NCSC will be eligible to receive any funds for which DelDOT or MDOT is eligible but which are not distributed to those authorities.

Commuter transition assistance for DelDOT was not included in the Congressional allocation included in the Conference Report. However, because DelDOT has incurred transition costs, the Administrators have determined that DelDOT should continue to receive reimbursement for such transition costs as was provided in the final rule published on August 5, 1982. Funds for DelDOT will be derived from the $5,000,000 allocated in the Conference Report to MDOT and NCSC. Providing funds for DelDOT will not have a significant impact on this allocation since DelDOT's transition costs are relatively small.

Commuter transition assistance funds provided to NCSC are to be used to cover general administrative expenses and the costs of services it provides in common for all commuter authorities. NCSC would also be authorized, with the approval of the Administrators, to expend some of these funds for development of the Accounting Management Control Data Processing System.

Section 670.9(b) is being revised to provide that MTA/CDOT, SEPTA, and

NJ Transit will be eligible to receive up to $120,000,000 in transition assistance funds appropriated by Congress under section 1139(b). The distribution to each commuter authority will be based on the Congressional earmarking contained in the Conference Report accompanying the 1983 DOT Appropriations Act. Accordingly, MTA/CDOT will be eligible to receive up to $59,000,000, SEPTA will be eligible to receive up to $39,000,000 and NJ Transit will be eligible to receive up to $22,000,000.

Section 670.9(c) providing for direct distribution to NCSC of certain commuter authority allocations will remain unchanged since these funds have already been provided to and expended by NCSC to the extent required.

Section 670.9(d) outlining which entity would be entitled to apply for particular types of assistance also remains unchanged.

Section 670.9(e) outlining the time period during which transition assistance will be available has been amended to provide that funds appropriated in the 1983 DOT Appropriations Act are available as of December 18, 1982, the effective date of the Act. The provision that all funds shall remain available until October 1, 1986 is a statutory requirement and remains unchanged.

Section 670.13, *Applications,* is also being revised in order to correct an error found in the final rule. The reference to Appendix B in § 670.13(c)(1) should have referred to Appendix C and the final rule is being amended accordingly.

FRA and UMTA have decided to adopt these amendments to § 670.9 without a notice and comment period because these amendments simply incorporate changes made by Congress in the 1983 DOT Appropriations Act and make minor corrections to the final rule. Since FRA and UMTA are without discretion in including these provisions, no useful purpose would be served by a notice and comment procedure. The inclusion of a notice and comment period would introduce needless delay into a process that requires expeditious action. In addition, in the recently enacted Rail Safety and Service Improvement Act of 1982 (Pub. L. 97-468) Congress amended section 1139(b) of NERSA to provide that any funds appropriated under the authority of section 1139(b) are to be distributed by the Secretary to NCSC and the commuter authorities within sixty days after receipt of an application or within sixty days after the date of enactment of the Rail Safety and Service Improvement Act of 1982, whichever is later. Thus, Congress has made it clear that it wishes commuter transition assistance to be distributed without delay. A notice and comment period would restrict distribution of recently appropriated funds and frustrate Congressional intent.

Regulatory Evaluation

FRA and UMTA determined that since the economic impact of the final rule was minimal, it did not constitute a major rule under the terms of Executive Order 12291 or a significant rule under DOT's regulatory policies or procedures. As a result, the final rule did not require a regulatory impact analysis pursuant to Executive Order 12241 or a regulatory analysis or regulatory evaluation pursuant to DOT's regulatory policies and procedures. FRA and UMTA have determined that the economic impact of the rule remains small and that as amended it does not constitute a major rule.

Likewise, since the amendment makes only minor changes to the final rule, it is certified that the rule will not have a significant impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 670

Railroads.

Issued: March 9, 1983.

Robert W. Blanchette,

Administrator, Federal Railroad Administration.

Arthur E. Teele, Jr.,

Administrator, Urban Mass Transportation Administration.

PART 670—[AMENDED]

For the reasons set out in the preamble, 49 CFR Part 670 is amended by amending §§ 670.9 and 670.13, and by deleting Appendix A.

1. Section 670.9 is amended by revising paragraphs (a), (b), and (e) to read as follows:

§ 670.9 Commuter service transition assistance.

(a) *Transition assistance allocated to MDOT, DelDOT, and NCSC.* (1) MDOT, DelDOT, and NCSC together shall be eligible to receive a total of $5,000,000 in commuter transition assistance funds appropriated by Congress under section 1139(b) of the Act as follows:

MDOT shall be eligible to receive up to $190,000;

DelDOT shall be eligible to receive up to $30,000;

NCSC shall be eligible to receive up to $4,780,000.

In addition, NCSC shall be eligible to receive any funds for which DelDOT or MDOT is eligible but which are not distributed to those commuter authorities.

(2) Commuter transition funds provided to NCSC shall be used to cover general administrative expenses and the costs of services it provides in common for all commuter authorities, such as the transfer of assets from Conrail to the commuter authorities. With the approval of the Administrator, NCSC may also expend funds allocated pursuant to this paragraph (a) for the purposes outlined in paragraph (c)(1) of this section.

(3) To the extent that NCSC does not require all the funds for which it is eligible under this subsection (a), such funds shall be reallocated by, and in the discretion of, the Administrator among the commuter authorities to reimburse transition expenses not otherwise funded hereunder. Such reallocated funds shall be in addition to the funds provided to the commuter authorities under paragraphs (a) (1) or (b) of this section.

(b) *Transition assistance allocated to MTA, CDOT, NJ Transit, and SEPTA.* (1) MTA, CDOT, NJ Transit, and SEPTA shall be eligible to receive a total of $120,000,000 in commuter transition funds appropriated by Congress under section 1139(b) of the Act as follows:

MTA and CDOT together shall be eligible to receive up to $59,000,000;

NJ Transit shall be eligible to receive up to $22,000,000;

SEPTA shall be eligible to receive up to $39,000,000.

(2) Except for the specific expense categories outlined in paragraph (c) of this section, transition assistance funds made available under this paragraph (b) shall be provided directly to the commuter authorities.

* * * * *

(e) *Timing of Transition Assistance.* Transition assistance funds appropriated by Congress pursuant to section 1139(b) of the Act in the 1982 Department of Transportation and Related Agencies Appropriation Act (Pub. L. No. 97-102) shall be made available for disbursement to applicants as of February 4, 1982. Transition assistance funds appropriated by Congress in the 1983 Department of Transportation and Related Agencies Appropriation Act (Pub. L. No. 97-369) shall be made available for disbursement to applicants as of December 18, 1982. All funds shall remain available until October 1, 1986.

2. Section 670.13 is amended by revising paragraph (c)(1) to read as follows:

§ 670.13 Applications.

* * * * *

(c) *Execution and filing of application.* (1) Each application shall bear the date of execution and be signed by the Chief Executive Officer of the applicant. Each person required to execute the application will execute a certificate in the form of Appendix C to this Part.

* * * * *

Appendix A [Removed]

3. Appendix A to Part 670 is removed.

[FR Doc. 83-6595 Filed 3-10-83; 12:21 pm]

BILLING CODE 4910-06-M; 4910-57-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 30314-38]

Tanner Crab off Alaska

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

ACTION: Rule-related notice; closure.

SUMMARY: The Director, Alaska Region, National Marine Fisheries Service, has determined that the optimum harvest level of Tanner crab in the Kodiak District in Registration Area J will be achieved on March 14, 1983, and that early closure of the fishery is necessary to protect Tanner crab stocks from overfishing. The Secretary of Commerce therefore issues this notice of closure of the Kodiak District to fishing for Tanner crab by vessels of the United States on March 14, 1983.

DATE: This notice is effective from 12:00 noon, Alaska Standard Time (AST), March 14, 1983, until 12:00 noon Alaska Daylight Time (ADT), April 30, 1983, for seven of the eight management sections and May 15 for the Semedi Island Section. This notice of closure was filed for public inspection with the Office of the Federal Register on March 14, 1983, at 4:55 p.m. Public comments on this notice of closure are invited until March 29, 1983.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region, (Regional Director), National Marine Fisheries Service, (NMFS), P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (Fishery Biologist, Kodiak Field Office, NMFS), 907-486-4791.

SUPPLEMENTARY INFORMATION: The fishery management plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP), governing this fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act, provides for inseason adjustments, by field order, of season and area openings and closures. Implementing rules at 50 CFR 671.27(b) specify that these orders will be issure by the the Secretary of Commerce under criteria set out in that section.

50 CFR 671.26(f) establishes five districts within Registration Area J. In order to prevent overfishing of individual Tanner crabs stocks, 50 CFR 671.27(b) allows closure or partial closure of a particular district when the desired harvest level is reached. One of the districts in Registration Area J is the Kodiak District which is further divided into eight management sections. Although an optimum yield of 35 million pounds is specified in the FMP for the Kodiak District overall, results of Tanner crab surveys conducted by the Alaska Department of Fish and Game (ADF&G) in 1982 indicate the optimum harvest should be between 17.4 and 29.0 million pounds.

Fishing began in the Kodiak District when the season opened on February 10, 1983. All management sections are scheduled to close on April 30, except for the Semidi Island Section which is scheduled to close on May 15. Since February 10, 1983, approximately 350 vessels have landed Tanner crab, which is the largest number of vessels to fish in this district historically and is a 60 percent increase in the number of vessels compared to 1982. The catch per unit of effort (CPUE) was approximately 53 crabs per pot at the start of the season, but has since declined to 17 crabs per pot. Many of the legal crab (males above the minimum size) are newly recruited into the fishery. Large numbers of female and sublegal male crabs are also being caught, which must be sorted and returned to the sea. These crabs are experiencing handling mortality during sorting, which is a loss to the fishery in future seasons. Catches of crab that have just molted and therefore are in a "soft shell" condition are reported to be increasing. These crab also experience high mortality due to handling.

The rapid decline in CPUE indicates that stocks are not sufficiently abundant to support a fishery through the scheduled April 30 closure date for seven of the management sections and through May 15 for the Semidi Island Section. The low CPUE, as well as the high mortality due to sorting and the increasing softshell condition of the crab, indicate that the optimal harvest level for the district should be 17.4 million pounds, which is the low end of the projected range. This amount will be achieved by 12:00 noon, March 14, 1983.

In light of this information, the Regional Director, in accordance with 50 CFR 671.27(b), has determined that:

1. The actual conditions of Tanner crab stocks in the Kodiak District are substantially different from conditions that were anticipated at the beginning of the fishing year; and

2. These differences reasonably support the need to protect those Tanner crab stocks by closing the Kodiak District of Registration Area J.

For these reasons, the Kodiak District of Registration Area J, as defined in 50 CFR 671.26(f)(1)(i), is closed to all fishing for Tanner crab in all management sections from 12:00 noon, AST, March 14, 1983, until 12:00 ADT, April 30, 1983, for seven of the eight management sections, and until 12:00 noon ADT, May 15, 1983, for the eighth management section, the Semidi Island Section, at which time the closure of these sections prescribed in 50 CFR 671.26(f)(2)(i) will begin.

This closure will not be effective prior to filing this notice for public inspection with the Office of the Federal Register and publicizing the closure for 48 hours through ADF&G procedures, under 50 CFR 671.27(a)(2). Under 50 CFR 671.27(b)(4), public comments on this notice of closure may be submitted to the Regional Director, at the address stated above, for 15 days following the effective date. During the 15-day comment period, these data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m.) at (1) the NMFS Kodiak Field Office, ADF&G Building, at Kashevaroff and Mission Roads, Kodiak, Alaska 99615, and (2) the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register** either confirming this field order's continued effect, modifying it, or rescinding it.

Other Matters

Tanner crab stocks in the Kodiak District will be subject to harm by overfishing and handling mortality unless this order takes effect promptly. The Agency therefore finds for good cause that advance notice and public comment on this order is contrary to the public interest, and that there should be no delay in its effective date.

This action is taken under the authority of regulations specified at 50

CFR 671.27, and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 671

Fish, Fisheries, Reporting requirements.

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

Dated: March 14, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-6976 Filed 3-14-83; 4:55 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 53
Thursday, March 17, 1983

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

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 810

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

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Prenotice: Review of existing regulations.

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

DATE: Comments must be submitted on or before May 16, 1983.

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

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

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

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

1. Should the format of the rye standards (7 CFR 810.401 *et seq.*) be updated to conform to the current arrangement of the sections as appears in the wheat standards? This would basically consist of realigning sections both in terms of their order and the internal presentation of the provisions.

2. Official certificates show the moisture content of rye, making the special grade "Tough" (7 CFR 810.404) and the Sample grade requirement for high-moisture rye unnecessary. The special grade "Tough" is not descriptive of grain quality; and the placement of moisture content on certificates, which is currently used to determine this condition, make this special grade designation unnecessary. Therefore, should the special grade "Tough" be deleted from the standards?

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

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

List of Subjects in 7 CFR Part 810

Export, Grain.

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

Dated: March 14, 1983.

K. A. Gilles,
Administrator.

[FR Doc. 83-6969 Filed 3-16-83; 8:45 am]
BILLING CODE 3410-EN-M

Agricultural Marketing Service

7 CFR Parts 907 and 908

[Docket Nos. A0-245-A8 & A0-250-A6]

Navel Oranges Grown in Arizona and Designated Part of California; Valencia Oranges Grown in Arizona and Designated Part of California; Hearing on Proposed Amendment of Marketing Agreements and Orders 907 and 908, Both as Amended

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: Notice is hereby given of a public hearing to be held to consider a proposed amendment of the marketing agreement and Marketing Order 907 (7 CFR Part 907), covering navel oranges grown in California and Arizona, and a proposed amendment of the marketing agreement and Marketing Order 908 (7 CFR Part 908), covering Valencia oranges grown in California and Arizona.

The prinicipal proposals included proposals that would: define a cooperative marketing organization for purposes of committee representation; limit the number of consecutive terms that an administrative committee member may serve; authorize increased compensation for committee members; redefine the non-industry member of each committee as a "public member"; provide for an additional alternate for each handler member on the committees; modify the requirements of each committee's annual report; permit each committee to charge interest and/or a penalty when handlers are late in paying assessments; revise procedures that handlers follow in applying for prorate bases; require handlers to retain certain records for a specific period; authorize the committees to remove handlers from the prorate base if prescribed reports are not submitted; provide for a periodic referendum on continuance of the marketing orders;

and revise the procedures for issuing early maturity allotments. Other changes, primarily adminstrative in nature, were also proposed as discussed in Supplementary Information.

DATE: The hearing will begin at 9:00 a.m. on April 5, 1983.

ADDRESS: The hearing will be held in the Fine Arts Building, Kern County Fairgrounds, 1142 South "P" Street, Bakersfield, California, 93307.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: Amendments have been proposed by the Navel Orange Administrative Committee (NOAC) and the Valencia Orange Administrative Committee (VOAC), California Citrus Mutual, citrus growers Don A. Schroeder and Berne H. Evans, III, groups of citrus growers and handlers represented by Perry L. Walker, and J. Kent Burt, Dennis N. Torigian, and Carl A. Pescosolido, Jr.

The principal proposals submitted by other citrus organizations or individuals which differ in subject matter from those of the NOAC and VOAC would: provide for advertising under the marketing orders; limit the maximum number of weeks of regulation and establish two-week prorate periods in lieu of the weekly periods currently authorized under the orders; provide for a marketing incentive provision whereby handlers could increase their weekly prorate; eliminate volume regulation provisions; exempt handlers from reporting requirements for shipments of 100 cartons or less to charitable institutions; revise the composition of the committee memberships; provide that, of the grower members on the administrative committees, not more than four may be affiliated with the same marketing organization; redefine the term "grower"; redefine voting rights for growers and revise nomination procedures including providing for mail balloting; provide for nomination of one-half of the committees' membership annually; increase the term of office of committee members; require that all committee members vote on all propositions before the committee; require a quorum of nine members to conduct committee business; require that committee meetings be held in each district at least once per season and that other meetings be held in each district based upon the districts' production; require the manager to poll all marketing organizations before committee meetings to obtain specific marketing information; require that growers own a specific minimum number of acres of navel or Valencia oranges for a specific minimum time to serve on the committees; delete the provision of the orders relative to forfeiture or unused handler allotments; and provide for "banking" of unused weekly allotments. Other changes, primarily administrative in nature, were also proposed.

The Department of Agriculture proposes that it be authorized to make any necessary conforming changes which may result from this proceeding.

A prenotice press release announcing the committees' proposals was issued on January 7, 1983, allowing comments by growers, handlers, and the public through January 24, 1983. Two written comments and five amendment proposals were received. Sufficient justification exists to hold a hearing on the proposed amendments.

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

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel and Valencia orange crops for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

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 proposed amendments of the marketing agreements and orders have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of: (i) Receiving evidence about the economic and marketing conditions which relate to a proposed amendment of the marketing agreements and orders; (ii) determining whether there is a need for amendment to the marketing agreements and orders; and (iii) determining whether the proposed amendments or appropriate modifications of them will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Parts 907 and 908

Marketing agreements and orders, California, Arizona, Oranges (Navel), (Valencia).

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposals of the Navel Orange Administrative Committee and the Valencia Orange Administrative Committee are as follows:

Proposal No. 1:

Amend §§ 907.17 and 908.18 by replacing the figure "924" with the figure "1,000".

Proposal No. 2:

Add new §§ 907.19 and 908.19a to read:

§ 907.19 and § 908.19a Cooperative marketing organization.

"Cooperative Marketing Organization" means a cooperative which directly arranges the sale or consignment of more than 50 percent of the oranges which it or its patrons handle in fresh domestic and export channels. At any given time the above determination shall be made on the basis of the quantity of oranges handled to date in the then current fiscal year. The exercise of the authority to approve or disapprove of a sale or consignment arranged by another person shall not be deemed to be the equivalent of arranging a sale or consignment.

Proposal No. 3:

Revise §§ 907.20 and 908.20 to read:

§ 907.20 Establishment and membership.

There is hereby established a Navel Orange Administrative Committee consisting of 11 members, for each of whom there shall be one alternate, and for each grower and handler member an additional alternate. Six of the members and their respective alternates shall be growers. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and the alternate of such member shall be persons possessing the qualifications provided in § 907.22(f). The six members of the committee who shall be growers are referred to in this subpart as "grower" members of the committee and the four members who shall be handlers, or employees of handlers, or employees of central marketing organizations are referred to in this subpart as "handler" members of the committee. The member of the committee nominated and selected pursuant to §§ 907.22(f) and

907.23, respectively, shall be referred to in this subpart as the "public" member of the committee.

§ 908.20 Establishment and membership.

There is hereby established a Valencia Orange Administrative Committee consisting of 11 members, for each of whom there shall be one alternate, and for each grower and handler member an additional alternate. Six of the members and their respective alternates shall be growers. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and the alternate of such member shall be persons possessing the qualifications provided in § 908.22(f). The six members of the committee who shall be growers are referred to in this subpart as "grower" members of the committee and the four members who shall be handlers, or employees of handlers, or employees of central marketing organizations are referred to in this subpart as "handler" members of the committee. The member of the committee nominated and selected pursuant to §§ 908.22(f) and 908.23, respectively, shall be referred to in this subpart as the "public" member of the committee.

Proposal No. 4:

Revise §§ 907.21 and 908.21 to read:

§ 907.21 Term of office.

The term of office of each member and alternate member of the committee shall be for a period of two years, and such terms shall begin on October 1 of each even-numbered year: *Provided,* That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members, not including alternate members or additional alternate members, shall be limited to five terms, beginning with terms starting October 1, 1982.

§ 908.21 Term of office.

The term of office of each member and alternate member of the committee shall be for a period of two marketing years, and such terms shall begin on February 1 of each even-numbered year: *Provided,* That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members, not including alternate members or additional alternate members, shall be limited to five terms, beginning with terms starting February 1, 1982.

Proposal No. 5:

Amend §§ 907.22 and 908.22 by revising paragraphs (b), (c), (d), and (f) to read:

§ 907.22 Nominations.

* * * * *

(b) Any cooperative marketing organization, or the growers affiliated therewith, which handled more than 50 percent of the total volume of oranges during the fiscal year in which nominations for members and alternate members of the committee are submitted shall nominate three grower members, three alternate grower members, three additional alternate grower members, two handler members, two alternate handler members, and two additional alternate handler members of the committee.

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or growers affiliated therewith, shall nominate one grower member, one alternate grower member, one additional alternate grower member, one handler member, one alternate handler member, and one additional alternate handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate two grower members, two alternate grower members, two additional alternate grower members, one handler member, one alternate handler member, and one additional alternate handler member.

* * * * *

(f) The members of the committee selected by the Secretary pursuant to § 907.23 shall meet on a date designated by the secretary and, by concurring vote of at least six members, shall nominate a public member and an alternate public member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

908.22 Nominations.

* * * * *

(b) Any cooperative marketing organization, or the growers affiliated therewith, which handled more than 50 percent of the total volume of oranges handled during the marketing year in which nominations for members and alternate members of the committee are submitted, shall nominate three grower members, three alternate grower members, three additional alternate grower members, two handler members, two alternate handler members, and two additional alternate handler members.

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate one grower member, one alternate grower member, one additional alternate grower member, one handler member, one alternate handler member, and one additional alternate handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate two grower members, two alternate grower members, two additional alternate grower members, one handler member, one alternate handler member, and one additional alternate handler member.

* * * * *

(f) The members of the committee selected by the Secretary pursuant to § 908.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate a public member and an alternate public member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

Proposal No. 6:

Revise §§ 907.23 and 908.23 to read:

§ 907.23 Selection.

From the nominations made pursuant to § 907.22(b) or from other qualified growers and handlers the Secretary shall select three grower member of the committee, an alternate and an additional alternate to each of such grower member; also two handler members of the committee, an alternate, and an additional alternate to each of such handler members. From the nominations made pursuant to § 907.22(c) or from other qualified growers and handlers the Secretary shall select one grower member of the committee, an alternate and an additional alternate to such grower member; also one handler member of the committee, an alternate and an additional alternate to such handler member. From the nominations made pursuant to § 907.22(d) or from other qualified growers and handlers the

Secretary shall select two grower members of the committee, an alternate and an additional alternate to each of such grower members; also one handler member of the committee, an alternate and an additional alternate to such handler member. From the nominations made pursuant to § 907.22(f) or from other qualified persons the Secretary shall select one public member and one alternate public member of the committee.

§ 908.23 Selection.

From the nominations made pursuant to § 908.22(b) or from other qualified growers and handlers the Secretary shall select three grower members of the committee, an alternate and an additional alternate to each of such grower members; also two handler members of the committee, an alternate, and an additional alternate to each of such handler members. From the nominations made pursuant to § 908.22(c) or from other qualified growers and handlers the Secretary shall select one grower member of the committee, an alternate and an additional alternate to such grower member; also one handler member of the committee, an alternate and an additional alternate to such handler member. From the nominations made pursuant to § 908.22(d) or from other qualified growers and handlers the Secretary shall select two grower members of the committee, an alternate and an additional alternate to each of such grower members; also one handler member of the committee, an alternate and an additional alternate to such handler member. From the nominations made pursuant to § 908.22(f) or from other qualified persons the Secretary shall select one public member and one alternate public member of the committee.

Proposal No. 7:

Revise §§ 907.31 and 908.31 to read:

§ 907.31 and § 908.31 Expenses and compensation.

The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall receive compensation at a rate to be recommended by the committee and approved by the Secretary, which rate shall not exceed $100 per day or portion thereof spent in performing such duties. An alternate member shall be reimbursed for reasonable expenses necessarily incurred by such alternate in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding that the committee member for whom such alternate serves also attends such meetings.

Proposal No. 8:

Revise §§ 907.32 and 908.32 to read:

§ 907.32 Annual review and meeting.

The Committee shall, as soon as practicable after the marketing of the crop is completed, prepare and mail an annual report to the Secretary and to each handler and grower of record. This annual report shall contain at least a complete review, by prorate districts, of the regulatory operations during the fiscal year, as conducted under the marketing policy established pursuant to § 907.50(a). The committee shall hold an open meeting to review the whole record of the operations of this part and any such meeting shall be held as soon as practicable after the mailing of the annual report, which shall contain notice of the time and place of the meeting.

§ 908.32 Annual review and meeting.

The Committee shall, as soon as practicable after the marketing of the crop is completed, prepare and mail an annual report to the Secretary and to each handler and grower of record. This annual report shall contain at least a complete review, by prorate districts, of the regulatory operations during the fiscal year, as conducted under the marketing policy established pursuant to § 908.50(a). The committee shall hold an open meeting to review the whole record of the operations of this part and any such meeting shall be held as soon as practicable after the mailing of the annual report, which shall contain notice of the time and place of the meeting.

Proposal No. 9:

Add new §§ 907.34 and 908.34 to read:

§ 907.34 and § 908.34 Consumer affairs advisors.

The Committee may appoint such consumer affairs advisors as it deems appropriate, and determine the compensation and duties of each.

Proposal No. 10:

Add a new paragraph (d) to §§ 904.41 and 908.41 to read:

§ 907.41 and § 908.41 Assessments.

* * * * *

(d) Assessments not paid within a period of time prescribed by the committee may be made subject to interest or penalty charges, or both. The period of time, rate of interest, and penalty charge shall be as recommended by the committee and approved by the Secretary: *Provided,* That when interest or penalty charges are in effect, they shall be applied to all assessments not paid within the prescribed period of time.

Proposal No. 11:

Amend §§ 907.53 and 908.53 by revising paragraphs (b), (c), (g), and (h), and adding a new paragraph (i) to read:

§ 907.53 and § 908.53 Prorate bases.

* * * * *

(b) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include at least (1) the name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of oranges available for current shipment by the applicant; (2) an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein; (3) an estimate of the quantity of oranges available for current shipment, in terms of a unit of measure designated by the committee, contained in each grove or portion thereof described in paragraph (b)(2) of this section; and (4) an estimate of the total quantity of oranges available for current shipment by the applicant in terms of a unit measure designated by the committee. If at the time of filing of an application under this section the committee finds that there is an error, omission or inaccuracy in such application, or that any estimates contained in such application are not reasonably calculated to apprise the committee of the information required by this section, it shall return the application to the applicant for correction or completion. Applicants may re-submit applications to the committee for its consideration at any subsequent time. Paragraphs (g) and (h) of this section shall not apply to such applications.

(c) Each application shall include a certification by the handler that such handler has control, for all purposes relating to this part, of the oranges described in the application.

* * * * *

(g) The committee shall determine the accuracy of the information submitted pursuant to this section. Except as provided in paragraph (b) of this section, whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who

submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, on inaccuracy has resulted in the establishment of a smaller or a larger quantity of oranges available for current shipment than that to which a person was entitled under this part, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission or inaccuracy.

(h) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute, with respect to each prorate district, the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments, except as provided in (b) of this section. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in the particular prorate district by each applicant and the total quantity of oranges available for current shipment in such district by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base so fixed.

(i) The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this section.

Proposal No. 12:

Revise §§ 907.60 and 908.60 to read:

§ 907.60 Early maturity allotments.

Notwithstanding the provisions of § 907.54 the committee may, prior to the reaching of general maturity, issue special allotments for the handling of oranges of early maturity. Handlers controlling oranges of early maturity may apply to the committee for such allotments on forms prescribed by the committee and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 907.51(b) the committee shall determine the extent to which early maturity allotment shall be granted. Total early maturity allotments approved by the committee shall be allocated in an equitable manner among the requesting handlers who qualify therefor. Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to such handler shall be adjusted downward by the committee. Early maturity allotments are transferrable to other handlers who received early maturity allotments in the same weekly period: *Provided,* That transfers of early maturity allotments shall be made through the committee: *And Provided Further,* That, upon such transfer of allotment, the transferee shall be obligated to use the transferred allotment during the week for which it was issued and if such handler fails to do so shall have such handler's oranges available for current shipment adjusted in the same manner as if the transferred allotment had been issued to such handler by the committee. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part.

§ 908.60 Early maturity allotments.

Notwithstanding the provisions of § 908.54 the committee shall, prior to the reaching of general maturity, issue special allotments for the handling of early maturity oranges. Handlers controlling early maturity oranges may apply to the committee for such allotments on forms prescribed by the committee and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 908.51(b) the committee shall determine the extent to which early maturity allotment shall be granted. Total early maturity allotments approved by the committee shall be allocated in an equitable manner among the requesting handlers who qualify therefor. Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to such handler shall be adjusted downward by the committee. Early maturity allotments are transferrable to other handlers who received early maturity allotments in the same weekly period: *Provided,* That transfers of early maturity allotments shall be made through the committee: *And Provided Further,* That, upon such transfer of allotment, the transferee shall be obligated to use the transferred allotment during the week for which it was issued and if such handler fails to do so shall have such handler's oranges available for current shipment adjusted in the same manner as if the transferred allotment had been issued to such handler by the committee. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part.

Proposal No. 13:

Revise §§ 907.70 and 908.70 to read:

§ 907.70 and § 908.70 Weekly report.

On or before such day of each week as may be designated by the committee, each person who first handles oranges shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to the total of all oranges disposed of by each such handler during the immediately preceding week: (a) The total quantity handled; (b) the total quantity disposed of for manufacture into by-products, showing the identity of each by-products processor involved and the quantity of each; (c) the total quantity disposed of for export, showing the destination and quantity of each such disposition; (d) the total quantity shipped for disposition to persons on relief, including quantity donated for charitable purposes, and shipments by parcel post or express, showing the destination and quantity of each such shipment; and (e) the total quantity disposed of otherwise, showing manner and quantity of each such disposition.

Proposal No. 14:

Revise §§ 907.71 and 908.71 to read:

§ 907.71 and § 908.71 Manifest report.

Each person who first handles oranges shall furnish to the committee information regarding the size of oranges in each standard packed carton or its equivalent handled by such handler whether such shipments were destined to points in the United States and Alaska or to Canada and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

Proposal No. 15:

Add a new subtitle "Records and Retention" following §§ 907.72 and 908.72, and new §§ 907.73 and 908.73 to read:

§ 907.73 and § 908.73 Records and retention.

(a) Each handler shall maintain records which will clearly show the details of such handler's receipts and acquisitions of oranges, sales, shipments, dispositions, inventories, and such other pertinent information as will substantiate the information submitted to the committee pursuant to this part.

(b) Each handler shall retain all records prepared or received in connection with the handling of oranges, including records of receipts and acquisitions, sales tickets, copies of statements of sales to customers, accounts of sales, correspondence, papers relating to damage and loss claims against carriers, an itemized daily record of cash receipts, ledger records in which purchases and sales can be verified, cash receipts and disbursement journals, bank statements, cancelled checks, bills of lading, truck manifests, car manifests, and all other pertinent records relating to the acquisition, handling, and disposition of oranges. All such records shall be retained by the handler for a period of four years following the end of the applicable crop year. If, within the four-year period, the committee notifies the handler in writing that the retention of such records, or specified records, is necessary in connection with proceedings under the Act, a court action, or a compliance investigation by the Secretary or the committee specified in such notice, the handler shall retain such records, or specified records, until further written notification from the committee. The committee shall give further written notification to the handler when retention of the records is no longer necessary.

(c) Each handler shall make available to authorized representatives of the committee and the Secretary at any time during reasonable business hours all records provided for in this part for examination and audit, and shall permit access to all premises where records are maintained or stored and where oranges are received, stored, prepared for market, or handled. The committee shall make such checks of oranges or audits of handlers' records as it deems appropriate or which are requested by the Secretary to insure that accurate information as required in this part is being furnished by handlers.

(d) All reports and information submitted by handlers pursuant to the provisions of this part shall be received by, and at all times be in the custody of one or more designated employees of the committee. No such employees shall disclose to any person, other than the Secretary upon request therefor, data, or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available in the form of general reports in which the identities of the individual handlers furnishing the information is not disclosed.

(e) The committee shall, with the approval of the Secretary, adopt rules and regulations to effectuate the provisions of this section.

Proposal No. 16:

Add new §§ 907.74 and 908.74 to read:

§ 907.74 and § 908.74 Failure to report.

In the event a handler fails to submit in the prescribed amount of time the reports required by the provisions of this part and the procedural rules and regulations thereunder, the committee may remove such handler from the prorate base and may refuse to issue any additional allotment to such handler, except as required for purposes of allotment loan repayments by such handler.

Proposal No. 17:

Amend §§ 907.83 and 908.83 by removing paragraph (c), redesignating paragraph (d) as paragraph (f) and adding new paragraphs (c), (d) and (e) to read:

§ 907.83 Termination.

* * * * *

(c) The Secretary shall terminate the provisions of this subpart at the end of a crop year in which the Secretary has found by referendum that such termination is favored by a majority of the growers who, during a representative period determined by the Secretary, have been engaged in the production for market of oranges in the production area: *Provided,* That such majority has during such representative period produced for market more than 50 percent of the total volume of such oranges produced for market within the production area; but such termination shall be effective only if announced on or before September 15, of the then current fiscal year.

(d) Upon recommendation of the committee, received not later than January 15 of an odd numbered year, the Secretary shall conduct a referendum prior to March 15 of such year to ascertain whether termination of this part is favored by growers as determined in accordance with (c) of this section. The committee, with the approval of the Secretary, shall adopt such rules and regulations as necessary to establish the basis for the recommendation provided for in this section.

(e) The Secretary shall conduct a referendum by August 1, of the tenth year following the effective date of this section and no later than August 1, every tenth year thereafter to find whether, in accordance with (c) of this section, termination of the order is favored by producers: *Provided,* That if a termination referendum or an affirmative amendment referendum is held within any ten year period of time as herein provided, the next termination referendum shall be held by August 1, of the tenth year following such referenda.

§ 908.83 Termination.

* * * * *

(c) The Secretary shall terminate the provisions of this subpart at the end of a crop year in which the Secretary has found by referendum that such termination is favored by a majority of the growers who, during a representative period determined by the Secretary, have been engaged in the production for market of oranges in the production area: *Provided,* That such majority have during such representative period produced for market more than 50 percent of the total volume of such oranges produced for market within the production area; but such terminations shall be effective only if announced on or before December 1 of the then current fiscal year.

(d) Upon recommendation of the committee, received not later than August 15 of an odd numbered year, the Secretary shall conduct a referendum prior to October 15 of such year to ascertain whether termination of this part is favored by growers as determined in accordance with (c) of this section. The committee, with the approval of the Secretary, shall adopt such rules and regulations as necessary to establish the basis for the recommendation provided for in this section.

(e) The Secretary shall conduct a referendum by October 15 of the tenth year following the effective date of this section and no later than October 15 every tenth year thereafter to find whether, in accordance with (c) of this section, termination of the order is

favored by producers: *Provided,* That if a termination referendum or an affirmative amendment referendum is held within any ten year period of time as herein provided, the next termination referendum shall be held by August 1 of the tenth year following such referenda.

(f) The provisions of this part shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

Proposals by California Citrus Mutual:

1. Provide for mail balloting for nomination of committee members.
2. Amend termination provisions to provide for a continuance referendum every six years or whenever a petition requesting such referendum is signed by 30 percent of the orange growers.
3. Provide that the Secretary of Agriculture hold a hearing to amend the orders when presented with a petition requesting such hearing signed by 15 percent of the orange growers.
4. Provide that terms of office for administrative committee members be limited to two consecutive four-year terms. Persons are eligible to serve again after a two-year period off the committee.
5. Amend the nomination provisions to nominate one-half of each committee's members annually.
6. Amend eligibility requirements to serve on the administrative committees (i.e. require that a grower lease or own 20 acres of navel or Valencia orange trees for a period of not less than the two years preceding nomination).
7. Provide that at least every other meeting of the NOAC or VOAC be held in the district shipping the majority of navel or Valencia oranges respectively.
8. Amend the order to include shipments of oranges destined to Mexico in the weekly prorate.
9. Amend procedures for issuing early maturity allotments.
10. Revise the forfeiture provisions of the orders.

Proposals of the Committee To Improve Marketing Orders 907 and 908 Represented by Perry L. Walker

Proposal No. 1:

Revised §§ 907.20 and 908.20 to read:

§ 907.20 Establishment and membership.

(a) There is hereby established a Navel Orange Administrative Committee consisting of 11 members, for each of whom there shall be one alternate, and for each grower member an additional alternate.

(b) Nine of the members and their respective alternates shall be growers, and they shall be known as grower members. Each grower member must be a person who has been actively involved in the commercial production of navel oranges for at least five years prior to appointment. No more than four grower members and their respective alternates shall be affiliated with the same central marketing organization. Grower members are to reflect the industry's geographic production percentage by district; provided, however, that each production district shall be represented by at least one grower member and alternate.

(c) Two members and their respective alternates shall be nominated as provided in § 907.22(f), and shall be known as the public members. A public member may be any person who has had neither a personal nor a professional relationship with the citrus industry within the past five years prior to appointment.

(d) Any committee member or alternate must immediately resign if such member should become ineligible.

§ 908.20 Establishment and membership.

(a) There is hereby established a Valencia Orange Administrative Committee consisting of 11 members, for each of whom there shall be one alternate, and for each grower member an additional alternate.

(b) Nine of the members and their respective alternates shall be growers, and they shall be known as grower members. Each grower member must be a person who has been actively involved in the commercial production of Valencia oranges for at least five years prior to appointment. No more than four grower members and their respective alternates shall be affiliated with the same central marketing organization. Grower members are to reflect the industry's geographic production percentage by district; provided, however, that each production district shall be represented by at least one grower member and alternate.

(c) Two members and their respective alternates shall be nominated as provided in § 908.22(f), and shall be known as the public members. A public member may be any person who has had neither a personal nor a professional relationship with the citrus industry within the past five years prior to appointment.

(d) Any committee member or alternate must immediately resign if such member should become ineligible.

Proposal No. 2:

Revise §§ 907.21 and 908.21 to read:

§ 907.21 Term of office.

(a) The term of office for each committee member and their respective alternates shall be three years. It shall commence on October 1 of the year in which each member is appointed and shall continue until a succesor has been selected and has qualified. The term of office for any person nominated pursuant to § 907.22(h) shall continue only until the next regular election, whereupon a new member shall be elected to fill the unexpired term.

(b) During the transition period the procedure shall be as follows: The four non-grower members and their respective alternates shall immediately resign from the committee. The committee manager shall immediately conduct an election to fill all four vacancies; the three candidates receiving the greatest number of votes shall be nominated to the Secretary to serve three-year terms, with the remaining candidate nominated for a one-year term. The present chairman shall resign and the Secretary shall appont a public member/chairman to serve a three-year term. At the time of the next regular election, all six grower members not elected a the previous election shall resign. The three candidates receiving the greatest number of votes shall be nominated for three-year terms, with the remaining three nominated for a one-year term. The Secretary shall appoint a second public member for a three-year term. The same procedures shall apply in the case of alternates and additional alternates.

§ 908.21 Term of office.

(a) The term of office for each committee member and their respective alternates shall be three years. It shall commence on February 1 of the year in which each member is appointed and shall continue until a successor has been selected and has qualified. The term of office for any person nominated pursuant to § 908.22(h) shall continue only until the next regular election, whereupon a new member shall be elected to fill the unexpired term.

(b) During the transition period the procedure shall be as follows: The four non-grower members and their respective alternates shall immediately resign from the committee. The committee manager shall immediately conduct an election to fill all four vacancies; the three candidates receiving the greatest number of votes shall be nominated to the Secretary to serve three-year terms, with the remaining candidate nominated for a one-year term. The present chairman shall resign and the Secretary shall appoint a public member/chairman to serve a three-year term. At the time of

the next regular election, all six grower members not elected at the previous election shall resign. The three candidates receiving the greatest number of votes shall be nominated for three-year terms, with the remaining three nominated for a one-year term. The Secretary shall appoint a second public member for a three-year term. The same procedures shall apply in the case of alternates and additional alternates.

Proposal No. 3:

Revise §§ 907.22 and 908.22 to read:

§ 907.22 Nominations.

(a) Voting rights on industry matters, including referenda and committee nominations, shall be determined by navel orange acreage as follows: forty acres of less shall entitle each grower to one vote; each additional twenty acres beyond the forty acre base entitles each grower to one-half additional vote; provided, however, that in order to qualify, an acreage must have been planted during six consecutive seasons prior to the season in which qualification is claimed.

(b) When acreage is owned or leased by more than one person (including partnerships, owner-syndicates, landlord-tenant arrangements, corporations and/or other multiple ownership configurations), one individual must be appointed as the voting member of each group.

(c) The committee manager shall notify growers of any vacancies among growers, alternates, and additional alternates on the committee. The committee manager shall mail grower information forms to all industry growers requesting each grower's name and acreage amount by district.

(d) Any industry grower, other than a present member of the committee except a member nominated pursuant to § 907.22(h), desiring nomination to fill a committee vacancy shall obtain from and return to the committee manager a nomination petition containing a minimum of twenty grower endorsements, the nominee's name, address, acreage by district and marketing affiliation. Upon receipt of the completed petition, the committee manager shall certify the candidate's eligibility and the grower endorsements, whereupon the candidate's name shall be placed on the ballot.

(e) The committee manager shall prepare a ballot which shall contain at least two proposed candidates for each vacancy. Each candidate's name, address, navel orange acreage by district, and marketing affiliation shall be indicated on the ballot. All balloting shall be conducted by mail and certified by the Administrator. For each grower, alternate, and additional alternate position, the candidate receiving the geatest number of votes shall be the nominee for consideration and appointment to the committee by the Secretary.

(f) Whenever a vacancy occurs among the public members or their alternates, the members of the committee selected by the Secretary pursuant to § 907.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate a member and an alternate member of the committee.

(g) When a vacancy occurs on the committee due to a change in a member's eligibility or otherwise, the committee shall nominate a replacement who has the same qualifications.

§ 908.22 Nominations.

(a) Voting rights on industry matters, including referenda and committee nominations, shall be detemined by Valencia orange acreage as follows: forty acres or less shall entitle each grower to one vote; each additional twenty acres beyond the forty acre base entitles each grower to one-half additional vote; provided, however, that in order to qualify, any acreage must have been planted during six consecutive seasons prior to the season in which qualification is claimed.

(b) When acreage is owned or leased by more than one person (including partnerships, owner-syndicates, landlord-tenant arrangements, corporations and/or other multiple ownership configurations), one individual must be appointed as the voting member of each group.

(c) The committee manager shall notify growers of any vacancies among growers, alternates, and additional alternates on the committee. The committee manager shall mail grower information forms to all industry growers requesting each grower's name and acreage amount by district.

(c) Any industry grower, other than a present member of the committee except a member nominated pursuant to § 908.22(h), desiring nomination to fill a committee vacancy shall obtain from and return to the committee manager a nomination petition containing a minimum of twenty grower endorsements, the nominee's name, address, acreage by district and marketing affiliation. Upon receipt of the completed petition, the committee manager shall certify the candidate's eligibility and the grower endorsements, whereupon the candidate's name shall be placed on the ballot.

(e) The committee manager shall prepare a ballot which shall contain at least two proposed candidates for each vacancy. Each candidate's name, address, Valencia orange acreage by district, and marketing affiliation shall be indicated on the ballot. All balloting shall be conducted by mail and certified by the Administrator. For each grower, alternate, and additional alternate position, the candidate receiving the greatest number of votes shall be the nominee for consideration and appointment to the committee by the Secretary.

(f) Whenever a vacancy occurs among the public members or their alternates, the members of the committee selected by the Secretary pursuant to § 908.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate a member and an alternate member of the committee.

(g) When a vacancy occurs on the committee due to a change in a member's eligibility or otherwise, the committee shall nominate a replacement who has the same qualifications.

Proposal No. 4:

Revise §§ 907.23 and 908.23 to read:

§ 907.23 Selection.

From the nominations made pursuant to § 907.22(e) or from other qualified growers, the Secretary shall select and appoint the number of growers, alternates, and additional alternates needed to fill any vacancies on the committee. From the nominations made pursuant to §§ 907.22(g) and 907.22(h) or from other qualified persons, the Secretary shall select and appoint the number of public members and alternates needed to fill any vacancies on the committee.

Conforming changes: the committee will neet to amend its rules and regulations, specifically § 907.102, to reflect the above changes; other sections of the order will require slight conforming changes.

§ 908.23 Selection.

From the nominations made pursuant to § 908.22(e) or from other qualified growers, the Secretary shall select and appoint the number of growers, alternates, and additional alternates needed to fill any vacancies on the committee. From the nominations made pursuant to §§ 908.22(g) and 908.22(h) or from other qualified persons, the Secretary shall select and appoint the number of public members and alternates needed to fill any vacancies on the committee.

Conforming changes: the committee will need to amend its rules and regulations, specifically § 908.102, to reflect the above changes; other sections of the order will require slight conforming changes.

Proposal No. 5:

Revise §§ 907.30 and 908.30 to read:

§ 907.30 Procedure.

(a) No committee business shall be conducted unless a quorum of nine members (or alternates when acting for absent members) is present.

(b) All members, including the chairman, shall vote affirmatively or negatively on all proposals before the committee; no abstentions shall be allowed. The votes of each member on each proposal shall be recorded in the minutes.

(c) Committee meetings shall be held in each district based on the volume of navel oranges produced in such district; provided, however, that at least one meeting per season shall be held in each district.

(d) The committee manager will poll all marketing organizations on or before the Friday prior to any NOAC meeting to obtain the following information: (1) volume recommendations for the affected prorate period; and (2) other pertinent market information that will assist and guide the committee in its deliberations such as demand, price trends, and comparative commodity information. A summary of these recommendations shall be made a part of the committee's minutes. Minutes shall be promptly distributed by mail to all interested persons.

§ 908.30 Procedure.

(a) No committee business shall be conducted unless a quorum of nine members (or alternates when acting for absent members) is present.

(b) All members, including the chairman, shall vote affirmatively or negatively on all proposals before the committee; no abstentions shall be allowed. The votes of each member on each proposal shall be recorded in the minutes.

(c) Committee meetings shall be held in each district based ont he volume of Valencia oranges produced in such district; provided, however, that at least one meeting per season shall be held in each district.

(d) The committee manager will poll all marketing organizations on or before the Friday prior to any VOAC meeting to obtain the following information: (1) volume recommendations for the affected prorate period; and (2) other pertinent market information that will assist and guide the committee in its deliberations such as demand, price trends, and comparatively commodity information. A summary of these recommendations shall be made a part of the committee's minutes. Minutes shall be promptly distributed by mail to all interested persons.

Proposal No. 6:

Amend §§ 907.31 and 908.31 by changing "$25 per day" to "$250 per day".

Proposal No. 7:

Add a new §§ 907.34 and 908.34 to read:

§ 907.34 Generic advertising.

The committee, with the approval of the Secretary, may establish or provide for the establishment of a generic advertising program to assist, improve, and promote the consumption of navel oranges grown in California and Arizona. Such a program shall commence not later than the beginning of the 1983–84 marketing season, the expenses of such program to be paid from funds collected pursuant to this part.

§ 908.34 Generic advertising.

The committee, with the approval of the Secretary, may establish or provide for the establishment of a generic advertising program to assist, improve, and promote the consumption of Valencia oranges grown in California and Arizona. Such a program shall commence not later than the beginning of the 1983–84 marketing season, the expenses of such program to be paid from funds collected pursuant to this part.

Proposal No. 8:

1. Add a new paragraph (e) to §§ 907.51 to read:

§ 907.51 Recommendations for volume regulation.

* * * * *

(e) The committee shall not recommend volume regulation prior to December 25. The committee may recommend volume regulation for up to six prorate periods. Each such period shall consist of two consecutive weeks. The prorate periods may or may not be consecutive at the discretion of the committee. Open movement shall prevail during any portion of the season in which volume regulations is not in effect.

2. Conforming changes: the term "week", wherever used in this part, shall be revised to read "prorate period".

3. Revise § 908.51 to read:

§ 908.51 Recommendations for volume regulation.

* * * * *

(e) The committee shall not recommend volume regulation prior to the first Monday in April. The committee may recommend volume regulation for up to three prorate periods. Each such period shall consist of two consecutive weeks. The prorate periods may or may not be consecutive at the discretion of the committee. Open movement shall prevail during any portion of the season in which volume regulation is not in effect.

4. Conforming changes: the term "week", wherever used in this part, shall be revised to read "prorate period".

Proposal No. 9:

Amend §§ 907.54 and 908.54 by redesignating the first paragraph as paragraph (a) and adding a new paragraph (b) to each section to read:

§ 907.54 Allotments.

* * * * *

(b) During any period in which volume regulation is in effect, each handler shall be entitled to apply for an additional allotment (without deduction from any subsequent allotments) of up to 20% of such handler's base allotment calculated in paragraph (a). Application for this marketing incentive allotment must be made no later than four days prior to the next NOAC meeting and shall not be denied. This incentive increase is in addition to the allowance for overshipments provided for in § 907.55. Any portion of such incentive allotment unused during the prorate for which it was granted shall be deducted from the handler's prorate base.

§ 908.54 Allotments

* * * * *

(b) During any period in which volume regulation is in effect, each handler shall be entitled to apply for an additional allotment (without deduction from any subsequent allotments) of up to 20% of such handler's base allotment calculated in paragraph (a). Application for this marketing incentive allotment must be made no later than four days prior to the next NOAC meeting and shall not be denied. This incentive increase is in addition to the allowance for overshipments provided for in § 908.55. Any portion of such incentive allotment unused during the prorate for which it was granted shall be deducted from the handler's prorate base.

Proposal No. 10:

Revise the introductory text and paragraph (a) of §§ 907.67 and 908.67 as follows:

§ 907.67 and § 908.67 Oranges not subject to regulation.

Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of the initial handler of oranges to: (a) Handle oranges to charitable institutions for consumption by such institutions or to relief agencies for distribution by such agencies: *Provided,* That all charitable organizations seeking product donations shall apply to the committee for certification; provided, however, that donations to any one charity in the amount of 100 cartons or less shall not require certification. All bona fide charitable organizations shall be qualified as such with the Internal Revenue Service. Certification shall not be denied on the basis of race, color, creed, or religion.

* * * * *

Proposal No. 11:

Amend §§ 907.83 and 908.83 by adding new paragraphs § 907.83 (c)(4) and (c)((5); and § 908.83 (c)(4) and (c)(5) to read:

§ 907.83 Termination.

* * * * *

(c) * * *

(4) A mandatory amendatory or continuance referendum shall be held within 120 days after a petition containing the names of at least five percent of industry growers is submitted to the committee; provided, however, that a continuance referendum shall be held at least every three years.

(5) Voting rights on any such referendum shall be those provided for in § 907.22.

* * * * *

§ 908.83 Termination.

* * * * *

(c) * * *

(4) A mandatory amendatory or continuance referendum shall be held within 120 days after a petition containing the names of at least five percent of industry growers is submitted to the committee; provided, however, that a continuance referendum shall be held at least every three years.

(5) Voting rights on any such referendum shall be those provided for in § 908.22

* * * * *

Proposals Submitted by J. Kent Burt, Dennis N. Torigian, and Carl A. Pescosolido, Jr.

Remove §§ 907.51 through 907.61a.
Remove §§ 908.51 through 908.61a.

Proposals Submitted by Don A. Schroeder:

1. Eliminate the provisions relative to the forfeiture of unused allotments.

2. Provide for the establishment of an allotment "banking" system wherein handlers deposit unused weekly allotments. Such deposits are to be redistributed to eligible handlers as loans, subject to a maximum weekly withdrawal of 50 percent of the handler's weekly prorate. A minimum reserve of 20 percent of the weekly schedule or any amount above that set by the committees would be established in the "bank" and redistribution and repayment of loans would be based on tree crop.

Proposal Submitted by Bernie H. Evans, III:

Revise procedures for issuing early maturity allotments.

Proposal by the Fruit and Vegetable Division, Agricultural Marketing Service:

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

Dated: March 11, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-6869 Filed 3-16-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83-AWA-4]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal alters the descriptions of several VOR (very high frequency omnidirectional tactical air navigational aid) Federal airways in the vicinity of Montpelier, VT, VORTAC. The Montpelier VORTAC (very high frequency omnidirectional radio range tactical air navigational aid) will be relocated approximately 9 miles southeast of the present location. This action amends the descriptions of all airways affected by the relocation.

DATES: Comments must be received on or before May 2, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, New England Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-4, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803.

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

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

FOR FURTHER INFORMATION CONTACT: 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:

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. 83-AWA-4." 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's

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of VOR Federal Airways V-72, V-104, and V-447. The Montpelier VORTAC is being relocated to lat. 44°05'8"N, long. 72°26'59"W, which is approximately 9 miles southeast of the present location. This action amends the descriptions of the affected airways. Section 71.123 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

VOR airways, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

V-72 [Amended]

By deleting all the words after the word "Montpelier."

V-104 [Amended]

By deleting all after the words "Bangor, ME." and substituting the words "The airspace within Canada is excluded."

V-447 [Amended]

By deleting the words "INT Montpelier 020°and Sherbrooke, PQ, Canada, 217° radials; Sherbrooke." and substituting the words "to Sherbrooke, PQ, Canada."

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

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

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

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-6535 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 82-ANM-24]

Proposed Alteration and Revocation of Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal would alter the descriptions of several VOR Federal Airways in the vicinity of Great Falls, MT, by revoking the alternate route structure and by extending V-19 from Lewistown, MT, to Havre, MT. This action would improve traffic flow in the area when the Hays Military Operations Area (MOA) is active, reduce chart clutter, increase safety, and reduce controller workload.

DATE: Comments must be received on or before May 2, 1983.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA, Northwest Mountain Region, Attention: Manager, Air Traffic Division, Docket No. 82-ANM-24, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, WA 98108.

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

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

FOR FURTHER INFORMATION CONTACT: 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:

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 aspect 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-ANM-24." 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 comment received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would extend V-19 and revoke V-19W between Great Falls, MT,

and Lewistown, MT, and revoke V-120W between Great Falls and Lewistown. The airway extension would provide controlled airspace that bypasses the Hays MOA without adding excessive mileage and inconvenience to the pilot. This action aids flight planning, increases safety, and reduces chart clutter and controller workoad. Section 71.123 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

VOR Federal airways, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

V-19 [Amended]

By deleting the words "Lewistown; Great Falls, MT, including a Walternate via INT Lewistown 274° and Great Falls 122° radials." and substituting the words "Lewistown; INT Lewistown 322°T(304°M) and Havre, MT, 226°T(207°M) radials; to Havre."

V-120 [Amended]

By deleting the words "Lewistown, MT, including a N alternate INT Great Falls 074° and Lewistown 308 radials; 41 miles, 72 miles, 85 MSL, Miles City, MT," and substituting the words "Lewistown, MT; Miles City, MT,"

(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)

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

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

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-6536 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AWP-22]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal alters the description of several airways in the vicinity of Los Angeles, CA, by deleting alternate airway segments and renumbering other airway segments. This action supports our agreement with the International Civil Aviation Organization (ICAO) to eliminate all alternate airway designations from the National Airspace System.

DATE: Comments must be received on or before May 2, 1983.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 82-AWP-22, Federal Aviation Administration, 15000 Aviation Blvd., P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

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

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

FOR FURTHER INFORMATION CONTACT: 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:

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-AWP-22." 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's

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of several airways in the vicinity of Los Angeles, CA, by deleting the alternate route segments. Those alternate routes required for air traffic control have been assigned new numbers. This action supports our agreement with ICAO to eliminate all alternate route designations from our National Airspace System. Section 71.123 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

VOR Federal airways, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71) of the Federal Aviation Regulations (14 CFR Part 71 as follows:

V-264 [Amended]

By deleting the words "Twentynine Palms, CA, including a S alternate from Los Angeles to Twentynine Palms via Paradise, CA, and Palm Springs, CA; 17 miles, 28 miles 55 MSL," and substituting the words "Twentynine Palms, CA,"

V-370 [New]

From Los Angeles, CA, via Paradise, CA; Palm Springs, CA; to Twentynine Palms, CA.

V-16 [Amended]

By deleting the words "Palm Springs, CA, including a S alternate from Los Angeles via Los Angeles 138° and Seal Beach, CA, 267° radials; Seal Beach; March, CA; INT March 068° Palm Springs 273° radials; to Palm Springs; Blythe, CA; 21 miles, 60 miles, 55 MSL, Buckeye, AZ;" and substituting the words "Palm Springs, CA; Blythe, CA; Buckeye, AZ;"

V-372 [New]

From Seal Beach, CA, via March, CA; INT March 068°T(054°M) and Palm Springs, CA, 273°T(258°M) radials; Palm Springs; to Blythe, CA.

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

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

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

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-6537 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Parts 71 and 75

[Airspace Docket No. 83-ACE-2]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposals alter the descriptions of several very high frequency omnidirectional radio range (VOR) Federal airways/jet routes in the vicinity of Wichita, KS. The Wichita very high frequency omnidirectional radio range tactical air navigational aid (VORTAC) will be relocated approximately 6 nautical miles west of its present location. These actions amend the descriptions of all airways affected by the move to the new location.

DATES: Comments must be received on or before May 2, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Central Region, Attention: Manager, Air Traffic Division, Docket No. 83-ACE-2, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106.

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

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

FOR FURTHER INFORMATION CONTACT: 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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-ACE-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposals

The FAA is considering amendments to § 71.123 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to alter the descriptions of VOR Federal Airways V-73, V-77, V-261, V-280, V-350, V-532, and Jet Route J-182. The Wichita VORTAC is being relocated to lat. 37°44'43" N., long. 97°35'01" W., which is approximately 6 nautical miles west of the present location. These actions amend the descriptions of the affected airways/jet routes. Sections 71. 123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Parts 71 and 75

Airways/jet routes, Aviation safety.

The Proposed Amendments

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

PART 71—[AMENDED]

§ 71.123 [Amended]

V-73 [Amended]

By deleting the words "From Tulsa, OK, via Wichita, KS;" and substituting the words "From Tulsa, OK, via INT Tulsa 319°T(311°M) and Wichita, KS, 136°T(127°M) radials;"

V-77 [Amended]

By deleting the words "Wichita, KS; INT Wichita 037° and Topeka, KS, 236° radials;

Topeka;" and substituting the words "Wichita, KS; INT Wichita 042°T(033°M) and Topeka, KS, 236°T(228°M) radials; Topeka;"

V-261 [Revised]

From Wichita, KS; to Manhattan, KS.

V-532 [Amended]

By deleting the words "Wichita, KS; INT Wichita 356° and Salina, KS 169° radials;" and substituting the words "Wichita, 004°T(355°M) and Salina 169°T(160°M) radials;"

V-280 [Amended]

By deleting the words "Hutchinson; INT Hutchinson 062° and Topeka, KS, 236° radials;" and substituting the words "Hutchinson; INT Hutchinson 061°T(053M) and Topeka 236°T(228°M) radials;"

§ 75.100 [Amended]

J-182 [Revised]

From Goodland, KS, via Wichita, KS; INT Wichita 122°T(113°M) and Razorback, AR, 291°T(284°M) radials; to Razorback.

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

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

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

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-6534 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1500 and 1513

Requirements to Address Strangulation Risk Presented by Toy Chests

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: Based on available information, the Commission preliminarily believes that certain toy chests with hinged lids present a strangulation risk to children and that a mandatory rule may be necessary to address that risk. The Commission is therefore proposing a rule, supported by a preliminary regulatory analysis, and soliciting public comment.

DATES: Comments and submissions are due no later than April 18, 1983. The rule is proposed to become effective and to apply to toy chests in the channels of distribution after expiration of the 90 calendar day period of continuing session of Congress following final issuance of the rule.

ADDRESS: Comments and submissions should be sent, preferably in five copies, to Office of Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Ms. Elaine Tyrrell, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6554.

SUPPLEMENTARY INFORMATION:

I. Advance Notice of Proposed Rulemaking

In April 1982 the Commission issued an advance notice of proposed rulemaking (ANPR) concerning a strangulation risk that certain toy chests with hinged lids present to children. 47 FR 16041 (April 14, 1982). The ANPR, the first of three required stages in the issuance of a mandatory rule for children's articles under the Federal Hazardous Substances Act, discussed the statutory framework of the rulemaking proceeding; the scope of the proceeding; the strangulation risk; and the alternatives to a mandatory rule:[1]

A. Statutory Framework

Under the Federal Hazardous Substances Act (FHSA), the Consumer Product Safety Commission has authority to regulate the safety of articles intended for use by children. 15 U.S.C. 1261 *et seq.* Alternatively, if the Commission finds that it is in the public interest to regulate a risk associated with a particular children's article under the Consumer Product Safety Act, it may regulate such article under that statute. 15 U.S.C. 2079(d).

During 1981 Congress amended both acts to require a three-stage proceeding for the regulation of consumer products (including children's articles). Consumer Product Safety Amendments of 1981 (Pub. L 97-35). The proceeding must begin with an advance notice of proposed rulemaking, and that notice must include information about the product, the risk, any existing voluntary standards and the regulatory alternatives under consideration. 15 U.S.C. 1262(f).

The required second stage involves a **Federal Register** document that includes the text of a proposed rule, any alternatives, and a preliminary regulatory analysis that contains (a) a preliminary description of the potential benefits and potential costs of the proposal; (b) a discussion of the reasons that a voluntary standard submitted in response to the ANPR was not published as the proposal; (c) a discussion of why the Commission believes preliminarily that a submitted plan for a voluntary standard "would not, within a reasonable period of time, be likely to result in the development of a voluntary standard that would eliminate or adequately reduce the risk of injury identified. * * *"; and (d) a description and discussion of any reasonable alternatives to the proposal. 15 U.S.C. 1262(h).

A final rule, the third stage, must be accompanied by a final regulatory analysis. 15 U.S.C. 1261(i)(1). It must also be supported by a number of findings concerning any then-existing voluntary standard and the benefits, costs, and burden of the mandatory rule. 15 U.S.C. 1262(i)(2).

Under the Federal Hazardous Substances Act, the Commission may determine by regulation (according to the three-stage proceeding just described) that "[a]ny toy or other article intended for use by children * * * presents an electrical, mechanical, or thermal hazard" 15 U.S.C. 1261(f)(1)(D). The Commission may conclude that an article presents a mechanical hazard if "in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness * * * from * * * openings or closures, * * * from moving parts, * * * because of instability, or * * * because of any other aspect of the article's design or manufacture." 15 U.S.C. 1261(s). If the Commission makes such a determination about a toy or other children's article, the article is deemed a "hazardous substance" and a "banned hazardous substance," and its

[1] Six documents in the record of the rulemaking proceeding were listed at the end of the ANPR. Those six and some additional documents are listed at the end of this proposed rule. The numbers in parentheses throughout the text of this document refer to that list. All documents on the list are available from the Commission's Office of the Secretary.

introduction or delivery for introduction into interstate commerce is prohibited. 15 U.S.C. 1261(f)(1)(D), 1261(q)(1)(A), and 1263(a).

B. Scope

The ANPR applied to all toy chests that met the working definition of "containers with hinged lids that are marketed for storing children's toys." A refinement of this definition to address size is discussed in section IIIB below.

The ANPR explained the Commission's awareness that many products, such as trucks and old packing cartons, are used as toy chests but are not included within the definition (12). The inclusion of such products would make a mandatory rule both unworkable and unenforceable because of the many different types of products that can be—and are—used as toy chests.

C. Risk of Injury

In the ANPR, the Commission stated that it has documented 21 fatalities and one case of permanent brain damage from falling toy chest lids (3). The pattern generally involves a toy chest lid falling on a child while he or she is leaning into the chest (4). If the child's neck is extended across the upper edge of the front of the chest when the lid falls, the child can be caught and strangled (4).

The ANPR also stated that most of the victims in the documented incidents were between ages of 10 and 12 months, with one victim 16 and one 19 months of age (4). As discussed in section IIIA below, this age distribution was incorrect.

The most likely hazard scenario occurs when the toy chest lid is left open or the child is attracted to the toy chest and opens it himself or herself (4). At the age of many of the victims, children are reasonably mobile and may be walking to some degree, but are basically unsteady on their feet (4). Because of this, the child may push or lean on the toy chest while looking in (4). If this occurs, the lid may fall and strike the child if there is not an adequate lid support device attached to the toy chest (4).

If the child is not found immediately, the consequences can be fatal. It is not known, however, whether the initial impact causes death or whether the child ultimately strangles because of the entrapment.

D. Alternatives for Addressing Risk

In issuing the ANPR, the Commission recognized that a mandatory rule was not necessarily the only way to address the toy chest strangulation risk. The ANPR specifically discussed (1) the voluntary standard effort that the American Society for Testing and Materials, in cooperation with the Toy Manufacturers of America, had initiated and (2) an information and education approach.

E. Solicitation of Public Input

The ANPR solicited public comments on the identified risk of injury and on the other subjects discussed. In particular, the ANPR sought comments on possible alternatives to a mandatory rule. As required by the Federal Hazardous Substances Act, the Commission invited: (1) The submission of any existing standard or portion of a standard that addresses the risk of strangulation form toy chests and (2) the submission of any statements of intention to develop a voluntary standard or to modify an existing standard that addresses that risk, along with a plan to do so.

II. Response to the ANPR

The Commission received seven comments in response to the ANPR. One of them consisted of 47 individual comments from members of a Legal Environment of Business class at Ohio State University (16). Three of the comments concerned a voluntary standard for toy chests that is being developed by the American Society for Testing and Materials (ASTM), under the sponsorship of the Toy Manufacturers of America (TMA). These comments were from TMA's attorney (17), TMA's president (19), and ASTM's president (20). Two comments came from toy chest manufacturers, Nu-Line Industries (18) and Gerad, Inc. (22). The Public Action Coalition on Toys also submitted a comment (21).

A. Ohio State Comments

With one exception, the comments from the Ohio State students supported the issuance of a mandatory rule for toy chests or an information and education approach to warn the public, or both. Many of the comments discussed possible requirements that could be imposed on toy chests to address the strangulation risk, such as mandating the use of "slow-closing" devices like the ones used on screen and storm doors.

The one exception was a comment from Ms. Cynthia Bavaria who, first, challenged the Commission's authority to regulate toy chests under the Federal Hazardous Substances Act, an act that provides regulatory authority over "toys and other articles intended for use by children." She stated that toy chests are not toys that children play with, but rather products that "[m]others use * * * to store toys." Second, Ms. Bavaria contended in her comment that a regulation for only some products used as toy chests (referring to the limited definition discussed in the ANPR) will raise the consumers' costs and encourage them to buy toy chest products that will not be regulated. As a result, competition will be unfairly hindered and the regulation will be ineffective. Third, this comment pointed out that the three fatalities each year from toy chest strangulation cannot be evaluated without comparing that figure to the fatalities caused by other products.

The Commission responds as follows to Ms. Bavaria's comments:

1. Toy chests are articles intended for use by children, within the statutory authority because they are used by both children and adults. The 21 fatalities of children who were using toy chests, apparently unsupervised by any adult, is the best evidence of their use by children. A product that is used by both children and adults—like toy chests—is an article intended for use by children under the FHSA, according to a judicial decision in a case that challenged the Commission's bicycle regulation. *Forest* v. *CPSC*, 559 F.2d 774 at 783–6 (C.A.D.C. 1977).

2. As discussed in section IIIF(1) below, the Commission believes that any increased cost resulting from compliance with a mandatory standard for toy chests will be minimal. It is therefore unlikely that there will be any effect on competition or any incentive for consumers to purchase, for use as a toy chest, a product that is not covered by the rule.

3. Based on its experience with many injuries and deaths caused by consumer products, the Commission believes that three fatalities each year (the updated figure is now closer to two) is a large number to be caused by a particular hazard presented by a product that is not inherently dangerous. This is especially true when the total number of toy chests on the market and in consumers' hands is much smaller than the number of some other children's products like cribs and strollers. In any case, the risk presented must be balanced against the costs associated with the "fix," which are minimal for this particular risk (see section IV below). Finally, the Commission notes (a) that there may be more fatalities and "near misses" than it now knows of and (b) that children who are too young to protect themselves deserve the greatest possible protection from a hazard, even

if a government-imposed rule is necessary to provide it.

B. Comments on Voluntary Standard Development

The comments from TMA, Nu-Line, and ASTM generally supported a voluntary standard for toy chests as an alternative to a mandatory rule (18), (19), (20). The Commission has closely monitored the voluntary standard development proceeding, and the following is a description of all recent voluntary efforts:

In March 1981 the Comission staff contacted the ASTM Committee on Consumer Products (F15) about the development of a voluntary standard for toy chests (8). The Committee chairman explained that toy chests had been dropped as a possible project because there had been little interest expressed by industry (8). ASTM had contacted two children's products trade associations, TMA and Juvenile Products Manufacturers Association (JPMA) but they were not interested because they did not represent a majority of the manufacturers of toy chests (8).

In June 1981 the Commission staff wrote to all known manufacturers of toy chests, soliciting support and commitment to participate in developing a voluntary standard (8). After about two-thirds of the manufacturers responsed favorably, ASTM agreed to call an organizational meeting to establish a task group to develop a standard. Manufacturers, consumers and other interested persons were invited to attend a meeting on September 16, 1981 (8). However, only two manufacturers sent representatives to the meeting and, because of this poor attendance by manufacturers, no task group was formed (8).

Following a Commission briefing in December 1981, TMA offered to sponsor a voluntary standard for toy chests and to invite all manufacturers to participate (9). Commission staff provided a list of 34 firms believed to be producers or distributors of toy chests. TMA contacted ASTM and arranged for a meeting on May 4, 1982 to establish a task group. The task group formed at that meeting decided to develop a voluntary standard for toy chests and to incorporate identical provisions into an existing voluntary standard for toy safety (13).

Commission staff provided to the task force injury data and recommendations to address the risk of strangulation from falling toy chest lids (13, 15). A draft standard that incorporated staff recommendations was circulated for ballot vote by ASTM in July 1982, with a request that all ballots and comments be returned by August 1982 (23). ASTM mailed the draft standard and ballot forms to all known manufacturers of toy chests, regardless of whether they were able to attend the May 4 meeting.

By September 16, 1982, ASTM had received only 11 responses to their request for ballots and only three of these were from manufacturers of toy chests (27). In response to Commission staff concerns about the small number of manufacturers who voted on the draft standard, TMA attempted to contact each manufacturer directly. TMA found that some manufacturers were no longer producing toy chests and that there was some duplication on the list of firms (36). TMA provided to ASTM a revised list of 28 manufacturers and, after contacting them, the President of TMA indicated to Commission staff that the majority of manufacturers supported the voluntary standard (27).

Based on submitted comments, the voluntary standard was revised. On October 29, 1982 ASTM distributed this revised second draft standard and a ballot, with a due date of November 30, 1982 (43). In telephone conversations with Commission staff in January 1983, ASTM staff reported that the response to the second ballot was "good." Thirteen toy chest manufacturers and two lid support producers responded; all of these were affirmative votes or abstentions (27).

ASTM considered these second ballot results to provide task group approval, and therefore planned to sent the draft standard concurrently to its Standards Development Subcommittee and the main Consumer Products Committee (F-15) by the end of January 1983 (57). If those two committees approve the revised standard, ASTM estimates that the ballot for final ASTM approval could take place in May or June 1983 (57). If no negative votes are received on this ballot, the standard could be published in late 1983.

The Commission discusses in section IIIF(2) below whether a voluntary standard can be expected to address adequately the toy chest strangulation risk.

C. PACT and Gerad Comments

The comment received from the Public Action Coalition on Toys (PACT) urged th Commission to issue a mandatory standard because the alternative of a voluntary standard has not proven to be either timely or effective (21). Specifically, PACT stated that the lack of cohesiveness of the toy chest manufaturers provides "no assurance that all toy chest manufacturers would help develop and conform to the requirements of a voluntary standard." As just noted, the adequacy of a voluntary standard is discussed in section IIIF(2) below.

PACT additionally stated that an information and education effort alone would place "an undue burden on the shoulders of the consumer." Section IIIF(3) below discusses information and education activities. Finally, PACT supported the approach of requiring "a non-adustable device that would need an external downward force to lower a toy chest lid." This is basically the approach taken by the proposed standard (see section III C below).

The comment from Gerad, Inc. supported a regulation for toy chests, but suggested that it include an exemption for light-weight lids, such as the one on the chest that Gerad manufactures (22). The Commission has considered this suggestion and does not now believe that any hinged lid would be so light that it would not pose an unreasonable risk of death or injury to children from entrapment reulsting in strangulation. However, the Commission staff will be evaluating Gerad's toy chest during the comment period, and may reach a different conclusion. Comments on this issue are solicited from other manfuacturers and members of the public.

III. Proposed Rule

A. Risk of Injury

When the Commission issued the ANPR, it had documented 21 deaths and one case of permanent brain damage that were caused by falling toy chest lids (see section I C above). Since that time, another serious accident has occurred and come to the Commission's attention. It involved a 20-month-old child who suffered blindness and partial paralysis when a toy chest lid fell on his head or neck (61). Based on the Commission's preliminary investigation, the toy chest involved had a friction-type lid support device that failed to prevent the lid from falling (61).

In addition, the Commission has documented three "near misses," incidents in which a toy chest lid fell on a child who was rescued and escaped permanent injury (61).

The Commission has found that it incorrectly reported in the ANPR the age distribution of the victims (see section IC above). Including the most recent incident, eight of the victims were between 10 and 12 months of age, and all but two of the 23 victims were under two years of age (61).

B. Scope

As mentioned earlier, the working definition of toy chest requires refinement to account for size (see section IB). If no minimum size were included for toy chests, certain containers for toys that are too small to present the identified risk would be covered by the proposed rule. For example, certain brands of small toy cars and action figures are designed to fit into specialized carrying and storing cases. These cases are so small that no child could fit his or her head into them, especially since they are usually subdivided into even smaller compartments, and the strangulation risk is not presented. Therefore, it is both necessary and appropriate to propose a minimum size for toy chests covered by the rule.

In 1973 the Food and Drug Administration (FDA), which then administered the FHSA, proposed a mandatory toy chest rule (7). It would have applied to toy chests having a continuous enclosed volume greater than 1.1 cubic feet and a smallest internal dimension of six inches or more. Subsequently, TMA used the same size limitation when it developed provisions applicable to toy chests in a voluntary toy safety standard (1).

After evaluating these FDA and TMA size criteria, the Commission believes that they would effectively exclude from the rule toy chests that are too small to present the identified strangulation risk. While 1.1 cubic feet is small for a toy chest (56), this criterion on volume would exclude from the rule's coverage the specialized cases described above. It is also likely to exclude any other containers marketed for storing children's toys that are too small to present the strangulation hazard to children.

The six inch criterion is also a helpful one. All toy chest that the Commission has observed currently on the market have three dimensions—length, width, and depth (height)—each of which is larger than six inches (59). Nevertheless, it is theoretically possible that a toy chest will have a volume larger than 1.1 cubic feet and an internal dimension smaller than six inches. If such a toy chest existed, the Commission does not believe that it would present the strangulation risk because the head of the smallest child in the group at risk would be quite unlikely to fit into it. This is based on a commission staff estimate that such a head would measure approximately 4.4 inches by 5.7 inches by 6 inches (58). The six inch criterion used by the FDA and TMA is generally consistent with these dimensions and the Commission is proposing to use it, along with the volume limitation, to define the scope of the toy chest rule.

Therefore, as described in section 1513.2 below, the proposed rule includes toy chests that have a smallest internal dimension of six inches of more [2] and a volume greater than 1.1 cubic feet. If any comments on the proposal indicate that these size limitations are not appropriate for toy chests, either because they include toy chests that do not present the strangulation risk or because they exclude toy chests that do present the risk, the Commission will reconsider the scope of the rule.

C. Test Procedure

The purpose of the proposed rule is to distinguish the toy chests that present the strangulation risk from those that do not, and to ban the hazardous ones (see section 1513.1). The rule does this by requiring that a lid not fall of its own weight. Whether a child or adult opens a toy chest, the lid most remain at the position to which it was opened, and not "slam shut" or otherwise close onto and entrap a child's neck or head.

The proposed rule includes a test procedure with which toy chests must comply (§ 1513.3). The procedure is framed in performance terms so that manufacturers can select from among different design approaches to achieve compliance. The Commission at this time knows of three types of lid support devices that could be used with a toy chest so that it will comply with the proposed test procedure (59):

(a) spring-loaded support: A device which uses a spring in either compression or tension to counterbalance the weight of the lid. Several such devices are currently marketed and some serve a dual purpose of both hinge and lid support.

(b) friction-type support: A device with a slotted bar, attached to the lid, which slides through a clamp attached to the chest. Friction between the clamp and bar is sufficient to support the lid.

(c) ratchet-type device: A bar with multiple notches, attached to the lid, and a pawl, attached to the chest, which engages the notches to prevent the lid from dropping. The pawl must be released by some means for the lid to close.

While not every lid support device that falls into one of these categories will necessarily comply with the standard, any of the three types could be used. The existence of at least three types of devices provides a manufacturer with some freedom of choice about the design approach it wants to use.

The Commission emphasizes that neither the FHSA nor the proposed rule would require manufacturers to test toy chests. Rather, the test procedure describes the requirements that toy chests must meet in order to be in compliance and it also describes how the Commission will perform its testing for enforcement purposes. The Commission of course anticipates that manufacturers will test at least some of their toy chests.

The proposed test procedure incorporates the following criteria:

1. *Adjustment of the lid support device.* If a toy chest is sold unassembled, the consumer may have to install the lid support device. If so and if the device needs to be adjusted at the time of installation, the standard directs that such an adjustment be made, as long as it is described in the manufacturer's written instructions for consumer assembly (§ 1513.3(a)). No further adjustment of the lid support device is permitted, however, before or during the testing.

If a toy chest is sold to consumers in an assembled form, the standard permits *no* adjustment of the lid support device (§ 1513.3(a)). Since the chest is in a usable form when sold, it is possible (and perhaps even likely) that consumers will fail to make any adjustmeent that is necessary for proper functioning of the lid support device. Without the device, the lid will still open and close. Even if the manufacturer's written instructions described the adjustment, the Commission's experience is that some consumers fail to read any instructions that accompany already-assembled consumer products. Therefore, assembled toy chests must be tested as they are sold to consumers, without any adjustment at all to the lid support device.

2. *Permissible dropping motion of lid.* The purpose of the standard is to assure that the lid did not drop down when it is opened and released. However, the standard permits the lid to drop 0.25 inch or less (§ 1513.3(e)) because some dropping may occur when a ratchet-type lid support device is used to achieve compliance (59). Lid drop motion will be resisted only when the pawl is engaged in a notch in the bar, and some such motion may take place in order to achieve this engagement. The actual amount of lid drop will depend on the lid width and the pitch (number of notiches per inch) of the notches on the bar.

[2] Even if a marketed toy chest is not a rectangular box and therefore has varying lengths, widths, or depths, this size limitation would be appropriate.

The Commission sees no reason why the ratchet-type lid support devices should not be used for compliance with the standard. Therefore, it is proposing that a drop of 0.25 inch be permitted. The Commission believes that this is reasonable because it will allow many ratchet-type devices to be used and because such a small drop will not pose a strangulation risk to any children using the toy chest.

The Commission is especially interested in receiving comments on an appropriate lid drop criterion. If comments on the proposed rule suggest and provide a supporting rationale for a different amount of permissible drop (or for no drop at all), the Commission will reconsider the proposed criterion of 0.25 inch. The Commission's overriding consideration on this issue is and will remain whether any particular dropping motion will pose an unreasonable risk to children.

3. *Exemption for half-inch openings.* If a lid is opened 0.50 inch or less, the dropping restrictions in the proposed standard do not apply (§§ 1513.3 (b) and (d)). Certain types of lid support devices, a possible example being a spring-loaded support that uses an over-center lever arrangement, might not be effective in holding the weight of the lid in positions that are 0.50 inch or less above the fully-closed position (59).

The Commission is proposing to allow the lid to drop from such positions to accommodate any devices with this limitation. Because no child's head would fit into an opening as small as a half-inch, and no child would therefore be placed at risk by this allowance, the safety of the proposed rule is not compromised (58). In fact, if any comments suggest that this exemption from the dropping restriction be expanded to openings larger than 0.50 inch and provide a supporting rationale, the Commission will consider making such a change. The Commission would evaluate whether any permitted drop would pose a risk to children by allowing strangulation to occur.

4. *7000 cycles.* Even if a toy chest lid complies with the test procedure when it is new, it would not necessarily continue to comply after it is opened and closed many times. Since the effectiveness of the procedure depends on continuing compliance, the proposal incorporates a "cycling" requirement (section 1513.3(c)).

After being tested for dropping motion, the lid must be full opened without being forced and then fully closed (one complete cycle) 7000 times. The dropping test is then performed a second time (§ 1513.3(d)), and the toy chest must still comply (§ 1513.3(e)).

The Commission's data on the number of times a toy chest is opened and closed in its normal use range from once per week to eight times per day (58). The Commission staff's professional judgment is that an average of four openings and closing per day is a reasonable estimate (58). If a chest were opened and closed four times per day for five years, it would undergo approximately 7300 such cycles. Rounding off this figure, the proposed regulation requires that a chest undergo 7000 cycles.

The Commission believes that any one child might use a toy chest for about two years (58). The same chest may be "handed-down" through the generations, given to children of friends or relatives, or sold at garage sales. This could easily result in many more than 7000 cycles during the life of one toy chest. However, the Commission's engineering staff believes that any chest that complies with the dropping requirement after 7000 cycles is likely to be sufficiently resistant to wear that it would continue to comply with the test after being subjected to a greater number of cycles (59). In other words, if a lid support device still works after 7000 cycles, it will probably continue to work long after.

The proposed test procedure requires that each cycle be completed in approximately eight seconds. If the cycling were performed faster, heat might result from friction and the functioning of the lid support device could deteriorate. The eight-second criterion is designed to avoid this problem and to complete the cycling test in a reasonable time. The Commission also believes that a laboratory cycling machine could easily be designed and adjusted to approximate an eight-second cycle.

D. Labeling

The Commission has included in the proposed rule a requirement that toy chests be clearly marked to show the name and place of business of at least one of the following: manufacturer, importer, distributor, seller (§ 1513.4(a)). The purpose of this requirement is to assist in any recall or retrofit efforts that the Commission may require or the industry may undertake voluntarily, for noncomplying toy chests.

In addition, the proposed rule would require that each toy chest have some marking—for example a number or symbol—that is particular to toy chests of identical construction, composition, and dimensions (§ 1513.4(b)). The purpose of this requirement is the same.

E. Description of Industry [3]

The Commission has identified about 30 manufacturers of toy chests as of October 1982. A few firms account for a large percentage of total production. The Commission estimates that three or four toy chest manufacturers account for as much as 70 or 80 percent of the total annual production. Other firms enter and leave the toy chest business from time to time as market conditions seem to dictate. Toy chests require little capital investment, are simple to make, and can readily be added to or dropped from product lines. Many of the smaller manufacturers produce around 1000 or fewer units a year. Most of the firms produce, in addition to toy chests, many other children's and juvenile products such as cribs, table and chair sets, doll furniture, car seats, laundry hampers, and a variety of molded plastic products.

Toy chest manufacturers and non-cohesive industry group. Some manufacturers are members of the Juvenile Products Manufacturers Association and others are members of the Toy Manufacturers of America. Many of the identified manufacturers do not belong to either of these associations.

The market for toy chests tends to be fairly stable over time since large shifts in consumer demand or style changes do not occur. Advertising by manufacturers is limited mostly to trade magazines and journals and is presented in combination with other products marketed by the firm. Retail sales tend to be spread over the whole year with a significant portion occurring in the pre-Christmas season.

The distribution system for toy chests, as it is for other juvenile products, is relatively complex because of the many sources of supply and the potentially thousands of retail outlets which may be involved. Some manufacturers distribute their product through wholesalers or other distributors, who in turn supply retailers. Retail outlets range from small local toy stores and juvenile furniture stores to large discount toy chains, mass merchandisers, variety stores, department stores, and hardware stores.

Toy chest production was estimated at 650,000 units in 1982, reflecting an increase of 50,000 units over the 600,000 units estimated for 1979. The production of toy chests declined in 1980 and 1981 but seems to have recovered in 1982. During 1982, a number of firms have experienced declines while others have

[3] Unless noted otherwise, the information in this section and in section IIIF below is based on documents (26), (56), and (78).

increased their production. The retail value of current production, though difficult to estimate, is probably in the neighborhood of $22 million. Based on a customary 100 percent markup for such products, the value of the manufacturers' shipments of toy chests is around $11 million.

Manufacturers of toy chests normally produce more than one model and try to retain their share of the market primarily through decorative differences, though size, shape, and material used also are important factors. Toy chests with hinged lids generally have similar design characteristics. They are rectangular boxes with a volume ranging from abut 7,000 to 14,000 cubic inches. They are usually constructed from hardwood, particleboard, pressed-wood, or plastic. Most toy chests are shipped in "knocked-down" condition with a lid support device enclosed in the packaging. Most toy chest retail prices range from about $18 to $85 and appear to have remained stable during the last two to three years.

F. Preliminary Regulatory Analysis [4]

1. *Costs and benefits.* The major cost consideration of the proposed rule centers on a lid support device that would prevent the toy chest lid from dropping onto a child's neck. The rule would only apply to toy chests with hinged lids, and the Commission estimates that 300,000 of the total production of 650,000 toy chests, or a little less than 50 percent, fall within this category.

Almost all toy chests with hinged lids have lid support devices, but some models have been observed without them. Of the chests with hinged lids, about 180,000 units use adjustable lid supports and the other 120,000 units use nonadjustable lid supports. About 150,000 of the first category and 100,000 of the second category have the friction type. The remaining 30,000 units with adjustable and 20,000 units with nonadjustable lid supports use spring-loaded lid support devices.

The lid support devices are manufactured by firms producing hinges and other hardware supplies and are mostly utilized in applications other than toy chests, such as cabinets, stereo consoles, and other containers. These devices are available from several firms that have been supplying toy chest manufacturers. The cost of friction lid support devices ranges from about $.25 to $.60 per unit, with a weighted average cost of $.37 per unit. The cost of spring-loaded lid support devices, currently used, ranges from about $.60 to $1.50 per unit, with a weighted average cost of $1.05 per unit.

To comply with the proposed rule, some of the toy chest manufacturers may switch from adjustable to nonadjustable supports which are slightly less expensive, thereby reducing somewhat the cost of producing toy chests. Manufacturers probably use the adjustable devices because they can be adapted to lids of varying weights and because consumers may want to adjust the friction to suit their performance preferences.

One extreme possibility is that all toy chest manufacturers will switch to nonadjustable friction lid support devices. In this case the average cost per lid support should be around the weighted average cost of $.37 per unit. Based on the various devices currently being used by different manufacturers, the Commission staff has estimated that toy chest manufacturers would realize aggregate savings of around $34,000, or $.11 to $.12 per unit, on the average. The actual amount of cost reduction will, of course, vary from manufacturer to manufacturer depending on the level of current production, cost per unit, and the effect of switching from adjustable to nonadjustable and from spring-loaded to friction lid support devices.

Another extreme possibility is that all toy chest manufacturers will switch to an upgraded version of a nonadjustable spring-loaded device which costs $1.50 per unit. In this case, toy chest manufacturers would incur additional costs estimated at around $320,000 or about $1.07 per unit, on the average. Again, since the current cost of lid support devices varies from $.25 to $1.50 per unit, the actual cost of switching to the new device will vary from manufacturer to manufacturer. It should be noted that for some manufacturers, the actual increase in cost may be as little as $.05 per unit over the current cost.

The two limiting possibilities suggest that the cost effects of the proposed rule could range from cost savings of $34,000 to costs of $320,000. The actual cost effects are likely to be in the $80,000 to $200,000 range, based on currently used devices and volume of production. This range of costs would represent the situation of all but very few manufacturers. On this basis, and assuming the usual 100 percent markup for such products, the corresponding aggregate costs to consumers would be somewhere between $160,000 and $400,000.

The test procedures specified by the proposal are expected to be relatively easy and inexpensive to conduct, if manufacturers choose to conduct testing. The test requiring cycling of a toy chest lid at eight second time intervals over 7,000 cycles can be conducted manually or with equipment costing around $500. Some firms may do their own testing and others may depend on their lid support suppliers for certification. No significant costs are associated with testing.

Toy chest manufacturers have indicated that they intend to pass on to consumers any additional costs they may incur in complying with a final rule. These costs to consumers have been estimated to be somewhere between $160,000 and $400,000, or about $.53 to $1.33 per unit, for chests with hinged lids. These increases represent about .6 to 7 percent of retail prices. The figures indicate that the additional costs to consumers are expected to be relatively small and not likely to affect purchases of toy chests adversely.

Toy chests will continue to be produced in many different models, allowing consumers to choose from a large variety of styles and a broad range of prices. There may be some disutility associated with the use of complying lid support devices if the friction devices cause children to have difficulty in raising the lids. However, elimination of the strangulation hazard to children (and other injuries from falling lids) will enhance the utility of the hinged toy chests.

The Commission is not aware of any domestically produced toy chests being sold abroad. Imported toy chests currently account for around 20 percent of the domestic market, about the same as in 1979. The rule is not expected to affect foreign trade in these products.

To summarize the cost factors, the potential aggregate cost to manufacturers of $80,000 to $200,000 are estimated to add from $.27 to a maximum of $.67 per unit, on the average, to the cost of all toy chests with hinged lids. The corresponding cost to consumers, i.e. the relative increase in the retail price of toy chests, is estimated to range from around $.53 to $1.33 per unit.

The potential benefits resulting from compliance with the proposed rule are related to the prospective number of deaths and injuries that would be eliminated or reduced. Commission records indicate that during the last nine years toy chests have been involved in 21 strangulation deaths, or an average of over two per year. A small number of injuries of varying severity have occurred each year, but no reliable estimate is available. However, on rare

[4] See footnote 3.

occasions, incidents have led to brain damage, parapalegia, and blindness. Avoiding such injuries can result in multi-million dollar benefits as measured by numerous large financial settlements awarded to victims and their families for lifetime disabilities of these types. The proposed rule can be expected to eliminate all strangulation deaths associated with newly-produced complying toy chests and virtually all of the injuries from falling lids. Once all chests comply with the rule, it will eliminate two deaths a year on the average, at a cost to the public somewhere between $80,000 and $200,000 per life saved. These costs per life saved are well within even conservative estimates of the value of life.

Another way of assessing the merits of the proposal is to compare the expected value of losses to consumers from toy chest accidents with the costs incurred. If we assume that there are about 3 million toy chests with hinged lids being used by consumers and two deaths per year, then there is a 1 and 1.5 million chance of a toy chest being associated with a fatality each year. If the expected price increases are in the middle of the estimated range, than they will average about $.90 per unit. Assuming a product life of ten years, this yields a cost of $.09 per year to avoid a fatality. Under these assumptions, the rule provides low cost insurance to the consuming public.

As proposed, the rule would apply to all toy chests that are in the channels of distribution after the effective date. Therefore, the Commission has considered whether the economic effect of such coverage would be greater than that of a rule applicable only to toy chests manufactured after the effective date.

Many manufacturers belonging to TMA or JPMA are already using lid support devices that probably place their toy chests in compliance with the proposed rule. These firms account for about eighty percent of shipments. Other firms also use lid support devices that are likely to qualify their toy chests for compliance with the proposed rule. In addition the publicity surrounding the proposal may increase the current level of compliance. Retailers are likely to order complying toy chests, and manufacturers that have not already begun to produce complying chests will be influenced by these orders to produce complying chests before the effective date.

Available information suggests that inventories of toy chests in the hands of retailers are turned over in about ninety days and that manufacturer stocks on hand are usually relatively small. Therefore, by the time any rule becomes effective, more than four months from now, almost all retail inventories now on hand should be sold. Assuming that only complying units are shipped soon after this proposal, there will be a virtual elimination of noncomplying toy chests from the market by the effective date of a final rule.

While some noncomplying toy chests may still be unsold by the effective date, the economic impacts on firms holding such inventories are likely to be small. To the extent that there are any impacts at all, upon whom the impact falls (retailer or manufacturer) will depend on circumstances such as whether repurchase of goods is an existing practice and whether chests can be retrofitted by the retailer or must be sent back to the manufacturer. Transaction costs—potentially including shipping units back to the manufacturer, opening packages, retrofitting with new lid support devices, changing assembly instructions, and repacking and shipping—could amount to more than the cost of the chests. If so, disposal may be the most efficient means of complying with the rule. Even if this extreme were required in some instances, the impact is likely to be insignificant since toy chests are a very small part of total sales of most retailers.

Under all sets of circumstances likely to arise, no substantial impact is expected to be associated with a rule that applies to toy chests in the channels of distribution after the effective date.

2. *Voluntary standard effort.* An alternative approach to the Commission's proposed rule for toy chests is the voluntary standard that is currently being developed by TMA, under the auspices of ASTM. This voluntary standard is quite similar to the proposed mandatory rule for toy chests. With respect to the strangulation risk, they have virtually the same performance requirements (65). As a result, adoption of the ASTM voluntary standard, if fully complied with, would provide the same degree of protection from strangulation and would have approximately the same economic impact in terms of costs and benefits as that outlined above for the Commission's proposed mandatory rule. (The voluntary standard, however, would not apply to toy chests manufactured before its effective date.)

A crucial factor to take into account in considering possible adoption of the ASTM voluntary standard for toy chests is the expected degree of compliance of toy chest manufacturers with the voluntary standard. TMA has contacted all toy chest manufacturers that it, ASTM, and the Commission could identify to draw their attention to the requirements of the voluntary standard and to elicit their comments and support. TMA maintains it has received widespread support for the voluntary standard and that substantial compliance with its provisions will be forthcoming as soon as minor questions of language and interpretation have been clarified. A small sample of toy chest manufacturers contacted by the Commission staff confirmed that they support the voluntary standard and intend to comply with it (26) and (27).

TMA assertions notwithstanding, the Commission is concerned that compliance with the voluntary standard by domestic manufacturers and importers of toy chests may not prove to be adequate. One reason is the absence of cohesiveness in the industry and the fact that very few firms (only six identified in October 1982) are members of TMA. Another reason is that each year new firms replacing firms that leave the toy chest business may be unaware of, or decide not to comply with, the voluntary standard.

Most importantly, however, the Commission has not as yet received sufficient documentation to indicate that substantial compliance can be expected. If the number and relative size of the manufacturers who responded to TMA's and ASTM's inquiries about the standard is any indication of expected compliance, the extent of compliance might be only about 50 percent of all toy chests produced. If this should be the case, or even if the percent were somewhat higher, the degree of compliance with the voluntary standard would be too small to eliminate or adequately reduce the strangulation risk.

3. *Alternatives to proposed standard.* One possible alternative to the proposed standard is a ban of toy chests with hinged lids, currently estimated at about 300,000 annual production. Such a ban would probably lead to increased sales of toy chests with removable lids or sliding doors or no lids. Manufacturers' reactions to a ban are uncertain. For most firms the impact is likely to be slight, since toy chests are a small part of their product offerings. On the other hand, for a few firms, toy chests make up over a quarter of total sales. Also, a ban would eliminate from consideration the type of toy chest that about half of the buyers of these products choose. Such a ban could also result in less safety if consumers instead used such products as footlockers, deacon

benches, and other products with hinged lids for the storage of toys.

Due to the uncertainty of manufacturers' responses to a ban on toy chests with hinged lids, it is very difficult to estimate the costs likely to be incurred. Firms could react by removing hinges and putting handles on tops, redesigning to add sliding doors, or stopping production of toy chests altogether. Similarly, the benefits estimation is elusive because it depends on consumer reaction. Banning chests with hinged lids would certainly eliminate strangulation from newly-manufactured articles. However, as noted above, consumer use of close substitutes such as footlockers and deacon benches could result in strangulation incidents and reduce overall safety.

Another alternative approach to address the strangulation risk presented by toy chests is through a consumer information and education program. The Commission has already initiated a number of activities to warn consumers of the potential hazard involved, make suggestions for selecting new toy chests, and provide recommendations on making old toy chests and other items used as toy chests safer (54) and (76).

While the costs of an information and education program may be modest, the Commission believes it will be quite helpful in alerting consumers to the potential strangulation risk associated with toy chests. Such a program is particularly useful in cautioning consumers who are currently using cedar chests, footlockers, and similar items as toy chests. However, the Commission believes that information and education efforts in this case will not on their own address the strangulation risk adequately. Consumers who may not have been exposed to information programs will continue to acquire toy chests, both new and used, and may remain unaware of the strangulation risk. The Commission cannot be assured of constant and intensive information efforts that will reach all consumers. Therefore, a standard that addresses the safety of newly-manufactured toy chests is also necessary.

G. Effect on Small Business

Small manufacturers of toy chests have been able to compete successfully for a long time. The proposed rule would be likely to cause a relatively small cost increase ranging from $.27 to $.67 per unit on toy chests with lid support devices, and this increase is likely to be passed on to distributors and ultimately to consumers (56). The cost increase would not be a disproportionate burden on small firms (56).

If toy chest manufacturers choose to test their products in order to assure compliance, the testing procedure, as proposed, would add slightly to their costs (56). The cost of purchasing the appropriate testing equipment is relatively low when considered in terms of the life expectancy of the equipment and the overall cost of toy chest production of a firm. It is estimated that the testing process may cost the smaller producers about $1,000 during the first year the rule is in effect; most of the larger producers have been conducting their own testing and will probably not have to purchase additional testing equipment (56). The cost differential for compliance with the rule would not be likely to affect significantly the competition between larger and smaller manufacturers (56) and (78).

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*) requires that whenever an agency of the federal government publishes a proposal under the Administrative Procedure Act (5 U.S.C. 553), it should endeavor to give particular consideration to small businesses, small nonprofit organizations and small local governments (collectively called "small entities") that may be subject to the agency's requirements.

In accordance with section 605(b) of the RFA, the Commission has certified that the proposed toy chest rule, if issued in final form, would not have a significant economic impact on a substantial number of small entities, for the reasons discussed above. Therefore, the Commission has not prepared an intital regulatory flexibility analysis of the probable effect of the proposal on small entities, in accordance with section 603 of the RFA.

H. Environmental Considerations

The toy chest proposal published below falls within the categories of Commission actions described in 16 CFR 1021.5(c) that have little or no potential for affecting the human environment. For this reason, neither an environmental assessment nor an environmental impact statement is required. In any case, the Commission has considered the environmental effects, and concluded that there is little or no potential for a toy chest rule to affect the human environment.

I. Effective Date

Lid support devices of the type that will allow toy chest manufacturers to comply with the requirements of the proposed rule have been available for some time and can be obtained without any delay (26) and (56). In fact, several toy chest manufacturers began incorporating these devices in their new product lines during the last couple of years. Other toy manufacturers have said that they intend to do the same, upon issuance of the ASTM voluntary standard (26) and (27). The testing and other equipment is also available and may be obtained immediately (56). since a final toy chest rule could apply to toy chests in the channels of distribution after the effective date, it is quite likely (as discussed in section III F(1) above) that noncomplying toy chests will disappear from the channels of distribution before the effective date (78).

Based on this information, the Commission believes that a long lead time for the mandatory rule would not be necessary. However, some time should be allowed for those toy chest manufacturers who may need to purchase the required testing equipment and effect minor mold modifications and retooling. No inventory problems are expected as a result of the rule. Toy chests are produced and sold throughout the year, although more are sold during the Christmas season (56). However, uncertainty about relative impacts increases the closer the effective date is to the issuance date.

The Commission believes that an effective date three months after the date of issuance will generally provide toy chest manufacturers sufficient time to comply with the rule without undue burden, except that some firms might be placed at a disadvantage, particularly if they have to purchase and use testing equipment for the first time, or make arrangements with commercial laboratories for the testing of their products (56). Factors affecting relative impacts include inventories of lid support devices on hand, lags in ordering and receiving new shipments of lid support devices, possible changes required in printed material such as assembly instructions, and implementation of changes at the manufacturing or assembly level (56). The Commission does not know the importance of a firm's size when these factors are considered in conjunction with a proposed effective date. However, considering the small percent of sales of toy chests relative to other products for most firms, such firms should be able to adjust to an early effective date without much difficulty.

The Commission has balanced the economic factors against the risk of injury presented by toy chests. Especially in light of the recent severe injury incident (61), the Commission

believes that a three month effective date would be appropriate.

Under the Consumer Product Safety Amendments of 1981, Congress is authorized to exercise a legislative veto over rules issued under section 2(q)(1) or 3(e) of the FHSA (Pub. L. 97-35; 95 Stat. 703; 15 U.S.C. 1275). As a result, no toy chest rule may take effect until after the period during which Congress could exercise a legislative veto of it. 15 U.S.C. 1275(b).

Congress may exercise its legislative veto during the 90 calendar day period of continuing session of Congress following issuance of the rule. Interruptions in the continuing session of Congress are likely to extend that period beyond 90 days. If so, the effective date must be more than 90 days after final issuance of the toy chest rule. In any case, the effective date cannot be less than 90 days after final issuance.

Therefore, the Commission is proposing that the effective date be the day after the expiration of the 90 calendar day period of continuing session of Congress. This is consistent with its belief that an appropriate effective date would be three months following final issuance of a toy chest rule. The Commission especially welcomes public comments, along with any supporting rationales and data, that might support any later effective date.

IV. Conclusion

Based on the discussion above and on the information contained in the record of this proceeding, the Commission has found preliminarily that certain toy chests with hinged lids present a "mechanical hazard" within the meaning of section 2(s) of the Federal Hazardous Substances Act. 15 U.S.C. 1261(s). In normal use, the design of these toy chests presents an unreasonable risk of personal injury to children.[5]

This preliminary finding of "unreasonable risk" is based on a balancing of the injury, economic, and other data in the record. The risk presented to children is that the hinged lids could fall onto childrens' heads or necks, resulting in death or serious injury. This is a risk that children cannot protect themselves against and that adults may not even be aware of. The Commission is currently aware that 21 deaths and two incidents of serious permanent injury associated with the hazard of a toy chest lid falling on a child's head or neck have occurred since 1973. Such incidents have caused fatalities at a rate of more than two per year. The potential benefits from the elimination of this very serious risk of injury clearly outweigh the minimal economic harm that might result to the toy chest industry from necessary changes in hardware.

Accordingly, the Commission preliminarily finds that certain toy chests with hinged lids, in accordance with sections 2(s) and 2(f)(1)(D) of the FHSA, present a mechanical hazard and should be classified as hazardous substances. Pursuant to section 2(q)(1)(A) of the FHSA, the Commission finds that such toy chests must be banned from interstate commerce. In so finding, the Commission has considered the risk from hinged lid toy chests and the economic effects of the banning and safety requirements set forth below and has concluded that the potential reduction in risk to children from the proposed requirements bears a reasonable relationship to the costs of the rule.

List of Subjects in 16 CFR Parts 1500 and 1513

"Consumer protection, Hazardous materials, Infants and children, Toys.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s); 3(e)(1), (h), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304-05, 83 Stat. 187-189, 95 Stat. 703; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(a), 86 Stat. 1231, 15 U.S.C. 2079(a)), the Commission proposes to amend Title 16, Chapter II, Subchapter C by adding a new paragraph (a)(16) to § 1500.18 and a new Part 1513 as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) *Toys and other children's articles presenting mechanical hazards.*

Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(s) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

* * * * *

(16) Any toy chest that falls within the scope of § 1513.2 of this chapter but does not comply with the test criteria of § 1513.3 or the requirements of § 1513.4 and that is either (a) manufactured after [the effective date] or (b), regardless of the date of manufacture, is in the channels of distribution after [the effective date] so that it has not yet been sold to a consumer.

PART 1513—[ADDED]

PART 1513—CRITERIA FOR IDENTIFYING TOY CHESTS THAT PRESENT A STRANGULATION RISK

Sec.
1513.1 Purpose.
1513.2 Scope.
1513.3 Test procedure.
1513.4 Labeling.

PART 1513—CRITERIA FOR IDENTIFYING TOY CHESTS THAT PRESENT A STRANGULATION RISK

§ 1513.1 Purpose.

Certain hinged toy chests have caused the strangulation deaths of children when their lids closed on the children's heads or necks. The purpose of this Part is to identify, so that they can be banned under § 1500.18(a)(16) of this chapter, the toy chests that present this unreasonable risk of injury. The Commission will use the test method prescribed in § 1513.3 below to determine whether toy chests present such an unreasonable risk. However, this Part does not require any manufacturers or importers to test toy chests.

§ 1513.2 Scope.

This Part applies to all containers with hinged lids that are marketed for storing children's toys, as long as such containers have a continuous volume greater than 1.1 cubic feet and a smallest internal dimension of six inches or more.

§ 1513.3 Test procedure.

(a) If the toy chest is sold to consumers unassembled, assemble it in accordance with the manufacturer's written directions, including any specified adjustment to a lid support device. Following assembly, make no other adjustment to a lid support device.

[5] It should be noted that while the Commission is currently regulating toy chests for a single severe risk, toy chests are already covered by a number of Commission rules. The Commission's lead-in-paint regulations ban toys bearing lead-containing paint and the small parts rule bans certain toys that present a choking, aspiration, or ingestion hazard. (See 16 CFR Part 1303 and 16 CFR Parts 1500 and 1501, respectively). The Commission has also issued technical requirements for determining sharp points in toys and similar requirements for determining sharp edges. (See 16 CFR 1500.48 and 1500.49, respectively).

If the toy chest is sold to consumers assembled, make no adjustment to any lid support device before or during the test.

(b) Place the toy chest on a level surface and lift its lid to any position in its arc of travel that is more than 0.50 inch from its fully closed position. Release the lid and measure any dropping motion of the lid by measuring the straight line distance between the orginial and the new positions of a point on the outermost edge of the lid.

(c) Subject the lid to 7000 opening and closing cycles. One cycle consists of raising the lid from its fully closed position to its fully open position and then returning it to the fully closed position, without forcing the lid beyond its normal arc of travel. Each cycle shall be completed within approximately eight seconds.

(d) Repeat the procedure specified in paragraph (b).

(e) Neither the measured distance in paragraph (b) nor the measured distance in paragraph (d) shall be greater than 0.25 inch. If either measure distance is greater than 0.25 inch when the lid is dropped from any point in its arc of travel (other than a point that is 0.50 inch or less from the fully closed position), the toy chest fails to comply with this test procedure.

§ 1513.4 Labeling.

Each toy chest shall be clearly marked to indicate:

(a) The name and place of business (city and state) of the manufacturer, importer, distributor, and/or seller; and

(b) A number, symbol, or other marking (*e.g.*, model number, stock number, or catalog number) such that only toy chests of identical construction, composition, and dimensions shall bear identical markings.

Proposed Effective date: the day expiration of the 90 day calendar day period of continuing session of Congress following final issuance of the rule.

(Secs. 2 (f)(1)(D), (g)(1)(A), (s); 3 (e)(1), (h), 74 Stat. 372, 374, 375, 80 Stat. 1304–05, 83 Stat. 187–89, 95 Stat. 703; 15 U.S.C. 1261, 1262)

All comments and submissions should be sent, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Committee, Washington, D.C. 20207 no later than April 18, 1983.

Dated: March 11, 1983.

Sheldon D. Butts,

Acting Secretary, Consumer Product Safety Commission.

List of Documents in Record

1. Toy Manufacturers of America, Inc. voluntary standard PS 72–76, developed under procedures of the National Bureau of Standards; effective September 22, 1976.
2. Toy Chests Preliminary Economic Assessment, by Jacob Handelsman; October 1980.
3. Memoranda from George Rutherford on injury data for toy chests; October 12, 1979, September 10, 1980, March 1, 1982.
4. Memorandum from D. T. Van Houten on toy chests; July 3, 1980.
5. Proposed test requirement; October 21, 1980.
6. Draft **Federal Register** document proposing safety requirement for toy chests.
7. Proposed rule published by the Food and Drug Administration on toy chests; 38 FR 10460 (April 27, 1973).
8. Briefing package from Elaine Besson on toy chests, with ten tabs, (plus a December 9, 1981 Restricted memorandum from Stephen Lemberg); November 25, 1981.
9. Briefing package from Terri Rogers on toy chest options, with four tabs (Tab A Restricted); March 16, 1982.
10. Vote sheet on toy chest options; March 30, 1982.
11. Tapes of two Commission meetings on toy chests; April 1982.
12. Advance Notice of Proposed Rulemaking to address strangulation risk presented by toy chests; 47 FR 16041 (April 14, 1982).
13. Minutes of ASTM meeting on toy chests; May 4, 1982.
14. Letter from Roger Matice of ATF on ASTM meeting; May 18, 1982.
15. Memorandum from Terri Rogers on ASTM meeting, with attached meeting log; May 17, 1982.
16. Comment from an Ohio State University class on Legal Environment of Business; May 3, 1982.
17. Comment from Aaron Locker of TMA; June 11, 1982.
18. Comment from D. R. Poquette of Nu-Line Industries; June 11, 1982.
19. Comment from Douglas Thompson of TMA; May 4, 1982.
20. Comment from William T. Cavanaugh of ASTM; May 27, 1982.
21. Comment from De Fischler of PACT; June 14, 1982.
22. Comment from Gerad, Inc.; December 13, 1982.
23. ASTM task group letter ballot; July 6, 1982.
24. Log of meeting attended by CPSC staff and Elaine Besson of EHB Consulting Inc.; June 16, 1982.
25. Memorandum from James Thomas of ASTM, with attachments; July 1, 1982.
26. Telephone logs of conversations of George Nichols and industry representatives; April 8, 15, October 21, December 2, 3, 6, 1982 and January 21, 25, February 4, 8, and 16, 1983.
27. Telephone logs of conversations of Terri Rogers, John Liskey, and non-CPSC individuals involved in the TMA/ASTM voluntary safety standard effort; April 14, September 20, October 5, 12, November 12, 22, 1982 and January 12, 13, 21, 1983.
28. Log of meeting between James Thomas of ASTM and Terri Rogers; January 20, 1983.
29. Memoranda from George Nichols on comments to ANPR; August 2, 1982.
30. Letter from Terri Rogers to ASTM on voluntary standard; August 4, 1982.
31. Memorandum from John Preston on comments to ANPR; August 12, 1982.
32. Letter from James Thomas of ASTM on letter ballot; August 16, 1982.
33. Memoranda from Deborah Gordon on outreach activities; August 18, 1982.
34. Memoranda from Christine Nelson analyzing comments to ANPR; August 18, 1982.
35. Exchange of letters between Nancy Harvey Steorts and Douglas Thompson of TMA; September 20, 1982 and October 1982.
36. Letter from Walter W. Armatys of TMA; September 24, 1982.
37. Briefing paper from Terri Rogers, with attached chronology, on toy chests; October 5, 1982.
38. Vote sheet on toy chests; October 8, 1982.
39. Letter from Douglas Thomson of TMA to Terri Rogers on voluntary safety standard; October 13, 1982.
40. Letter from Douglas Thomson of TMA to James Thomas of ASTM on voluntary safety standard; October 14, 1982.
41. Draft ASTM voluntary standard on toy chests; October 1982.
42. Letter from James Thomas of ASTM (with attachments); October 21, 1982.
43. ASTM task group letter ballot; October 29, 1982.
44. Notes of meetings attended by Terri Rogers and toy chest manufacturers; November 2–3, 1982.
45. Letter from John Preston to ASTM commenting on draft voluntary standard; November 12, 1982.
46 Mailgram from William Kurtzner of Little Tikes, Inc. on voluntary standard; November 12, 1982.
47. Mailgram from William McMillan of JPMA on voluntary standard; November 12, 1982.
48. Mailgram from Roger Matice of ATF; November 16, 1982.
49. Memorandum from Betty-Grace Terpstra of Furniture Manufacturers Associations, with attachment; November 16, 1982.
50. Tape of Commission meeting on toy chests; November 17, 1982.
51. Mailgram from George Carlson of Carlson Capitol Manufacturing; November 17, 1982.
52. Correspondence between CPSC staff and James Cox, with attachments; November 29, 1982 and January 6, 1983.
53. ASTM memorandum on results of balloting on Draft #2 of voluntary standard, with six attached ballots; December 1, 1982.
54. Memorandum from Bessie Draper on outreach efforts concerning toy chest safety; December 22, 1982.
55. Memorandum from Christine Nelson on enforcement of proposed standard for toy chests; December 27, 1982.
56. Toy Chests: Preliminary Economic Assessment of Proposed Rule; January 1983.
57. Memorandum from John Liskey on voluntary standard; January 4, 1983.
58. Memorandum from Susan Meadows on toy chests, with attachments; January 4, 1983.
59. Memorandum from John Preston on proposed requirements for toy chests; January 5, 1983.

60. ASTM memorandum on Draft #2 of voluntary standard; January 3, 1983.
61. Memoranda from George Rutherford on injury data; November 16, 1982 (with Restricted attachment); January 17, 1983 (with Restricted attachment); and January 19, 1983.
62. Letters to toy chest manufacturers from Nancy Harvey Steorts; January 19, 1983.
63. Memorandum from Terri Rogers on a toy chest proposed rule; January 24, 1983.
64. Vote sheet on toy chest proposed rule; January 27, 1983.
65. ASTM Main Committee (F 15) letter ballot on voluntary standard, with attachments; January 27, 1983.
66. Letter from William Kurtzner of Little Tikes, Inc.; January 28, 1983.
67. Letter from Douglas Thomson of TMA, with attachments; January 31, 1983.
68. Tape of Commission meeting with representatives of toy chest manufacturers; February 3, 1983.
69. Letter from Robert Craig of COSCO; February 7, 1983.
70. Telephone log of conversation between Terri Rogers and Andrew Krulwich of ATF; February 7, 1983.
71. Letter from Aaron Locker of TMA; February 8, 1983.
72. Follow-up memorandum from Alan Shakin on toy chests (Restricted); February 8, 1983.
73. Follow-up vote sheet on toy chest proposed rule; February 8, 1983.
74. Tape of Commission meeting on toy chests; February 9, 1983.
75. Letters to toy chest manufacturers forwarding ANPR, and one response from General Fibre Products, Inc.; April 23 and May 11, 1983.
76. CPSC Safety Alert: Toy Chests; November 17, 1982.
77. Press release on ANPR; April 1982.
78. Ballot vote sheet, with attached Federal Register draft and Economics memorandum; February 1983.

[FR Doc. 83-7021 Filed 3-16-83; 8:45 am]
BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-171 (Texas-9 Addition III)]

High-Cost Gas Produced From Tight Formations, Texas

March 14, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

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

DATE: Comments on the proposed rule are due on April 29, 1983.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 30, 1983.

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

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556

SUPPLEMENTARY INFORMATION:

I. Background

On December 23, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Travis Peak Formation located in Nacogdoches County, Texas, be designated as a tight formation. The Commission previously adopted recommendations that portions of the Travis Peak Formation in The Sym-Jac, West (Hosston) Field (Order No. 154 issued June 10, 1981, in Docket No. RM79-76 (Texas-9)) and the Bear Grass Area of east Texas (Order No. 180 issued October 8, 1981, in Docket No. RM79-76 (Texas-9 Addition)) be designated as tight formations. There is currently under consideration a recommendation that an additional area of the Travis Peak Formation underlying all of Texas Railroad Commission Districts 5 and 6 be designated a tight formation (Docket No. RM79-76 (Texas-9 Addition II), Notice of Proposed Rulemaking issued December 15, 1981). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Travis Peak be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas' recommended addition to the Travis Peak Formation is located in the Melrose, South (Travis Peak) Field, four miles south of the city of Melrose in southeastern Nacogdoches County, Texas, Railroad Commission District 6. The recommended area is within a 2.5 mile radius of the Texlan Oil Company, Inc. T. W. Baker No. 1 well. The field is located on the southwest flank of the Sabine uplift and the regional dip of the formation is to the south and southwest at about 100 feet per mile. The above named well is the only well producing from the formation; however, one other well in the recommended area penetrated the formation but was abandoned.

In the Texlan Oil Company, Inc. T. W. Baker No. 1 well, the top of the Travis Peak Formation is encountered at 8,920 feet and the base of the formation at 9,940 feet (log depths).

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing on September 21, 1982, convened by Texas on this matter demonstrates that:

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

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

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

Texas further asserts that existing State and Federal regulations assure that development of the formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Travis Peak Formation as described

and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, or or before April 29, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-171 (Texas-9 Addition III) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 30, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432))

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

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(36)(iii) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(36) *Travis Peak Formation in Texas.* RM79-76 (Texas-9)

* * * * *

(iii) *Melrose, South (Travis Peak) Field.*

(A) *Delineation of formation.* The Travis Peak Formation in the Melrose, South (Travis Peak) Field is located four miles south of the city of Melrose, southeastern Nacogdoches County, Texas Railroad Commission District 6 and is within a 2.5 mile radius around the Texlan Oil Company, Inc., T.W. Baker No. 1 well.

(B) *Depth.* The top of the Travis Peak Formation is encountered at 8,920 feet and the base of the formation is at 9,940 feet (log depths).

[FR Doc. 83-6872 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

(CGD1 83-01)

Marine Parade; the Great Kennebec River Whatever Race

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to restrict the navigation of vessels not involved as participants or safety patrols on the Kennebec River during the 1983 Great Kennebec River Whatever Race, to be held on July 3, 1983. The regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: Comments must be received on or before May 1, 1983.

ADDRESSES: Comments should be mailed to Commander (b), First Coast Guard District, 150 Causeway Street, Boston, MA 02114. The comments will be available for inspection and copying at 150 Causeway Street, Room 1102, Boston, MA. Normal office hours are between 7:00 am and 4:30 pm, Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LT M. J. Chaplain, USCG, Chief, Boating Standards/Affairs Branch (bc), Room 1102, First Coast Guard District, 150 Causeway Street, Boston, MA 02114 (617) 223-3607.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD1 83-01) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information:

The drafters of this regulation are LT M. J. Chaplain, USCG, project officer, First Coast Guard District Boating Standards/Affairs Branch and LCDR S. C. Ploszaj, project attorney, First Coast Guard District Legal Office.

Discussion of Proposed Regulations

(1) Information received from the sponsor of this event has indicated that incidents between event participants and non-participants have resulted in people being thrown into the water, and vessels being capsized due to the wakes of power driven vessels in the area of the parade. The purpose of this regulation is to insure the safety of life on the Kennebec River from Augusta, Maine to Gardner, Maine, during this marine parade by restricting the speed at which vessels may operate while in this area.

(2) A special local regulation was issued on 20 May 1982 in support of the 1982 Great Kennebec River Whatever Race. This regulation restricted all spectator craft and other vessels in the area of the marine parade to a maximum speed of five (5) mph, or "No Wake Speed", whichever was less. Additionally, it cautioned spectators to be alert for disabled craft, persons falling overboard, and to exercise caution in congested areas. Information received has indicated that these precautions were sufficient to insure the safety of life of the participants in this event in 1982.

(3) Information concerning the need for this regulation has been solicited from the Maine Department of Inland Fisheries.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and

Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the restriction to navigation is for only a short period of time, and only affects a small portion of the river. Additionally, since this regulation supports an area promotional activity sponsored by the Kennebec Valley Chamber of Commerce, an increase in area business due to this marine parade is anticipated. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Proposed Regulation:

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, by adding § 100.35-1-01 to read as follows:

§ 100.35-1-01 The Great Kennebec River Whatever Race, Regatta.

(a) Regulated Area: Kennebec River, bank to bank, between the State of Maine Route 126 Highway Bridge connecting Randolph, Maine, and Gardner, Maine, and the U.S. Route 201-202 Highway Bridge at Augusta, Maine.

(b) Effective Period: 6:00 am, July 3, 1983 until 6:00 pm, July 3, 1983 or completion of the Great Kennebec River Whatever Race, whichever is earlier.

(c) Special Local Regulations: Vessels not participating in, or operating as a safety patrol in support of, the Great Kennebec River Whatever Race shall:

(1) Observe a maximum speed limit of five (5) mph or "No Wake Speed", whichever is less.

(2) Be alert for disabled craft and persons falling overboard.

(3) Exercise extreme caution when operating in the area of this marine parade.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46; and 33 CFR 100.35)

Dated: March 8, 1983.

L. L. Zumstein, RAdm, USCG,

First Coast Guard District.

[FR Doc. 83-6990 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Part 110

[CGD 09-80-02]

Special Anchorage Area; Little Traverse Bay, Lake Michigan, Harbor Springs, MI

AGENCY: Coast Guard, DOT.

ACTION: Cancellation of supplemental notice of proposed rulemaking.

SUMMARY: On August 30, 1982 the Coast Guard published a final rule establishing a Special Anchorage Area in Little Traverse Bay, Lake Michigan (47 FR 38118). This final rule is acceptable to the City of Harbor Springs, MI as published and the supplemental notice of proposed rulemaking published on February 3, 1983 (48 FR 4832) is hereby cancelled.

FOR FURTHER INFORMATION CONTACT: Ens. Steven Boyle (216) 522-7064.

Dated: March 8, 1983.

C. M. Holland,

Captain, USCG, Executive Secretary, Marine Safety Council.

[FR Doc. 83-6993 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-7-FRL-2324-5]

Missouri Application for Interim Authorization, Phase I and II, Components A and B Hazardous Waste Management Program; Public Hearing and Comment Period

AGENCY: Environmental Protection Agency, Region VII.

ACTION: Notice of public hearing and public comment period.

SUMMARY: EPA regulations to protect human health and the environment from the improper management of hazardous waste were published in the **Federal Register** on May 19, 1980 (45 FR 33063). Subsequent amendments and additions to this promulgation have occurred since that date. These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Missouri application for Phase I and II, Components A and B interim authorization, inviting public comment, and giving notice of a public hearing to be held on the application.

DATES: Comments on the Missouri interim authorization application must be received by April 19, 1983.

Public Hearing: EPA will conduct a public hearing on the Missouri interim authorization application at 1:00 p.m. on April 19, 1983. An evening session of the hearing shall also be conducted on April 19, 1983 at 7 p.m. if a written request to hold such a session is received by Mr. Robert L. Morby of EPA at the address below no later than April 14, 1983. If an evening session is held, notification shall be provided through news releases. The Environmental Protection Agency reserves the right to cancel the public hearing if significant public interest in a hearing is not expressed. If you are interested in participating in the public hearing, please notify Mr. Morby at the address below no later than April 14, 1983. The State of Missouri will participate in any public hearing held by EPA on this subject.

ADDRESSES: Copies of the Missouri interim authorization application are available during business hours at the following locations for inspection and copying by the public:

U.S. E.P.A., Region VII, Library—16th Floor, 324 East 11th Street, Kansas City, Missouri 64106

Waste Management Program, Missouri Department of Natural Resources, 1915 Southridge Drive, Jefferson City, Missouri 65101

Regional Office, M.D.N.R., 8460 Watson Road, Suite 217, St. Louis, Missouri 63199

U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, 816/374-6534. Business Hours: 7:30-5. $0.20 per page copying charge

U.S. Environmental Protection Agency, Office of Solid Waste, 401 M Street, SW., Washington, D.C. 20460, 202/382-2210. Business Hours: 7:30-4:30. the public hearing will be held at: The Roanoke Room Ramada Inn, 1510 Jefferson, Jefferson City, MO 65101.

Submit written comments to: Robert L. Morby, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby, 816/374-6534.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health

and the environment from the improper management of hazardous waste. These regulations include provisions under which EPA can authorize qualified state hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified state programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for issuance of interim authorization, the State hazardous waste program must:

(1) have had enabling authority in existence prior to August 17, 1980, and

(2) be substantially equivalent to the Federal program. A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123 Subpart F (45 FR 33479). As noted in the May 19, 1980, **Federal Register**, copies of complete State submittals for interim authorization are to be made available for public inspection and comments. In addition, a public hearing is to be held on the submittal, unless significant public interest is not expressed.

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

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Dated: March 10, 1983.

Morris Kay,

Regional Administrator, Region VII.

[FR Doc. 83-6995 Filed 3-16-83; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 158

[OPP 30063A; PH-FRL 2324-1]

Data Requirements for Pesticide Registration; Reopening of Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: The public comment period on the EPA's proposed data requirements which were published in the **Federal Register** of November 24, 1982 (47 FR 53192), closed on February 22, 1983. Industry and environmental groups have requested that the Agency reopen the public comment period to provide more time to review and evaluate the proposed regulation. Therefore, the comment period is being reopened for an additional 60 days to give the public opportunity for further comment.

DATE: Written comments on the proposed data requirements rule, identified by the document control number "[OPP-30063A]" must be received on or before May 16, 1983.

ADDRESS: Comments should be submitted to and are available for review at: Program Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Frederick S. Betz, Hazard Evaluation Division (TS-769C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 821A, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-577-7351).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 24, 1982 (47 FR 53192), the EPA issued proposed data requirements at 40 CFR Part 158 specifying the kinds of data and information that must be submitted to EPA to support the registration of each pesticide under the Federal Insecticide, Fungicide and Rodenticide Act. The standards for conducting acceptable tests, guidance on evaluation and reporting of data, further guidance on when data are required, and examples of protocols are not specified in 40 CFR Part 158. This information (i.e., Pesticide Assessment Guidelines) is available as an advisory document through the National Technical Service (NTIS) as specified elsewhere in today's **Federal Register**. The Pesticide Assessment Guidelines are also being made available for inspection at EPA headquarters, at each of EPA's ten regional offices, and at each lead state agency responsible for administering its state pesticide program. The address and contact person for each regional office and state agency can be obtained from the EPA contact cited previously in this notice. EPA is also making available complimentary copies of the Pesticide Assessment Guidelines to those industry and environmental groups that have been active in reviewing and commenting on the pesticide registration data requirements and guidelines.

Therefore, in response to requests from industry and environmental groups, EPA has reopened the public comment period on 40 CFR Part 158 in order to allow the public an opportunity to make further comment on the proposed regulation.

Dated: March 10, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-6945 Filed 3-16-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-125; RM-4326]

TV Broadcast Station in Dillingham, Alaska; Proposed Changes in Table of Assignments

Editorial Note: The following document was scheduled for publication on pages 10887 and 10888 in the issue of Tuesday, March 15, 1983. The first half of the document was inadvertently omitted from the issue. The document is reprinted below in its entirety.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of VHF Television Channel No. 2 to Dillingham, Alaska, on a reserved basis, as its second television assignment in response to a petition filed by the State of Alaska.

DATES: Comments must be filed on or before April 18, 1983, and reply comments on or before May 3, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Dillingham, Alaska); MM Docket No. 83-125, RM-4326.

Adopted: February 10, 1983.

Released: March 4, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 10, 1983, by the State of Alaska ("petitioner") seeking the assignment of VHF Channel No. 2 to Dillingham, Alaska, reserved for educational use, as its second television assignment. Petitioner expressed its interest in applying for the channel, if assigned.

2. Dillingham (population 1,563)[1] is located in southwest Alaska, approximately 570 kilometers (350 miles) southwest of Anchorage.

3. Petitioner stated that it intends to operate an educational translator station to provide programming from its educational project, the Learn/Alaska network. In order to operate its proposed 100 watt translator station on a VHF channel, a TV assignment is necessary.

4. In view of the fact that Dillingham could receive a 100 watt educational translator television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules), with respect to the following city:

City	Channel No.	
	Present	Proposed
Dillingham, Alaska	10	*2, 10

5. 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.

6. Interested parties may file comments on or before April 18, 1983, and reply comments on or before May 3, 1983, and are advised to read the Appendix for the proper procedures.

7. 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 TV Table of Assignments, § 73.606(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.

8. 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 contitutes 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 TV Table of Assignments, § 73.606(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 findings 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. 83-6699 Filed 3-14-83; 8:45 am]

BILLING CODE 1505-01-M

[1] Population figures are taken from the 1980 U.S. Census, Advance Report.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 82-21; Notice 2]

Evaluation Report on Federal Motor Vehicle Safety Standard No. 301, Fuel System Integrity; Passenger Cars

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

ACTION: Extension of comment period.

SUMMARY: On January 10, 1983 (48 FR 1089), the Agency announced the publication of an Evaluation Report on Federal Motor Vehicle Safety Standard No. 301, Fuel System Integrity:

Passenger Cars (49 CFR Part 571.301). The announcement requested public review and comment on the evaluation report which assessed the safety effectiveness and costs of Standard 301. The standard sets performance requirements for fuel systems in new passenger cars. The report was developed in response to Executive Order 12291 and is part of the Department of Transportation priority review process for existing regulations. The January notice set March 11, 1983, as the closing date for receiving comments on the evaluation report.

On February 28, 1983, the Motor Vehicle Manufacturers Association of the United States, Inc., (MVMA) petitioned for a 60-day extension, to May 10, 1983, for submitting comments on the evaluation report. MVMA stated that it did not receive a copy of the evaluation report until February 14, 1983, or slightly more than one month after the beginning of the comment period. Additionally, MVMA stated that staff who would review the report had just completed review of a second NHTSA evaluation report on FMVSS 214, Side Door Strength, which had been published a few weeks earlier (November 23, 1982).

In order to provide MVMA and other parties who may have had similar problems with additional time to thoroughly review and analyze the report, the Agency has decided to grant the 60-day extension as requested.

DATE: Deadline for receipt of comments is extended to May 10, 1983.

ADDRESSES: All comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. [Docket hours, 8:00 a.m.–4:00 p.m., Monday through Friday].

FOR FURTHER INFORMATION CONTACT: Mr. Frank G. Ephraim (202) 426–1574.

(Secs. 103, 112, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50 and 501.8))

Issued on March 10, 1983.

Barry Felrice,

Associate Administrator for Plans and Programs.

[FR Doc. 83-6791 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

Swordfish Fishery Management Plan; Hearings

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

ACTION: Additional notice of public hearings.

SUMMARY: In reference to a notice published March 2, 1983, (48 FR 8826), the New England Fishery Management Council, Mid-Atlantic Fishery Management Council, and Caribbean Fishery Management Council have set the locations for their public hearings to receive public input on the Swordfish Fishery Mangement Plan.

DATES AND ADDRESSES: The scheduled public hearings in the Mid-Atlantic, New England, and Caribbean areas are as follows:

Date	Mid-Atlantic
Mar. 28	Quality Inn Lake Wright, 6280 Northhampton Blvd., Norfolk, VA 23502
Apr. 6	Conference Room, Federal Building, St. Thomas, U.S. Virgin Islands, 7:30 p.m.
Mar. 29	Carousel Hotel, On the Beach at 118th Street, Ocean City, MD 21872
Apr. 8	Department of Marine Science, University of Puerto Rico, Isla Magueyez, La Jas, PR, 10:00 a.m.
Mar. 30	Stockton State College, C Building, Room CC103, Pomona, NJ 08240
Mar. 31	Holiday Inn, Route 25 and Long Island Expressway (Exit 72 Long Island Expressway), Riverhead, NY 11901

Date	Caribbean
Apr. 6	Conference Room, Federal Building, St. Thomas, U.S. Virgin Islands, 7:30 p.m.
Apr. 8	Department of Marine Science, University of Puerto Rico, Isla Magueyez, La Jas, PR, 10:00 a.m.

Date	New England
Apr. 8	Governor Carver Motor Inn, 25 Summer Street, Plymouth, MA 02360
Apr. 11	White's Restaurant, 66 State Road, Westport, MA 02790
Apr. 12	Dutch Inn, Great Island Road, Galilee, RI 02882
Apr. 13	Ramada Inn, 1230 Congress Street, Portland, ME 04102

The hearings will be held from 7:30 to 10:00 p.m. in New England, from 7:00 to 10:00 p.m. in the Mid-Atlantic, and as noted in the Caribbean. Other information contained in the referenced notice remains unchanged.

Dated: March 11, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resources Management, National Marine Fisheries Service.

[FR Doc. 83-6883 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 53
Thursday, March 17, 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.

CIVIL RIGHTS COMMISSION

Illinois 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 Illinois Advisory Committee to the Commission will convene at 2:00 p.m. and will end at 10:00 p.m., on April 7, 1983, at the Ambassador Motor Inn, 141 South Main, Decatur, Illinois 62523. The purpose of this meeting is to discuss rechartering of the Committee and plans for future meetings in the southern section of the State.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Thomas J. Pugh, 500 West Melbourne Avenue, Peoria, Illinois 61604; (309) 671-7475 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604; (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 14, 1983.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 83-6981 Filed 3-16-83; 8:45 am]

BILLING CODE 6335-01-M

Nebraska 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 Nebraska Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 1:30 p.m., on April 18, 1983, at the InterNorth, East Annex Building, 2027 Dodge Street, Omaha, Nebraska, 68102. The purpose of this meeting is to provide orientation for the new members of the rechartered Committee and discuss plans for Fiscal Year 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Shirley M. Marsh, 2701 South Thirty-Fourth Street, Lincoln, Nebraska, 68509; (402) 471-2734 or the Central States Regional Office, Old Federal Office Building, 911 Walnut Street, 3103, Kansas City, Missouri, 64106; (816) 374-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 14, 1983.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 83-6982 Filed 3-16-83; 8:45 am]

BILLING CODE 6335-01-M

Vermont 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 Vermont Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on May 16, 1983, at the Holiday Inn, Sykes Avenue, White River Junction, Vermont, 05001. The purpose of this meeting is to discuss plans for a study of civil rights implications of block grants; release of Franco-American report; and distribution of sexual harassment brochures.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Philip H. Hoff, 192 College Street, Hoff, Wilson and PO, Burlington, Vermont, 05401; (802) 658-4300 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110; (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 14, 1983.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 83-6983 Filed 3-16-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Final Negative Countervailing Duty Determination; Fireplace Mesh Panels From Taiwan

AGENCY: International Trade Administration, Commerce.

ACTION: Final negative countervailing duty determination.

SUMMARY: We determine that no benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Taiwan of fireplace mesh panels, as described in the "Scope of Investigation" section of this notice. Although we found that the fireplace mesh panel industry did receive benefits under the income tax program, we found that the value of the benefit amounted to 0.012 percent of the f.o.b. value of the imported merchandise, which is *de minimis.* Therefore, our final determination is negative.

Based on this final determination, the countervailing duty investigation involving fireplace mesh panels from Taiwan is terminated.

In accordance with section 705(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of our determination.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Paul Nichols, Office of Investigations, Import Adminstration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-5497.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we determine that no benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Taiwan of fireplace mesh panels, as described in the "Scope of Investigation" section of this notice. The Taiwanese fireplace mesh panel industry did receive benefits under a preferential income tax program. However, the value of this benefit is 0.012 percent of the f.o.b. value of the

import merchandise, which is *de minima.*

Case History

On July 22, 1982, we received a petition from counsel for Justesen Industries, Inc., Pacific Fireplace Furnishings, Inc., and Fall River Fireplace Co., Inc., on behalf of the U.S. industry producing fireplace mesh panels. The petition alleged that manufacturers, producers, or exporters in Taiwan of fireplace mesh panels receive benefits which constitute subsidies within the meaning of the countervailing duty law. We found the petition sufficient, and on August 11, 1982, we initiated a countervailing duty investigation (47 FR 36005). We stated that we would make our preliminary determination by October 15, 1982. However, pursuant to section 703(c)(1)(A) of the Act, we extended the period for the preliminary determination to no later than December 20, 1982.

Since Taiwan is a "country under the Agreement" within the meaning of section 701(b) the Act, Title VII of the Act applies to this investigation, and an injury determination is required. Therefore, we notified the ITC of our initiation. On September 15, 1982, the ITC determined that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, a U.S. industry (47 FR 40726).

We presented questionnaires concerning the allegations in the petition to a representative of the American Institute in Taiwan, in Washington, on August 31, 1982, for transmission to the Taiwanese authorities and the panel producers. On October 22, 1982, we received the responses to the questionnaires. On October 28, 1982, we verified the questionnaire responses submitted by the Taiwanese authorities and the panel producers.

On December 23, 1982, we published in the **Federal Register** our preliminary negative determination that there was no reason to believe or suspect that benefits which constituted subsidies within the meaning of section 701 of the Act, were being provided to manufacturers, producers, or exporters in Taiwan of fireplace mesh panels (47 FR 57310).

Our notice of preliminary determination gave interested parties an opportunity to submit written and oral views. A hearing was held on February 3, 1983. The oral and written views submitted by the petitioners and the respondents have been considered in reaching our final determination.

An earlier antidumping investigation involving this merchandise has resulted in an antidumping order (47 FR 24616).

Scope of Investigation

For the purpose of this investigation, fireplace mesh panels are defined as precut, flexible mesh panels, both finished and unfinished, which are constructed of interlocking spirals of steel wire. Fireplace mesh panels are currently provided for either in item 642.87 or item 654.00 of the *Tariff Schedules of the United States* depending on their stage of processing.

Fuan Da Industrial Co., Ltd. (Fuan Da) and Yue Sheng Wire Mesh & Screen Co., Ltd. (Yue Sheng) are the only known producers in Taiwan of the fireplace mesh panels exported to the United States during the period for which subsidization is being measured.

Analysis of Programs

The period for which subsidization is being measured is January 1, 1982 to June 30, 1982. In its response to our questionnaire, the Taiwanese authorities provided data for the applicable period. Additionally, we received information from Fuan Da and Yue Sheng for the period January 1, 1981 to June 30, 1982.

Based upon our analysis of the petition, questionnaire responses, verification, and comments received, we determine the following.

I. *Programs Determined Not To Confer Countervailable Benefits to Manufacturers, Producers, or Exporters of Fireplace Mesh Panels.* We determine that a countervailable benefit within the meaning of the Act is not being provided to manufacturers, producers, or exporters in Taiwan of fireplace mesh panels under the program listed below:

Preferential Income Tax Rates

Article 10 of the Statute for Encouragement of Investment (SEI) was amended in 1980 and renumbered Article 15. The regulations issued to implement this article were also amended at that time. Under Article 15, certain productive enterprises which are organized as "companies limited by shares" in accordance with the law are eligible for reduced income tax rates. Currently, a company limited by shares must have a minimum of seven shareholders and be registered as a "share issuing corporation." Yue Sheng was not eligible for benefits under this program as it is not organized as a company limited by shares. Its tax rate is the normal 35 percent. Fuan Da does qualify for Article 15 benefits. Therefore, its tax rate is 25 percent.

Under the amended law and regulations, limitations which previously existed, restricting benefits to corporations existing or expanding before a certain date, have been removed, and the categories of industries eligible for encouragement have been broadend by removing some restrictive criteria. Normally, any domestic subsidy program which does not target benefits or otherwise effectively predetermine the provision of benefits to an industry or a limited group of industries is determined to be generally available and, thus, not countervailable. However, the remaining eligibility criteria in the SEI regulations have not been clarified to the satisfaction of the Department and still appear to limit the availability of the benefits to certain industries or groups of industries and appear to target certain categories of industries for encouragement. Based on the information currently available on the program, we determine that Article 15 of the SEI does provide a benefit that is potentially countervailable under the Act.

As Article 15 is an incentive program for increased general investment in eligible industries and, for this product, does not appear to be tied to export performance, we treated the program as a domestic subsidy and allocated the tax savings over total sales revenue.

For programs involving income tax benefits, the Department generally determines the value of the benefit when it is known and accounted for. In Fuan Da's case, the measure of the benefit is the difference in the tax due under the normal 35 percent tax rate and the SEI 25 percent tax rate for 1981, which is known and accounted for in 1982. This figure is then divided by total sales for 1981. This results in a benefit of 0.012 percent *ad valorem.* This rate is *de minimis.* Therefore, we determine that, in this case, this program does not confer a benefit which is countervailable under the Act.

II. *Programs Determined Not To Be Used By Manufacturers, Producers, or Exporters of Fireplace Mesh Panels.*

Vocational Training Centers

We determine that manufacturers, producers, or exporters in Taiwan of fireplace mesh panels did not use the vocational training centers during the period for which subsidization is being measured or since that time.

Petitioners' Comments

Comment: The petitioners argue that the period for which we are measuring subsidization is too restrictive and does not adequately address the issue of Vocational Training Centers (VTC).

DOC Response: The Act provides no time period for which the Department is

to determine the existence of a subsidy. the standard is, rather, one of current subsidization. Section 701 of the Act states that if a government "*is providing*" a subsidy, countervailing duties will be imposed, equal to the amount of the net subsidy. "Net subsidy" is defined as the amount of the gross subsidy adjusted for allowable offsets.

A six-month period for measuring subsidization is an acceptable period in countervailing duty investigations. The Department has investigated the VTC's and verified all the information used in this determination. The Department is satisfied that the period for which subsidization is being measured is correct and allows adequate time in which to determine the countervailability of the VTC's, were we to determine that the VTC's were currently used and that such use conferred a benefit.

Comment: The petitioners commented on additional issues concerning the VTC's, including the scope of our questions to the Taiwanese authorities, their responses, and the theoretical methods for calculating a value of the alleged benefit.

DOC Response: the Department found that the VTC's are not currently used. therefore, the issues are moot and we will not address them further.

Verification

In accordance with section 776(a) of the Act, we have verified all the information relied upon for our determination. We used standard verification procedures, including examination of accounting records and randomly selected documents.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with section 355.35 of the Commerce Regulations. The hearing was held on February 3, 1983.

This determination does not affect the antidumping order currently in effect on this merchandise.

This notice is published pursuant to section 705 of the Act and § 355.33 of the Commerce Regulations.

Dated: March 8, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-6996 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-25-M

Float Glass From Belgium; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of revocation of countervailing duty order.

SUMMARY: As a result of a request by the Delegation of the Commission of the European Communities, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on float glass from Belgium would not cause injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise made on or after February 20, 1981, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: On February 5, 1981, the Department of Commerce ("the Department"); published in the **Federal Register** (46 FR 10905) a countervailing duty order on float glass from Belgium.

On February 20, 1981, the International Trade Commission ("the ITC") notified the Department that the Delegation of the European Communities had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on February 20, 1981, on all shipments of Belgian float glass entered, or withdrawn from warehouse, for consumption on or after that date.

On February 15, 1983, the ITC published its determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of Belgian float glass if the order were revoked (48 FR 6794). As a result, the Department is revoking the countervailing duty order concerning float glass from Belgium with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after February 20, 1981, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after February 20, 1981 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries.

This revocation and notice are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: March 11, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-6984 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-25-M

New Statistical Profiles To Help U.S. Exporters Market Their Products Overseas

AGENCY: International Trade Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce is proposing a new series of worldwide export profiles for various industries. These profiles will contain specially formatted statistical tables and analysis to help U.S. firms assess their export potential and pinpoint the best export markets for their products. The Department is soliciting public comments to assist in the development of these profiles.

DATE: Comments must be submitted by April 25, 1983.

ADDRESS: Comments may be mailed to the Office of Trade Information Services, U.S. Department of Commerce, ITA/TIA/OTIS-Room 1837, 14th and Constitution Ave., NW., Washington, DC. 20230.

FOR FURTHER INFORMATION CONTACT: Donald Huber (202) 377-4992.

SUPPLEMENTARY INFORMATION: In order to help meet the growing needs of U.S. exporters for precise international marketing data, the International Trade Administration is developing a new series of profiles of export statistics for various industries. Previously, statistics pinpointing international sales of specific products the world over have been difficult to extract and summarize in a form useful for formulating sales and marketing strategies. By consolidating appropriate official Departmental trade data, and using newly developed computer programs, Commerce is now planning the production of specialized profiles of detailed marketing-oriented export data. This data has been logically ordered into tables and profiles which can

provide highly pertinent and meaningful sales intelligence.

Each profile will include a brief overview of the market for the subject industry, along with statistical tables tracking export trends for the industry as a whole and for specific products within the industry. The data cover the latest 5-year period through 1982 and month to date in 1983. Growth rates and percentage shares will also be provided in some tables. All the information will be conveniently tabulated and placed in easy-to-read packages.

Three levels of profiles, representing progressively more specific and inclusive coverage, are being developed. Since the Commerce Department maintains export data on all industries, profiles could be developed for most products, groups of products, or an entire industry. These profiles should be of special value to manufacturers, industry trade associations, export management or trading companies and to marketing service or consulting firms.

It is expected that the Level I Profile will consist of:

(1) A narrative *Export Market Brief* of the industry's export performance and prospects. The brief is a statistical summary which outlines such key information as industry growth, leading export products, fastest growing products and markets, significant changes in sales trends, the primary foreign competition, and the best 10 future markets.

(2) *Statistical Tables* showing total exports for the overall industry and individual product subgroups over the last 5 years to major marketing regions and to the top 75 export markets (countries) in rank order. Data is in both dollar values and percentages for each item. Also tabulated are changes in total export sales to the world for each product exported by the industry over the latest five years, with the percentage of change over the last two years for each product.

(3) A listing of *Related Commerce Services for the Industry,* including market research reports; trade contact lists of foreign buyers, agents and distributors; trade opportunities; and other services available from Commerce to the industry to help penetrate foreign markets.

Level 2 and 3 provide much more detailed information covering individual products exported by the industry on a country-by-country basis, with additional breakouts in terms of units, percentages and unit values. Individual product data is also shown for each U.S. Customs District by destination countries.

Levels 2 and 3 may also include a *Trade Lead Frequency Report* showing the actual number of sales orders for the industry's products received by Commerce (through its Trade Opportunities Program) during the last year and over a three-year period, on country-by-country basis.

It is Commerce's desire to develop and provide these packages for a fee. We encourage comments on the content, value, usefulness, organization and method of distribution for these profiles. Sample extracts of each table or piece of information have been put together for evaluation. Please write the office listed if you wish a copy of the evaluation profile to review.

Saul Padwo,

Acting Deputy Assistant Secretary for Trade Information and Analysis.

[FR Doc. 83-6953 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-25-M

Sugar Content of Certain Articles From Australia; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on the sugar content of certain articles from Australia. The review covers the period January 1, 1982 through December 31, 1982. As a result of the review, the Department has preliminarily determined the amounts of net subsidy for 1982 to be Aus. $63.98 per metric ton of sugar content for "approved fruit products," and Aus. $74.15 per metric ton for "other approved products." Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Josephine Russo or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 15, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 56164) the final results of its last administrative review of the countervailing duty order on the sugar content of certain articles from Australia (T.D. 39541, March 24, 1923) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are "approved fruit products" and "other approved products" produced in Australia. The current list of "approved fruit products" includes the following items: Jams, canned fruits, citrus peel, crystallized (or glace) fruits, certain fruit cordials and fruit juices containing not less that 25 percent pure Australian fruit juice. The list of "other approved products" currently includes: alcoholic beverages, biscuits, cakes, puddings, pastries and similar mixtures and ingredients used to make them, chemicals derived from cane sugar by hydrolysis, chemical preparations used as inhibitors or stabilizers, condiments, confectionary, desserts and ingredients used to make them, drink powders and crystals, essences and flavorings, ice block mixtures, leather, maple syrup, medicines and drugs, mixtures used to make icings, fillings, dressings and other foods, processed cereal foods or vegetables, processed egg products, processed milk products, quick frozen fruits, soft drinks, soups, spreads, sweetened fruit pulp and other fruit products which are not "approved fruit products." Exceptions to the above are pure sugar and pure icing sugar (that is, not mixed with other manufacturing ingredients), golden syrup, treacle and molasses. these are regarded as sugar and sugar syrups.

The review covers the period January 1, 1982 through December 31, 1982 and is limited to the program of rebate payments made through the Export Sugar Rebate System.

Analysis of the Program

Export sugar rebates are fixed and published by the Export Sugar Committee on a monthly basis and are granted when the world ("parity") price of sugar is lower than the price of sugar in Australia. The average rates for the period of review are set out under the *Preliminary Results.*

Verification

We verified this information through a review of public documents published by the Export Sugar Committee and through the Government of Australia.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the sugar content of certain articles from Australia benefitted from average net subsidies of Aus. $63.98 per metric ton of sugar content for approved fruit products and Aus. $74.15 per metric ton of sugar content for other approved products during 1982.

Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of Aus. $63.98 per metric ton of sugar content for approved fruit products and Aus. $74.15 for other approved products on shipments exported on or after January 1, 1982 and entered, or withdrawn from warehouse, for consumption on or before September 9, 1982. On September 10, 1982, the International Trade Commission ("the ITC") notified the Department that the Australian government had requested an injury determination for this order under section 104(b) of the Trade agreements Act of 1979. Should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties at the prevailing deposit rates at the time of entry on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after September 10, 1982 and exported on or before December 31 1982.

Further, as provided by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of Aus. $63.98 per metric ton of sugar content on approved fruit products and Aus. $74.15 on other approved products on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results 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. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in such written comments or at a hearing.

This administrative review 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: March 11, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-6985 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Advisory Committee for International Legal Metrology; Notice of Open Meeting

The Advisory Committee for International Legal Metrology will meet from 9:30 a.m. to 5:00 p.m. on Tuesday, April 5, 1983, and from 9:00 a.m. to 12:00 noon on Wednesday, April 6, 1983. The meeting will be held in Lecture Room B, Administration Building, National Bureau of Standards, Gaithersburg, Maryland.

The Committee, initially established in March 1974 advises the Department of Commerce, through the Director, National Bureau of Standards (NBS), on technical and policy matters relating to NBS' assigned general responsibilities for the development of U.S. positions on technical issues arising in the International Organization of Legal Metrology (OIML). The Committee consists of approximately 40 members selected to ensure balanced representation among government, professional metrologists, national standards bodies, industry and trade associations, and consumers.

The purpose of the April meeting of the Committee is to establish U.S. positions for the 19th Meeting of the International Committee of Legal Metrology (CIML) to be held May 3-5, 1983, in Copenhagen, Denmark. The agenda includes the following items:

1. Update of OIML activities since last meeting of the Committee:

(a) OIML Presidential Council Meeting.

(b) Highlights of OIML Technical Program.

(c) JT, BIPM, ISO, IEC, OIML International Measurement Vocabulary.

2. 19th CIML agenda and OIML issues:

(a) Membership in OIML.

(b) Financial situation.

(c) Bureau personnel.

(d) Long-term policies and plans.

(e) Work of the Pilot and Reporting Secretariats.

(f) OIML certification system.

(g) Relations with other International Institutions.

(h) Developing countries.

(i) BIML activities.

(j) 7th International Conference of Legal Metrology.

3. U.S. priorities in OIML for 1983-1984.

4. Guidelines for U.S. delegations to OIML meetings.

The meeting will be open to public observation, and a period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments should be submitted in writing before March 30, 1983. Other public statements regarding committee affairs may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. David E. Edgerly, Standards Management Program, Office of Product Standards Policy, National Bureau of Standards, Washington, D.C. 20234, telephone: 301-921-3307.

Dated: March 14, 1983.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 83-6966 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Modification No. 1 to Permit No. 381

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and § 222.25 of the Regulations Governing Endangered Species Permits (50 CFR Part 222), Permit No. 381 issued to Southwest Fisheries Center, National Marine Fisheries Service on June 11, 1982, is modified to extend the period of authorized taking for one year.

Section B-6 is deleted and replaced by:

"6. This permit is valid with respect to the taking authorized herein until December 31, 1984.

This modification becomes effective upon publication in the **Federal Register.**

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 7, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-6986 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Issuance of Permit To Take Marine Mammals

On January 21, 1983, Notice was published in the **Federal Register** (48 FR 2814), that an application had been filed with the National Marine Fisheries Service by Mr. Dennis Kelly, Orange Coast College, 2701 Fairview Road, Costa Mesa, California, for a Scientific Research Permit to take up to 200 bottlenose dolphins by harassment over a period of two years.

Notice is hereby given that on March 9, 1983, the National Marine Fisheries Service issued a Scientific Research Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), to Mr. Dennis Kelly subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 9, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-6988 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Sea World, Inc. (P2M), 1720 South Shores Road, San Diego, California 92109.
2. Type of Permit: Scientific Research and Public Display.
3. Name and Number of Animals: Killer whales (Orcinus orca), 100.
4. Type of Take: To take a total of 100 killer whales in order to study the biology, reproduction, and population dynamics of this species. Up to 10 will be permanently maintained; and up to 90 will be captured, some maintained up to three weeks, sampled, marked and/or tagged and released. Of these 90, 10 may also be radio tagged and tracked. Animals may be recaptured and reexamined.
5. Location of Activitiy: Waters off Alaska and California.
6. Period of Activity: 5 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

all statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: March 10, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-6987 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Evergreen Scientific Company, having a place of business at Los Angeles, California, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Fecalator, An Apparatus and Method for Concentration of Parasite Eggs and Larvae," U.S. Patent 4,081,356 (dated March 28, 1978). The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. the proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151.

Dated: March 10, 1983.

George Kudiavetz,

Acting Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 83-6958 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-04-M

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Unlimited Pegasus, Inc., having a place of business at Libby, Montana, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Single Line, Traction Driven Running Skyline System," U.S. Patent 4,103,784 (issued August 1, 1978). The

patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: March 8, 1983.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 83-6959 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-04-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval, through February 28, 1986, of information collection requirements in a regulation applicable to non-full-size baby cribs. The regulation, published at 16 CFR 1500.18(a)(14) and Part 1509, is intended to reduce or eliminate unreasonable risks of death or injury to children from mechanical hazards. The regulation bans from sale and distribution non-full-size cribs that fail to meet established criteria and requires certain labeling, under provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*). Additionally, § 1509.11 of this regulation requires manufacturers and importers of the cribs subject to its provisions to make and maintain records of sale and distribution, for 3 years after production or importation of each lot or other identifying unit of non-full-size baby cribs.

Information about the Proposed Collection of Information.

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Non-full-size baby cribs, 16 CFR 1500.18(a)(14) and Part 1509.

Type of request: Extension of approval.

Frequency of collection: Varies depending upon volume of products manufactured, imported, or sold.

General description of respondents: manufacturers and importers of non-full-size baby cribs.

Estimated number of respondents: 29.

Estimated average number of hours per response: 4.

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, telephone: (202) 395–7313, not later than April 1, 1983. Copies of the proposed collection of information are available from Francine Shacter, Office of Budget and Program Implementation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492–6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: March 11, 1983.

Sheldon D. Butts,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 83-7022 Filed 3-16-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 7, 1983.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group will meet at Hanscom Air Force Base, MA on April 5–6, 1983. The purpose of the meeting will be to receive briefings on selected International Command, Control, and Communications Programs. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. on the 5th and will convene at 8:30 a.m. and adjourn at 12:00 p.m. on the 6th.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–8404.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-6954 Filed 3-16-83; 8:45 am]

BILLING CODE 3910-01-M

Defense Intelligence Agency

Privacy Act of 1974; Amendment of a System Notice

AGENCY: Defense Intelligence Agency, DOD.

SUMMARY: The Defense Intelligence Agency proposes to amend a system notice for a system of records subject to the Privacy Act of 1974. The specific change is set forth below.

DATES: This notice will be effective on April 18, 1983 unless public comments are received which result in a contrary determination.

ADDRESSES: Send comments to Mrs. Helen E. Shuford, Privacy Act Officer, Administrative and Management Services Division (RTS–1) Defense Intelligence Agency. Telephone: 202/695–0614.

FOR FURTHER INFORMATION CONTACT: Mrs. Shuford at the above address and telephone number.

SUPPLEMENTARY INFORMATION: This change does not require an altered system report in accordance with 5 U.S.C. 552a(o). This system last appeared in the Federal Register at FR Doc. 82–674 (47 FR 2574) January 18, 1982.

M. S. Healy,

OSF Federal Register Liaison Officer, Department of Defense.

March 14, 1983.

Change

LDIA 0660

System Name:

Security Files

Retention:

Delete entire paragraph and insert:

"Records of civilian and military applicants not hired by or assigned to DIA are maintained up to one year and then destroyed. Other records are destroyed when no longer required. Indoctrination/debriefing memoranda and non-disclosure agreement pertaining to access to SCI information are retained for 70 years or until notification of the death of the signer,

whichever is sooner. Non-SCI security agreements and records associated with litigation or litigable matters are destroyed when no longer required."

Change

LDIA 0660

System Name:

Security Files

* * * * *

Retention:

"Records of civilian and military applicants not hired by or assigned to DIA are maintained up to one year and then destroyed. Other records are destroyed when no longer required. Indoctrination/debriefing memoranda and non-disclosure agreement pertaining to access to SCI Information are retained for 70 years or until notification of the death of the signer, whichever is sooner. Non-SCI security agreements and records associated with litigation or litigable matters are destroyed when no longer required."

* * * * *

[FR Doc. 83-6994 Filed 3-16-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Privacy Act of 1974; Deletion of a Notice for a System of Records

AGENCY: Department of the Navy (U.S. Marine Corps), DOD.

ACTION: Deletion of a notice for a system of records.

SUMMARY: The U.S. Marine Corps proposes to delete the notice for a system of records from its inventory of systems of records subject to the Privacy Act of 1974.

DATES: The proposed action will be effective without further notice on April 18, 1983, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. B. L. Thompson, Privacy Act Coordinator, Headquarters, U.S. Marine Corps, Washington, D.C. 20380, telephone: 202/694-1452.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps systems notices for records systems subject to the Privacy Act of 1974 Title 5, U.S.C. 552a (Pub. L. 93-579; 88 Stat. 1896 *et seq.*), were published in the **Federal Register** at:

FR Doc. 81-674 (47 FR 2629) January 18, 1982
FR Doc. 81-2408 (47 FR 4328) January 29, 1982
FR Doc. 82-9405 (47 FR 14939) April 7, 1982
FR Doc. 82-18001 (47 FR 28964) July 2, 1982

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 14, 1983.

Deletion

MMN00023

System name:

Prisoner Records (46 FR 6685) January 21, 1981

Reason:

This system is adequately covered under the Department of the Navy system notice #N01640-1, "Individual Correctional Records."

[FR Doc. 83-6992 Filed 3-16-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Hudson Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Hudson Oil Company (Hudson). This Proposed Remedial Order charges Hudson with entitlements violations in the amount of $6,383,109.92, plus interest, in connection with Hudson's participation in the Entitlements Program during the reporting period August 1, 1980 through December 31, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Milton C. Lorenz, Special Counsel, ERA, Washington, D.C. (202) 633-8925. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th & Pennsylvania Avenue, NW, Washington, D.C. 20461, in accordance with the 10 CFR 205.193.

Issued in Washington, D.C., on the 8th day of March 1983.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 83-6909 Filed 3-16-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-005]

Powerplant and Industrial Fuel Use Act of 1978: Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of approval of conservation plans.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received a number of electric utility conservation plans developed and submitted for DOE approval pursuant to section 808 of the Powerplant and Industrial Fuel Use Act of 1978, as amended, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"). Pursuant to 10 CFR 508.5(b) (47 FR 25729, June 15, 1982), DOE hereby gives Notice of Approval of Conservation Plans submitted by the electric utility owners or operators listed in the **SUPPLEMENTARY INFORMATION** section below.

The public file for each of the listed electric utility owners or operators containing this Notice of Approval of Conservation Plans and all other pertinent documents is available for insepction at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, telephone (202) 252-6020. Approval of each conservation plan is based on ERA's consideration of the entire record of the proceeding, including any comments received during the public comment period for each plan.

DATE: In accordance with 10 CFR 508.5(b), this Notice shall take effect on March 17, 1983.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Program, Economic Regulatory Administration, Forrestal Building, Room GA-073 G, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-8162

Allan Stein, Esq., Office of the General Counsel Forrestal Building, Room 6B-222, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2967

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA) amended FUA by adding a new section 808, entitled "Electric Utility Conservation Plan.".

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which

also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. Approved plans must be fully implemented during the five year period following DOE approval.

Notices of Receipt of the proposed conservation plans described below, providing for a thirty (30) day public comment period during which interested persons were invited to submit written comments concerning the content of any such proposed conservation plan, were published in the **Federal Register** on November 4, 1982 and January 25, 1983 (47 FR 50083 and 48 FR 3403, respectively). No comments on these proposed plans were received.

Based upon the entire record of this proceeding, ERA has determined that the conservation plans of each of the following utilities meet the requirements for approval contained in 10 CFR 508.8. ERA is restricted by the 120 day time limitation imposed by the Act of the plan approval process as to the amount of information which can be analyzed in order to ascertain the environmental; significance of approval of these plans. However, based on the information contained in each utility's submittal, ERA has determined, pursuant to 10 CFR 508.5, that the conservation programs contained in the plan of each utility listed below should not produce environmental consequences significant enough to warrant detailed documentation pursuant to the National Environmental Policy Act or its implementing regulations (40 CFR Part 1500 *et seq.*). Thus this action clearly does not represent a major Federal action significantly affecting the quality of the human environment. Pursuant to 10 CFR 508.5 and section 808(d)(1) of FUA, DOE hereby approves the electric utility conservation plans submitted by the utilities listed below.

Each of the electric utilities whose plans are approved herein shall annually submit a report to ERA pursuant to 10 CFR 508.7 (47 FR 25733, June 15, 1982) identifying the steps taken during the preceding year to implement its approved plan. Each such report shall be submitted within thirty (30) days after the close of a calendar year, beginning with the close of calendar year 1983. The report shall be sent to: Steven E. Ferguson, Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-093, 1000 Independence Avenue, SW., Washington, D.C. 20585.

The following utilities' conservation plans are approved:

Utilities	FC Case No.
Central Illinois Light Co., Peoria, Ill.	50485-9999-99-49
City of Denton, Denton, Tex.	50775-9999-99-49
City of Garland, Garland, Tex.	51081-9999-99-49

Issued in Washington, D.C., on March 10, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-6910 Filed 3-16-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since Thursday, March 10, 1983. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATE: Last Notice published Thursday, March 10, 1983.

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance amd Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., NW., Washington, D.C. 20585

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., March 10, 1983.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No. (1)	Form title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Respondent description (6)	Estimated number of respondents (7)	Annual respondent burden (8)	Abstract (9)
ER-828	Survey of Occupational Employment in Nuclear-Related Activities.	New	Biennial	Voluntary	Establishments engaged in nuclear-related activities.	1,500	1,875	Form ER-828 collects employment statistics by occupation and industrial segment for companies engaged in nuclear-related activities. The survey will be conducted in Spring, 1983 and biennially thereafter. The data are published by the Office of Energy Research in reports on manpower supply and demand in the nuclear area.
FERC-519	Application for Approval of Disposition of Facilities, Merger, etc.	Extension	On occasion	Mandatory	Public utilities	15	1,275	Data from Form FERC-519 is used to determine whether an applicant should be permitted to dispose of electric power facilities, merge such facilities with those of another utility, or acquire the securities of another person pursuant to the Federal Power Act, Section 203.

[FR Doc. 83-6739 Filed 3-16-83; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-369-000]

Alabama Power Co.; Filing

March 11, 1983.

Take notice that Alabama Power Company on March 7, 1983, tendered for filing proposed changes in its FERC Electric Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $6,814,071 based on the calendar year 1983.

The Company states that the rate increase is necessary to cover the increased cost of providing service to its distribution cooperative and municipal customers. The Company cites increased expenses and additional utility plant investment as the major reasons for the requested increase.

Copies of the filing were served upon the affected distribution cooperatives and municipalities, the Alabama Public Service Commission and Southeastern Power Administration.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-6892 Filed 3-16-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF83-190-000]

Boone Valley Cooperative Processing Assn.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

March 11, 1983.

On February 14, 1983, Boone Valley Cooperative Processing Assn., (Applicant), 406 North Commercial, P.O. Box 85, Eagle Grove, Iowa 50533, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping cycle cogeneration facility is located at the Applicant's address. The facility consists of two boilers and an extraction condensing steam turbine generator. The primary energy source to the facility is coal. The electric power production capacity of the facility is 10 megawatts. Extracted steam is available for use in the soybean processing operation. Installation of the facility began in October 1980. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-6893 Filed 3-16-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ID-2034-000]

C. Frederick Sears; Application

March 11, 1983.

Take notice that on March 4, 1983, C. Frederick Sears filed an application for authorization under section 305(b) of the Federal Power Act to hold the following positions:

Vice President—The Connecticut Light & Power Company
Vice President—Western Massachusetts Electric Company
Vice President—Holyoke Water Power Company
Vice President—Holyoke Power and Electric Company
Vice President—Connecticut Yankee Atomic Power Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capital Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 29, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6894 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-365-000]

The Cleveland Electric Illuminating Co.; Filing

March 11, 1983.

Take notice that on March 2, 1983, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 40 MW of power from the 345 kv interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on March 11, 1983.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6895 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-366-000]

Cleveland Electric Illuminating Co.; Filing

March 11, 1983.

Take notice that on March 2, 1983, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 20 MW of power from the 345 kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on March 1, 1983.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6896 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-364-000]

Empire District Electric Co.; Filing

March 11, 1983.

Take notice that on March 2, 1983, Empire District Electric Company (Empire) tendered for filing FERC Electric Tariff 1st Revised Volume No. 1, Section 2, 2nd Revised Sheet No. 3, Map of System; Section 6, 8th Revised Sheet No. 22, Index of Purchasers; and an executed service agreement with the City of Lockwood, Missouri.

Empire states that the filing is being made to add Lockwood as a customer to be served on Empire's existing W-1 rate schedule.

Empire requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6897 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-367-000]

Empire District Electric Co.; Filing

March 11, 1983.

Take notice that The Empire District Electric Company (Empire), on March 3, 1983, tendered for filing a proposed Amendment to Schedule L, Peaking Power Service, a part of that agreement for interchange of power and interconnected operation between Empire and Kansas Gas and Electric Company (KG&E) designated rate schedule, FERC 69.

The amendment will change the capacity charge from $0.27 per kw per month to $0.46 per kw per month. Empire requests an effective date of April 1, 1983.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6898 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2033-000]

Frank R. Locke; Application

March 11, 1983.

Take notice that on March 4, 1983, Frank R. Locke filed an application for authorization under section 305(b) of the Federal Power Act to hold the following positions:

Director—The Connecticut Light & Power Company

Director, Vice President and Chief Administrative Officer—Western Massachusetts Electric Company

Director, Vice President and Chief Administrative Officer—Holyoke Water Power Company

Director, Vice President and Chief Administrative Officer—Holyoke Power and Electric Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 29, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6899 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6805-000]

Glenn-Colusa Irrigation District; Approval by Operation of Law

March 11, 1983.

Take notice that the Director, Office of Electric Power Regulation, the Commission's Delegee on this matter pursuant to Section 375.308 of the Commission's regulations, has taken no action on the application for exemption from licensing of a small conduit hydroelectric project (Stoval #1 Hydroelectric Project No. 6805) filed on October 28, 1982, by the Glenn-Colusa Irrigation District. The project is described in the attached public notice.

Accordingly, the exemption is deemed granted by operation of law on February 21, 1983, under § 4.93(d) of the Commission's regulations, subject to the standard terms and conditions set forth in § 4.94 of the Commission's regulations (18 CFR 4.94), and subject to the condition that the Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of the proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which the exemption went into effect. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

a. Type of Application: Exemption of a Small Conduit Hydroelectric Facility.

b. Project No: 6805-000.

c. Date Filed: October 28, 1982.

d. Applicant: Glenn-Colusa Irrigation District.

e. Name of Project: Stovall No. 1 Hydroelectric Project.

f. Location: On the Glenn-Colusa Canal owned and operated by the Applicant (water leaving the powerhouse will discharge directly into an irrigation canal) near the town of Williams, in Colusa County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 823(a).

h. Contact Person: Mr. Robert D. Clark, Manager and Secretary, Glenn-Colusa Irrigation District, 344 East Laurel Street, Willows, California 95988.

i. Comment Date: January 15, 1983.

j. Description of Project: The proposed project would consist of: (1) Two existing inlet structures; (2) two 4-foot-diameter, 47-foot-lone pipeline-penstock systems; (3) two outdoor generating units with a combined rated capacity of 120 kW, operating under a head of 14 feet; and (4) appurtenant facilities. The estimated average annual energy output is 433,000 kWh.

k. This notice also consists of the following standard paragraphs: B and D3b.

1. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

[FR Doc. 83-6900 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-241-000]

Idaho Power Co., Order Requiring Modification of Average System Cost Rates and Noting Interventions

Issued: March 11, 1983.

Pursuant to § 35.13(a)(5)(i) of the Commission's regulations, Idaho Power Company (Idaho), on January 10, 1983, filed a revised Average System Cost (ASC) rate in purported compliance with the Commission's Interim Rule procedures for exchanges of power under section 5(b) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act or Act). Under the terms of the Act, participating electric utility systems may sell to the Bonneville Power Administration (BPA) at "average system cost," amounts of energy equivalent to their residential customers' loads and then repurchase such energy from BPA at BPA's lower preference rate.

In order to effectuate these transactions, the Commission, on October 1, 1981, issued an Interim Rule governing these exchanges.[1] Under the interim procedures (18 CFR 35.13a), jurisdictional utilities are to file an ASC rate proposal with BPA, which is then to be reviewed by BPA within 180 days. If BPA's review results in an ASC determination different from that developed by the utility, BPA is to issue a report of its findings together with the ASC rate to be used by the utility. The utility's proposed ASC rate, BPA's report, and BPS's adjusted ASC rate, if any, is then filed with the Commission for review. If the Commission's review results in a finding that the ASC rate is not in accordance with the Interim Rule procedures, the Commission may order the ASC rate to be changed. The revised rate, however, would still be collected

[1] Docket No. RM81-41-000, *Sales of Electric Power to the Bonneville Power Administration—Methodology and Filing Requirements.*

subject to refund pending approval of a final rule by the Commission.

Idaho has submitted in the present case a revised ASC rate for its exchange sales in the State of Idaho covering the period August 20, 1982, through October 31, 1982. Idaho's filing includes BPA's written report and redetermination of Idaho's ASC rate proposal. Idaho's filing also includes its objection to a number of the adjustments made by BPA, including BPA's modification of Idaho's method for functionalizing general plant and administrative and general expenses.[2]

Notice of the filing was published in the **Federal Register**, with comments, protests, or interventions due on or before February 3, 1983. On February 1, 1983, a group of BPA's direct service industrial customers (DSIs) filed a motion to intervene. DSIs state that they wish to raise a number of issues in subsequent comments. These issues include: functionalization of regulatory fees and expenses; exclusion from the ASC rates of the Black Butte coal deferral charges; and functionalization of income taxes.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motion to intervene of the DSIs serves to make them parties to this proceeding.

Upon review, the Commission finds that BPA's revision to Idaho's method of functionalizing general plant investment and administrative and general expenses is inconsistent with our Interim Rule procedures. BPA states that its revised functionalization method, which is consistent with the method used by the Idaho Public Utilities Commission, is required because the changed methodology results in a lower ASC rate. The Commission's Interim Rule, however, provides clear instruction for the acceptable functionalization of general plant and A&G expenses.[3] The instructions were intended to assure uniform functionalization for all utilities. BPA has not properly followed the Commission's instructions.[4] The functionalization method originally used by Idaho, on the other hand, correctly reflects our Interim Rule procedures. Accordingly, the Commission will order Idaho to revise its ASC rate to reflect its originally proposed functionalization procedures. With respect to all other issues raised, we find that BPA's determinations are in substantial compliance with the ASC methodology established by the Interim Rule.

As we noted in a September 23, 1982 order whch involved contested ASC filings,[5] the ASC rates are interim in nature pending final action by the Commission in Docket No. RM81-41-000. Our findings are therefore without prejudice to the parties' right to raise, after issuance of a final rule in Docket No. RM81-41-000, those issues which they believe have not been resolved by the final rule. Accordingly, until a final rule is approved, Idaho's ASC rate as revised consistent with this order will remain subject to refund or further adjustment pending the outcome of the final rule.

The Commission orders:

(A) Idaho shall revise its ASC rate to reflect functionalization of general plant and A&G expenses as prescribed by footnote 2 of the Interim Rule with refunds to be made as required by the Interim Rule (18 CFR 35.13a).

(B) This order is without predjudice to the remaining objections raised by Idaho and DSIs pending issuance of a final rule in Docket No. RM81-41-000.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6901 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[2] The remaining adjustments challenged by Idaho relate to: (1) Functionalization of unclassified materials and supplies; (2) functionalization of intangible plant; (3) functionalization of regulatory expenses; (4) exclusion of Black Butte coal deferral charges; and (5) adjustments to and functionalization of income taxes.

[3] Under the Interim Rule procedures, general plant and A&G expenses are to be functionalized consistent with instructions in footnote 2 to the ASC formula. That footnote requires that the items to be functionalized be directly assigned, if possible, to the appropriate operating function; otherwise, the location of the plant item is to be used as the basis for functionalization. In the event that general plant items or A&G expenses cannot be functionalized on these bases, footnote 2 requires that those items be functionalized in accordance with footnote 24 instructions. Footnote 24 requires items to be functionalized on two bases: one-half on the basis of gross plant ratios and one-half on the basis of O&M expense ratios.

[4] The functionalization procedure adopted by BPA is based on wage and salary ratios.

[5] *Puget Sound Power & Light Co., et al.*, Docket Nos. ER82-448-000, *et al.*, 20 FERC ¶61,355.

[Docket No. ER83-370-000]

Idaho Power Co.; Filing

March 11, 1983.

Take notice that on March 7, 1983, Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during January, 1983, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company, Supplement 15
Montana Power Company, Supplement 13
Sierra Pacific Power Company, Supplement 13
Southern California Edison Company, Supplement 12
San Diego Gas and Electric Company, Supplement 9
Los Angeles Dept of Water and Power, Supplement 11
City of Glendale, Supplement 11
City of Burbank, Supplement 11
City of Pasadena, Supplement 11

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 29, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6902 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-202-000]

Pacific Wind Systems; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 11, 1983.

On February 25, 1983, Pacific Wind Systems of 2822 Fifth Avenue, San Diego, California 92103, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Tehachapi, California on the Tehachapi/Willow Springs Road. The primary energy source will be wind. The electric

power production capacity of the facility will be 800 kilowatts, which will be expanded to 2,400 kilowatts. There are no other small power production facilities located within one mile of the facility which use the same energy source, and which are owned by the applicant. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6903 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP79-28]

Public Service Commission of New York, Offshore Construction Costs of Natural Gas Pipelines; Filing of Joint Petition for Approval of Accounting and Rate Treatment in Conjunction With Settlement of Civil Actions

Issued: March 11, 1983.

Take notice that on December 2, 1982, several interstate pipeline companies [1] (Joint Petitioners) filed a Joint Petition For Approval of Accounting And Rate Treatment In Conjunction With Settlement of Civil Actions requesting the Federal Energy Regulatory Commission (Commission) to review the basis upon which private civil antitrust actions brought against Brown & Root Inc., and McDermott Incorportated (formerly J. Ray McDermott & Co., Inc.), *et al.*, (Construction Firms) are being settled, and to approve the proposed settlement agreement attached to the Joint Petition, providing for the rate and accounting treatment of the sum of approximately $24 million to be recovered from the Construction Firms through such settlement. The Joint Petitioners further requested that the Commission terminate the subject proceeding and any other investigation involving the sum subject matter with respect to the Joint Petitioners on their compliance with the conditions applicable to the rate and accounting treatment proposed in the draft settlement agreement.

In 1976 a federal grand jury in the United States District Court for the Eastern District of Louisiana began considering information regarding alleged collusive practices in connection with bids and contracts for the construction of offshore natural gas and oil pipelines and platforms. Subsequently, on December 14, 1978, the United States Department of Justice (Government) filed antitrust indictments against Brown & Root, Inc., J. Ray McDermott & Co., Inc. and certain officers of the two companies in *United States of America v. J. Ray McDermott & Co., Inc., et. al.*, Cr. Docket 78-422 (E.D.La.).

The antitrust count in the indictment charged the Construction Firms with unlawful practices in connection with bids for the construction of facilities in the Gulf of Mexico and in other geographic areas during the period from approximately 1960 through 1975. In addition to general allegations, the indictment specified particular offshore projects as subjects of the practices complained of. On December 14, 1978, the Construction Firms pleaded *nolo contendere* to the single antitrust count for which they were indicted, and each paid $1 million fines.

On January 5, 1979, the Public Service Commission of the State of New York (NYPSC) filed a Petition For Investigation invoking Sections 4, 5, 14, and 16 of the Natural Gas Act requesting the Commission to initiate an investigation into the possibility that interstate pipelines may have been overcharged for pipeline or other construction in the Gulf of Mexico. Pointing out that the proceedings to obtain civil recoveries from the Construction Firms would undoubtedly be time-consuming, the NYPSC indicated its belief that the natural gas pipelines affected by the practices of the Construction Firms should be placed on notice that they would be held accountable in the event they failed to pursue available legal remedies for the recovery of excessive charges.

Notice of the NYPSC Petition was issued by the Commission on February 2, 1979. Numerous parties, including many of the Joint Petitioners, intervened.

In light of the NYPSC Petition, the first civil antitrust action by the Joint Petitioners was filed by Natural Gas Pipeline Company of America, Inc., on June 27, 1979, in the United States District Court for the Northern District of Illinois. By December 14, 1979, all of the Joint Petitioners had filed similar actions against the Construction Firms in the United States District Courts of the Sourthern District of Texas, Eastern District of Louisiana, and Northern District of Illinois. Other companies, principally the owners of oil pipelines and platforms, also filed suit against the Construction Firms. By year-end 1979, 66 private actions were pending in federal district courts of Texas, Louisiana, Illinois, and New York.

On April 10, 1980, shortly after discovery proceedings were commenced in various jurisdictions, an Opinion and Order was issued by the Judicial Panel on Multidistrict Litigation transferring all of the civil antitrust proceedings in a case formally designated as *Marine Construction Antitrust Litigation*, M.D.L. Docket No. 417 (E.D. La.). These proceedings continue to remain in the discovery stage.

On April 12, 1979, the Government furnished a Voluntary Bill of Particulars, which was filed with the District Court. This filing described the Government's view of the operation of the bidding practices of the Construction Firms, identified persons believed to have participated in such arrangements, and set forth a partial list of marine construction projects that the Government alleged were subject to collusive bidding.

---

[1] The Joint Petitioners include the following interstate natural gas companies:

Columbia Gulf Transmission Company
Consolidated Gas Supply Corporation
High Island Offshore System
(American Natural Offshore Company, Texam Offshore Gas Transmission Inc., Transco Offshore Pipeline Company, Texas Offshore Pipeline System Inc., and NATOCO, INC.)
Michigan Wisconsin Pipe Line Company
Natural Gas Pipeline Company of America, Inc.
Southern Natural Gas Company
Stingray Pipeline Company
(Trunkline Offshore Company and MCN Offshore Company)
Tennessee Gas Pipe Line Company, Division of Tenneco, Inc.
Texas Eastern Transmission Corporation
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation
Trunkline Gas Company
United Gas Pipe Line Company, Inc.
Sea Robin Pipeline Company
U-T Offshore System
(Transco Hydrocarbons Company, Unitex Offshore Transmission Company and NALOCO, Inc. (Del.))

The Voluntary Bill of Particulars listed 42 such projects owned by gas pipeline companies and oil compaines. All of the Joint Petitioners that were in operation in 1975 except Transcontinental Gas Pipe Line Corporation were listed in the Voluntary Bill of Particulars with respect to at least one construction project. Inasmuch as the list was limited to projects with bid dates between 1970 and 1975, two other Joint Petitioners, High Island Offshore System and U-T Offshore System, were also not included.

Based upon the information obtained from the Construction Firms, the files of the Offshore Pipelines, and other pertinent data, the Joint Petitioners reached a proposed settlement agreement with the Construction Firms after extensive negotiations. At no time however has any member of the Commission Staff participated in any of the negotiations with Joint Petitioners or the Construction Firms, or in the development of the proposed settlement agreement. The proposed settlement agreement, although stated in a dollar amount without identification of the particular projects, nevertheless identifies the companies and amounts recoverable under the settlement. These amounts are not limited to the companies or projects contained in the Government's Voluntary Bill of Particulars.

The proposed settlement agreement sets forth the settlement sum to be paid by Brown & Root and the settlement sum to be paid by McDermott to each of the 14 Joint Petitioners. These amounts are set forth in Annex "B" of the proposed settlement agreement. The total amount payable by Brown & Root is $12, 862,769.42 and the amount payable by McDermott is $11,184,167.13. The total recovery for Joint Petitioners, if approved by the Commission, would be in excess of $24,000,000.

In addition to approval of the proposed settlement by the Joint Petitioners in accordance with the August 17, 1982, agreement with the Construction Firms, paragraph (2) thereof would also require Commission approval of the accounting and rate treatment proposed by each of the Joint Petitioners with respect to individual settlement sums. In this regard, Joint Petitioners seek accounting and rate treatment equivalent to that reflected in Federal Power Commission Accounting Release Number AR-1.[2] With respect to each Joint Petitioner's settlement sum, the net of unrecovered expenses and taxes would be applied to reduce the cost of its FERC Plant or other accounts, and an appropriate prospective reduction would be made in its FERC rates to reflect the amount of such reduction in plant or other accounts.

Any person who wishes to be heard and who questions or protests the level of the proposed recovery set forth in Joint Petitioner's draft settlement agreement, or the method which Joint Petitioners propose for the accounting and rate treatment of such sums recovered, should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitioners or protests should be filed on or before April 11, 1983. Protests will not be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6904 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[2] Accounting Release number AR-1, Office of the Chief Accountant, Federal Power Commission, effective December 30, 1964.

[Docket No. ER83-344-000]

Public Service Co. of Indiana; Termination

March 11, 1983.

Take notice that on February 22, 1983, Public Service Company of Indiana (PSI) tendered for filing a Notice of Termination with regard to the Service Agreement, dated December 1, 1973, between the Town of Patoka, Indiana and PSI. The Agreement was approved under PSI's FERC Electric Tariff Original Volume No. 1. Service under the Agreement was terminated on December 15, 1977.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6905 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-360-000]

Sierra Pacific Power Co.; Filing

March 11, 1983.

Take notice that on February 28, 1983, Sierra Pacific Power Company (Sierra) tendered for filing its second energy charge revision to reflect increases in the cost of power purchased from Pacific Gas and Electric Company (PG&E).

Sierra proposes to increase its base rates effective January 1, 1983 to reflect the increased purchased power fixed costs represented by the revised rates included in PG&E's letter dated February 8, 1983. The revised PG&E rates will increase customer and demand charges to $19,533 per month and $9.150 per KW, respectively, as compared to the $18,333 per month and $8.588 per KW included in the present purchased power costs and represented by $.00912 per KWH applicable to Sierra's resale rate schedules R-1 and R-2 authorized in Docket No. ER82-105-000. This results in an increase of $.00471 per KWH which increases the energy rate of $.0293 per KWH granted in Docket No. ER82-105-000 to .03464 per KWH. The revised rate will become effective for service on or after January 1, 1983, concurrent with the rate increase from PG&E. Sierra's rates, as proposed herein, will be subject to adjustment as required by the Commission's action upon PG&E's proposed rates filed February 8, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must fule a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6906 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Volume 847]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 11, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
- 102-2: New well (2.5 Mile rule)
- 102-3: New well (1000 Ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on ole OCS lease

Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal Seams
- 107-DV: Devonian Shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Source data for this notice is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, VA 22161, or Sandra Spear (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

```
JD NO   JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                          FIELD NAME            PROD   PURCHASER
-----   ------        ------      - ------ ------ ---------                          ----------            ----   ---------
**********************************************************************************
   TEXAS RAILROAD COMMISSION
**********************************************************************************
-AMERICAN QUASAR PETROLEUM CO        RECEIVED:  02/14/83    JA: TX
 8322303  F-09-062932  4218130895   103          O F K #1                           PERRIN M9670           0.0 LONE STAR GAS CO
 8322222  F-09-58179   4218130895   102-4        O F K #1                           HENRY KEITH SURVEY A-  0.0
-AMOCO PRODUCTION CO                 RECEIVED:  02/14/83    JA: TX
 8322357  F-8A-063071  4221933623   103          LEVELLAND UNIT #768                LEVELLAND              0.1 AMOCO PRODUCTION
 8322416  F-8A-63510   4221932991   103          MAY MONTGOMERY UNIT #51            LEVELLAND              0.7 AMOCO PRODUCTION
 8322415  F-8A-63509   4221932973   103          MAY MONTGOMERY UNIT #58            LEVELLAND              0.5 AMOCO PRODUCTION
 8322414  F-8A-63508   4221932971   103          MAY MONTGOMERY UNIT #59            LEVELLAND              0.6 AMOCO PRODUCTION
 8322413  F-8A-63507   4221932967   103          MAY MONTGOMERY UNIT #61            LEVELLAND              0.4 AMOCO PRODUCTION
 8322412  F-8A-63506   4221932988   103          MAY MONTGOMERY UNIT #63            LEVELLAND              3.8 AMOCO PRODUCTION
 8322411  F-8A-63505   4221932970   103          MAY MONTGOMERY UNIT #67            LEVELLAND              0.3 AMOCO PRODUCTION
 8322410  F-8A-63504   4221933004   103          MAY MONTGOMERY UNIT #69            LEVELLAND              0.8 AMOCO PRODUCTION
-ANDERSON PETROLEUM INC              RECEIVED:  02/14/83    JA: TX
 8322209  F-7C-53294   4210532307   103    107-TF ELMER HOOVER HATTON ESTATE 4-14   OZONA (CANYON SAND)  100.0 ANDERSON PIPELINE
 8322208  F-7C-52621   4210532308   107-TF       HOOVER ESTATE "A" 1-19              OZONA (CANYON SAND)   25.0 ANDERSON PETROLEU
 8322207  F-7C-52618   4210532259   107-TF       L B COX JR "A" 1-11                 OZONA (CANYON SAND)   30.0 ANDERSON PIPELINE
 8322223  F-7C-58192   4210533659   103    107-TF W P HOOVER 1-60                    OZONA (CANYON SAND)  100.0 ANDERSON PIPELINE
-APEX PETROLEUM INC                  RECEIVED:  02/14/83    JA: TX
 8322279  F-7B-062198  4208333140   102-4        JOHN E WOLF #4                     WOLF (SERRATT)        70.0 EL PASO HYDROCARB
 8322272  F-7B-61804   4208333142   102-4        JOHN E WOLF #6                     WOLF (SERRATT)        59.0 EL PASO HYDROCARB
-ARCO OIL AND GAS COMPANY            RECEIVED:  02/14/83    JA: TX
 8322266  F-03-61498  4219931788   103          G W BROOKS #55                     SLESSINGER (10,000 FT 350.0 TEXAS EASTERN TRA
-B&L OPERATING CO                    RECEIVED:  02/14/83    JA: TX
 8322429  F-7B-63562   4213334004   102-4        MIDKIFF #8 (18556)                 MIDKIFF (ADAMS BRANCH  11.0 ODESSA NATURAL CO
-BEAL OPERATING                      RECEIVED:  02/14/83    JA: TX
 8322426  F-7B-63544   4208333079   102-4        T GRIFFIS #5 (19129)               LITTLE LONGHORN (MORR  55.0 EL PASO HYDROCARB
-BOMMER ENGINEERING CO               RECEIVED:  02/14/83    JA: TX
 8322320  F-01-063313  4250731713   102-4        MATTHEWS 4-13C                     SUNDOWN - LUCAS P (ES  80.0 MAN-GAS TRANSMISS
-BOW VALLEY PETROLEUM INC            RECEIVED:  02/14/83    JA: TX
 8322210  F-03-55361   4231330376   102-2        SCHOLZ #1                          NORTH ZULCH             0.0 LONE STAR GAS CO
-C B EDGAR OIL CO                    RECEIVED:  02/14/83    JA: TX
 8322310  F-7C-063137  4239932552   103          RUFUS ALLEN #7                     DICK RICHARDSON (GARD 545.0 VALERO TRANSMISSI
-CENERGY EXPLORATION CO              RECEIVED:  02/14/83    JA: TX
 8322217  F-08-57523   4230103048   102-4        DOROTHY WHITE #2                   HUBBARD (CHERRY CANYO   0.0 UNITED TEXAS TRAN
-CHAMPLIN PETROLEUM COMPANY          RECEIVED:  02/14/83    JA: TX
 8322243  F-7C-60161   4245130586   102-4  103   A H DUFF ESTATE #6                 DOVE CREEK S (WOLFCAM  49.3 INTER NORTH INC
-CHARLES H BENTLEY                   RECEIVED:  02/14/83    JA: TX
 8322417  F-09-63521   4250336043   108          IOLA HAZELTON #2                   GRAHAM SOUTH (CADDO)   21.0 LONE STAR GAS CO
-CHESTER R UPHAM JR                  RECEIVED:  02/14/83    JA: TX
 8322232  F-7B-59006   4236300000   102-4        AIRPORT #1-C                       TOMERLIN (CONGL)        0.0 SOUTHWESTERN GAS
 8322233  F-7B-59007   4236300000   102-4        AIRPORT #2                         TOMERLIN (CONGL)        0.0 SOUTHWESTERN GAS
-CIRCLE SEVEN PRODUCTION CO          RECEIVED:  02/14/83    JA: TX
 8322276  F-09-61934   4249732435   103          ROWE/KELLEY #1                     BOONESVILLE (BEND CON   0.0 LONE STAR GAS CO
-CITIES SERVICE COMPANY              RECEIVED:  02/14/83    JA: TX
 8322274  F-04-61877   4235532048   102-2        MUSTANG ISLAND ST PK TR 2 #2L      SHELL POINT           923.0 HOUSTON PIPELINE
 8322275  F-04-61878   4235532048   102-2        MUSTANG ISLAND ST PK TR 2 #2U (N A) SHELL POINT (G-1)    730.0 HOUSTON PIPELINE
-CLEMCO INC                          RECEIVED:  02/14/83    JA: TX
 8322203  F-06-43970   4220330810   103    107-TF C LEATH #1                         LANSING N (COTTON VAL 280.0 DELHI GAS PIPELIN
-CMC ENERGY INC                      RECEIVED:  02/14/83    JA: TX
 8322365  F-04-063424  4213100000   108          M R WEST B#1 056925                BENAVIDES (2100)        0.0 ESPERANZA TRANSMI
 8322364  F-04-063423  4213100000   108          MARY ROSSI WEST ET AL A3 076474    BENAVIDES (4530)       19.0 ESPERANZA TRANSMI
-COASTAL OIL & GAS CORP              RECEIVED:  02/14/83    JA: TX
 8322329  F-10-063380  4234130754   103          THOMPSON 2-14ROJ                   PANHANDLE (RED CAVE)   10.0 COLORADO INTERSTA
 8322328  F-10-063379  4234130916   103          THOMPSON 2-21J                     PANHANDLE (RED CAVE)    2.0 COLORADO INTERSTA
-COSTA RESOURCES INC                 RECEIVED:  02/14/83    JA: TX
 8322394  F-08-63461   4210332426   102-4        ADAMS #2                           COSTA (TUBB)            0.0 INTERNORTH INC
 8322440  F-08-63644   4210332511   102-4        ADAMS #3                           COSTA (TUBB)            0.0 INTERNORTH INC
 8322439  F-08-63643   4210332516   102-4        ADAMS #4T                          COSTA (TUBB)            0.0 INTERNORTH INC
 8322395  F-08-63462   4210332517   102-4        DAVIS #2                           COSTA (TUBB)            0.0 PGP GAS PRODUCTS
 8322376  F-08-063438  4210332624   102-4        DAVIS #3                           COSTA (TUBB)            0.0 PGP GAS PRODUCTS
 8322377  F-08-063439  4210332560   102-4        DAVIS #5                           COSTA (TUBB)            0.0 PGP GAS PRODUCTS
 8322382  F-08-063444  4210332518   102-4        REYNOLDS #1C                       COSTA (CLEARFORK UPPE   0.0 PGP GAS PRODUCTS
 8322378  F-08-063440  4210332518   102-4        REYNOLDS #1T                       COSTA (TUBB)            0.0 PGP GAS PRODUCTS
 8322379  F-08-063441  4210332519   102-4        REYNOLDS #2                        COSTA (TUBB)            0.0 PGP GAS PRODUCTS
 8322380  F-08-063442  4210332625   102-4        REYNOLDS #3                        COSTA (TUBB)            0.0 PGP GAS PRODUCTS
 8322381  F-08-063443  4210332659   102-4        REYNOLDS #4                        COSTA (TUBB)            0.0 PGP GAS PRODUCTS
 8322396  F-08-63463   4210332771   102-4        ROGERS #2                          COSTA (CLEARFORK UPPE   0.0 PGP GAS PRODUCTS
 8322397  F-0863464    4210332843   102-4        ROGERS #3                          COSTA (CLEARFORK UPPE   0.0 PGP GAS PRODUCTS
 8322398  F-08-63465   4210332645   102-4        TUNSTILL & RENAUD #1               COSTA CLEARFORK UPPER   0.0 PGP GAS PRODUCTS
-CROUCH PETROLEUM COMPANY            RECEIVED:  02/14/83    JA: TX
 8322293  F-09-062705  4223734431   103          R E VOYLES "A" #3                  JACK COUNTY REGULAR    36.0 LONE STAR GAS CO
-CROWN PRODUCTION CO                 RECEIVED:  02/14/83    JA: TX
 8322212  F-01-56369   4216331986   103          BEEVER "A" #1                      PEARSALL (AUSTIN CHAL 164.0 T G P INC
-DELTA DRILLING CO                   RECEIVED:  02/14/83    JA: TX
 8322405  F-7C-63482   4210500000   108          BEAN "B" #2 93579                  OZONA (CANYON)          0.0 INTERNORTH INC
 8322402  F-7C-63478   4210500000   108          FRIEND "89" #1 91110               OZONA (CANYON)          0.0 INTERNORTH INC
 8322404  F-7C-63481   4241300000   108          JONES "B" #4 91885                 ELDORADO (CANYON) SAN   0.0 INTERNORTH INC
 8322406  F-7C-63483   4243500000   108          SAWYER "A" #3 062010               SAWYER (CANYON)         0.0 INTERNORTH INC
 8322403  F-7C-63480   4243500000   108          SHURLEY "A" #4 95267               SAWYER (CANYON)         0.0 INTERNORTH INC
-DELTA OIL & GAS CO                  RECEIVED:  02/14/83    JA: TX
 8322322  F-7B-063326  4242900000   103          JOHN GRAY ESTATE RRC #102852       CADDO (DUFFER)          0.0 LONE STAR GAS CO
-DENNIS ENERGY CO                    RECEIVED:  02/14/83    JA: TX
 8322330  F-09-063381  4207732667   103          D C SPARKMAN #2-B                  DILLARD SE (CONGLOMER  46.0 LONE STAR GAS COM
-DIAMOND SHAMROCK CORPORATION        RECEIVED:  02/14/83    JA: TX
 8322430  F-10-63564   4229531124   103          VESTER L SMITH 617 #1              LIPSCOMB                0.0
-DORAN ENERGY CORP                   RECEIVED:  02/14/83    JA: TX
 8322221  F-04-58107   4242731680   103          T RODRIGUEZ #7-D                   GREGG WOOD-S (500)     36.0 VALERO TRANSMISSI
-DRIVER INVESTMENTS INC              RECEIVED:  02/14/83    JA: TX
 8322255  F-03-60982   4214931390   102-2  103   TOENNIS #1                         GIDDINGS (AUSTIN CHAL   0.0 CLAJOHN GAS CO
-DYNAMIC PRODUCTION INC              RECEIVED:  02/14/83    JA: TX
 8322240  F-03-60062   4205100000   102-2  103   DOTSON UNIT #1                     GIDDINGS (AUSTIN CHAL   0.0 CLAJON GAS CO
-EXCELSIOR OIL CORP                  RECEIVED:  02/14/83    JA: TX
 8322418  F-06-63524   4240100000   103          WILL ROSSUM HEIRS #1               DANVILLE EAST         220.0 WESTERN GAS CORP
-EXXON CORPORATION                   RECEIVED:  02/14/83    JA: TX
```

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322271	F-04-61739	4248930625		102-4		S H BELL "B" 6-F (ID PENDING)	WILLAMAR (GRABEN 5300	500.0	NATURAL GAS PIPEL
-FALCON PETROLEUM COMPANY				RECEIVED:	02/14/83	JA: TX			
8322206	F-10-52135	4235731200		103		WEST EGG #1 04998	FALCON (MORROW UPPER)	223.0	PHILLIPS PETROLEU
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED:	02/14/83	JA: TX			
8322238	F-7C-59560	4243532789		103	107-TF	POWELL 1 #1	PHYLLIS SONORA	92.0	INTRATEX GAS CO
8322244	F-7C-60187	4243532823		103	107-TF	POWELL 1-#2	PHYLLIS SONORA	85.0	INTRATEX GAS CO
-FORUM ENERGY INC				RECEIVED:	02/14/83	JA: TX			
8322424	F-7B-63542	4204933217		102-4		D HARDY "B" #2 (19082)	HARDY (MARBLE FALLS)	4.0	EL PASO HYDROCARB
8322423	F-7B-63541	4204933052		102-4		RAY RANKIN #1 (102347)	HARDY (MARBLE FALLS)	123.0	EL PASO HYDROCARB
8322425	F-7B-63543	4204933217		102-4		RAY RANKIN #2 (19081)	HARDY (MARBLE FALLS)	53.0	EL PASO HYDROCARB
-GERDHIMO OIL CO				RECEIVED:	02/14/83	JA: TX			
8322301	F-04-062845	4240931666		103		DANIEL I COGGIN JR #2-B	MIDWAY (6000')	5.0	HOUSTON PIPE LINE
-GETTY OIL COMPANY				RECEIVED:	02/14/83	JA: TX			
8322422	F-06-63538	4236500000		108		WALLACE UNIT #3 RR #D97942	CARTHAGE (TRAVIS PEAK	12.0	TEXAS GAS TRANSMI
-GIBBS COX & GIBBS INC				RECEIVED:	02/14/83	JA: TX			
8322348	F-7B-063407	4208332031		108		M J LINEBERRY #1-B (090374)	SANTA ANNA (MARBLE FA	1.0	EL PASO HYDROCARB
8322331	F-7B-063382	4208332694		108		M J LINEBERRY #2-B (097024)	SANTA ANNA (MARBLE FA	1.0	EL PASO HYDROCARB
-GULF OIL CORPORATION				RECEIVED:	02/14/83	JA: TX			
8322253	F-09-60847	4218130908		102-4		F M HEFTON F #1	N E SOUTHMAYD	0.0	
8322254	F-09-60894	4223734521		103		I G YATES WELL #12-L	BOONSVILLE (BEND CONG	421.9	NATURAL GAS PIPEL
8322259	F-09-61153	4218130880		102-4		ROBERT J TATE #A-1	N E SOUTHMAYD	0.0	LONE STAR GAS CO
8322307	F-7C-063063	4210501035		108		STATE IT WELL #1	FARMER (SAN ANDRES)	13.0	J L DAVIS
8322326	F-08-063376	4200333309		103		TRIPLE-N (GRAYBURG) CONSOL #B-5-K	TRIPLE-N (GRAYBURG)	0.0	PHILLIPS PETROLEU
8322327	F-08-063377	4200333308		103		TRIPLE-N (GRAYBURG) CONSOL #B-6-K	TRIPLE-N (GRAYBURG)	0.0	PHILLIPS PETROLEU
8322350	F-08-063410	4200333306		103		TRIPLE-N (GRAYBURG) CONSOL #M-8-M	TRIPLE-N (GRAYBURG)	0.0	PHILLIPS PETROLEU
-HARRISON INTERESTS LTD				RECEIVED:	02/14/83	JA: TX			
8322292	F-7C-062695	4210500000		107-TF		JOE TOM DAVIDSON JR #11	DAVIDSON RANCH (PENN	30.0	INTRATEX GAS CO
-HENRY GOODRICH D/B/A GOODRICH OIL			C	RECEIVED:	02/14/83	JA: TX			
8322250	F-05-60756	4229330583		103	107-TF	JACKSON #1	BOX CHURCH FIELD	365.0	LONE STAR GAS CO
-HEWITT B FOX INC				RECEIVED:	02/14/83	JA: TX			
8322315	F-04-063258	4213100000		108		BARRERA-LEACH #2C	SEJITA EAST (1230)	13.9	VALLEY GAS TRANSM
-HOUSTON OIL & GAS CO INC				RECEIVED:	02/14/83	JA: TX			
8322296	F-02-062762	4223900000		108		S A WILLIAMS #2 055331	MORALES (0-5)	20.7	HOUSTON PIPE LINE
-HSW EXPLORATION INC				RECEIVED:	02/14/83	JA: TX			
8322452	F-08-63581	4217331355		102-3		CURRIE #4	CONGER (PENN)	54.6	PHILLIPS PETROLEU
-HUMBLE EXPLORATION CO INC				RECEIVED:	02/14/83	JA: TX			
8322358	F-03-063100	4214900000		102-2	103	AUDREY RAE UNIT	GIDDINGS (AUSTIN-CHAL	0.0	PHILLIPS PETROLEU
8322215	F-03-57478	4247700000		102-2	103	JOLENE #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-IKE LOVELADY INC				RECEIVED:	02/14/83	JA: TX			
8322225	F-04-58287	4221531230		102-4		DIAZ #1	SULLIVAN CITY SE 1390	365.0	VALERO INTERSTATE
-INTERNORTH INC				RECEIVED:	02/14/83	JA: TX			
8322299	F-7C-062773	4244330308		102-4		GARNER "1" #1	SHEFFIELD SE	140.0	
-J M HUBER CORPORATION				RECEIVED:	02/14/83	JA: TX			
8322341	F-09-063398	4218100000		108		BROWN STEEDMAN #1	BIG MINERAL S E (V SA	4.3	UNION TEXAS PETRO
8322340	F-10-063397	4206531261		103		WHITEHALL BURNETT "A" #16	PANHANDLE	62.0	COLORADO INTERSTA
8322339	F-10-063396	4223331498		103		WHITEHALL BURNETT "D" #27	PANHANDLE	51.0	GETTY OIL CO
-JOHN L COX				RECEIVED:	02/14/83	JA: TX			
8322438	F-08-63623	4231732611		103		HOLLOWAY #2 RRC #21399	SPRABERRY (TA)	10.0	NORTHERN GAS PROD
8322421	F-08-63537	4231732611		103		HOLLOWAY #4 RRC #21399	SPRABERRY (TA)	10.0	NORTHERN GAS PROD
8322420	F-08-63536	4231732606		103		HOWARD #2 RRC #21796	SPRABERRY (TA)	10.0	NORTHERN GAS PROD
-K-B EXPLORATION CO				RECEIVED:	02/14/83	JA: TX			
8322219	F-03-57951	4208931308		102-4		GEORGE J MILLER ESTATE #2-T	FONDREN RANCH (WILCOX	400.0	SEAGULL PIPELINE
-LAGUNA PETROLEUM CO				RECEIVED:	02/14/83	JA: TX			
8322308	F-08-063066	4213533715		103		PARKER ESTATE #2	TOM ROBERTS (CLEARFOR	14.8	PHILLIPS PETROLEU
-LEONARD BROTHERS OPERATING CO				RECEIVED:	02/14/83	JA: TX			
8322309	F-7B-063136	4214330039		102-4		M D STEWART UNIT -B- #2 (19078)	STEWART (DUFFER)	33.0	LONE STAR GAS CO
-LOUISIANA CRUDE OIL & GAS CO INC				RECEIVED:	02/14/83	JA: TX			
8322247	F-7B-60335	4213333648		102-4		ALEXANDER #1 (19203)	LAKEWOOD (CADDO)	37.0	SOUTHWESTERN GAS
-M BRAD BENNETT INC				RECEIVED:	02/14/83	JA: TX			
8322228	F-03-52527	4247500000		102-4		ADODE #1	COLLIE (DELAWARE)	54.8	INTRATEX GAS CO
8322275	F-03-062749	4247532723		102-4		ADODE #2	COLLIE (DELAWARE)	54.8	INTRATEX GAS CO
8322311	F-08-063177	4238931320		102-4		BAPTIST FOUNDATION #1	COLLIE (DELAWARE)	54.7	INTRATEX GAS CO
-MAGNET OIL INC				RECEIVED:	02/14/83	JA: TX			
8322325	F-10-063375	4206500000		103		DANIA #3	PANHANDLE	147.1	GETTY OIL CO
-MASON ENERGIES INC				RECEIVED:	02/14/83	JA: TX			
8322257	F-7B-61060	4214330352		102-2		SKILES #2 - API #42-143-30352	MORGAN MILLS	72.0	SOUTHWEST GAS PIP
8322256	F-7B-61059	4214330435		102-2		SKILES #5 - API 42 143 30435	MORGAN MILLS	72.0	
-MAY PETROLEUM INC				RECEIVED:	02/14/83	JA: TX			
8322363	F-10-063421	4229531227		102-4		BABITZKE #1	DUKE-MAY (TONKAWA)	36.5	
-MID-AMERICA PETROLEUM INC				RECEIVED:	02/14/83	JA: TX			
8322321	F-7C-063317	4238332164		103		TALLEY "A" #5	SPRABERRY (TREND AREA	12.0	INTER NORTH INC
8322392	F-7C-63457	4233332168		103		TURNER "A" #3	SPRABERRY (TREND AREA	11.0	INTERNORTH INC
8322393	F-7C-63458	4233332160		103		TURNER "D" #3	SPRABERRY (TREND AREA	11.0	INTERNORTH INC
-MITCHELL ENERGY CORPORATION				RECEIVED:	02/14/83	JA: TX			
8322302	F-09-062900	4249732610		103		BEULAH ADAMS #2	BOONSVILLE (BEND CONG	69.3	NATURAL GAS PIPEL
8322236	F-02-59252	4246931666		102-4	103	C K MCCANN #1	WELDER RANCH 11300	0.0	SOUTHWESTERN GAS
-MOLE OPERATING COMPANY INC				RECEIVED:	02/14/83	JA: TX			
8322306	F-08-063023	4237100000		103		SKUA #3	HORSEHEAD CROSSING (C	17.1	INTER NORTH INC
-MONSANTO OIL CO				RECEIVED:	02/14/83	JA: TX			
8322446	F-8A-63654	4250132150		103		SAM 449#2	BRAHANEY	3.0	SHELL OIL CO
-MORNING STAR OIL & GAS CO INC				RECEIVED:	02/14/83	JA: TX			
8322297	F-7B-062765	4213333025		102-2		LEAH BROWN #1	LAKE CISCO (MARBLE FA	0.0	LONE STAR GAS CO
8322298	F-7B-062766	4213334124		102-2		LEAH BROWN #2	LAKE CISCO (MARBLE FA	260.0	LONE STAR GAS CO
-MORROW RESOURCES INC				RECEIVED:	02/14/83	JA: TX			
8322261	F-7C-61279	4245131051		102-2	103	MATHEWS "B" #1	K W B (STRAWN)	0.0	LONE STAR GAS CO
8322264	F-7C-61410	4245131055		102-2	103	MATHEWS "D" #2	K W B (STRAWN)	0.0	LONE STAR GAS CO
-NATIONAL OIL COMPANY				RECEIVED:	02/14/83	JA: TX			
8322241	F-04-60067	4221531265		102-4		GREGORY UNIT #1	SHEPHERD S (FRIO)	640.0	VALERO INTERSTATE
-NORTH RIDGE CORP				RECEIVED:	02/14/83	JA: TX			
8322273	F-7B-61646	4213334259		102-4	103	D B THOMPSON #2	RANGER (BLACK LIME WE	0.0	PRISM ENTERPRISES
-P & R OIL INC				RECEIVED:	02/14/83	JA: TX			
8322269	F-7B-61603	4213334296		102-4		BAGGETT #1 (19177)	BAGGETT (DUFFER LOWER	37.0	LONE STAR GAS CO
-PETRO-LEWIS CORPORATION				RECEIVED:	02/14/83	JA: TX			
8322351	F-7C-063411	4223531936		103		ELLA C SUGG #6	HONDA (CLEARFORK)	51.0	J L DAVIS CORP
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:	02/14/83	JA: TX			
8322267	F-7B-61516	4241733408		103		ANN ELLIOTT #2	IBEX EAST (LAKE)	125.0	PETROLEUM CORP OF
-PETROLEUM EQUITIES CORP				RECEIVED:	02/14/83	JA: TX			
8322263	F-7C-61583	4243532840		103	107-TF	VANDERSTUCKEN #12	SAWYER (CANYON)	140.0	LONE STAR GAS CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/14/83	JA: TX			
8322427	F-08-63547	4213503749		103		GOLDSMITH ADOBE U #18-04 (18713)	GOLDSMITH (5600)	1.0	EL PASO NATURAL G
8322216	F-03-057506	4213503144		103-ER		GOLDSMITH ANDECTOR UNIT #L-13	GOLDSMITH	0.0	EL PASO NATURAL G
-PIRANHA PRODUCTION INC				RECEIVED:	02/14/83	JA: TX			
8322435	F-09-63612	4250336142		103		FANNIE YOUNG 2-A	YOUNG COUNTY REGULAR	80.0	LONE STAR GAS CO
8322437	F-7B-63614	4242932618		103		J M MCDONALD #1	BRITTON (MISSISSIPPIA	75.0	LONE STAR GAS CO
8322436	F-7B-63613	4242933350		103		J M MCDONALD #1-B	DELONG (CONGLOMERATE)	50.0	LONE STAR GAS CO
-PITCOCK INC				RECEIVED:	02/14/83	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322205	F-7B-51898	4236332762		102-4		GIBSON-BELDING #8 097376	B R A (CONGL)	0.0	TEXAS UTILITIES F
-POGO PRODUCING COMPANY				RECEIVED:		02/14/83 JA: TX			
8322211	F-10-55722	4221131317		107-DP		MORRIS-SHELL #1-77	JUBILEE	365.0	TRANSWESTERN PIPE
-PRODUCERS ENGINEERING CO				RECEIVED:		02/14/83 JA: TX			
8322313	F-7B-063236	4222130671		102-2		CLEVELAND #1	MCINTOSH (STRAWN)	0.0	SOUTHWESTERN GAS
8322362	F-7B-063135	4222130654		102-2		CLEVELAND #2	MC INTOSH (STRAWN)	0.0	SOUTHWESTERN GAS
-Q E D EXPLORATION INC				RECEIVED:		02/14/83 JA: TX			
8322408	F-7C-63492	4223531995		102-2	103	FARMAR-SUGG #3	ROCK PEN (CANYON)	8.6	FARMLAND INDUSTRI
8322409	F-7C-63493	4223531996		102-2	103	FARMAR-SUGG #4	ROCK PEN (CANYON)	18.7	FARMLAND INDUSTRI
-QUEST PETROLEUM INC				RECEIVED:		02/14/83 JA: TX			
8322319	F-09-063282	4223733985		103		K W HANNAH #1 21527	PEARL (MISSISSIPPI)	36.0	SOUTHWESTERN GAS
-R A W ENERGY CORP				RECEIVED:		02/14/83 JA: TX			
8322245	F-7B-60240	4236332983		102-4		SELLERS #1	KESSLER (3980)	300.0	
8322265	F-7B-61454	4236732364		102-4		WILEY "A" #1	DICEY N (BIG SALINE C	300.0	TEXAS UTILITIES F
-RALPH L WAY INC				RECEIVED:		02/14/83 JA: TX			
8322324	F-7C-063336	4238332357		103		UNIVERSITY-UNION '17' #1	FARMER (SAN ANDRES)	3.0	INTER NORTH INC
8322323	F-7C-063335	4238332371		103		UNIVERSITY-UNION '17' #2	FARMER (SAN ANDRES)	14.0	INTER NORTH INC
8322428	F-7C-63548	4238332372		103		UNIVERSITY-UNION '17' #3	FARMER (SAN ANDRES)	8.0	INTERNORTH INC
-RELIANCE ENERGY & MINERALS CORP				RECEIVED:		02/14/83 JA: TX			
8322218	F-03-57615	4205132264		102-2		MERLE UNIT #2	BIG A TAYLOR SAND	0.0	FERGUSON CROSSING
-RIDGE OIL CO				RECEIVED:		02/14/83 JA: TX			
8322407	F-7B-63490	4213334485		102-4	103	MARY BARNES #5	RANGER NW (MARBLE FAL	23.4	COMPRESSOR RENTAL
-ROBERTS & HANMACK INC				RECEIVED:		02/14/83 JA: TX			
8322286	F-09-062475	4223734202		103		ALLISON YATES #1 RRC I D 101405	BOONSVILLE (BEND CONG	0.0	LONE STAR GAS CO
8322285	F-09-062474	4223734443		103		ALLISON YATES "A" #2 RRC ID #101404	BOONSVILLE (BEND CONG	0.0	LONE STAR GAS CO
-S O OPERATING CO				RECEIVED:		02/14/83 JA: TX			
8322360	F-7B-063122	4204900000		108		AUGUST GARLITZ #1	MAGNUM (CONGL)	5.0	
8322361	F-7B-063123	4204900000		108		AUGUST GARLITZ #2	MAGNUM (CONGL)	5.0	SOUTHWESTERN GAS
8322359	F-7B-063121	4213300000		108		CLARK #1 #16458	EASTLAND COUNTY REGUL	12.0	NORTHERN GAS PROD
-SAGE ENERGY CO				RECEIVED:		02/14/83 JA: TX			
8322447	F-7C-63681	4210534223		103		UNIVERSITY 23-C #2 RRC #09620	FARMER (SAN ANDRES)	2.2	INTERNORTH INC
-SAND SPRINGS OIL & GAS CO				RECEIVED:		02/14/83 JA: TX			
8322312	F-10-063213	4223300000		103		HAMILTON #52	PANHANDLE HUTCHINSON	20.0	GETTY OIL CO
-SCANDRILL INC				RECEIVED:		02/14/83 JA: TX			
8322289	F-09-062553	4250335624		102-4		SCAN-KING "E" #2	WOODWARD RANCH (STRAW	25.6	J H TAYLOR GAS CO
8322290	F-09-062570	4250335623		102-4		SCAN-KING "E" #3	WOODWARD RANCH (STRAW	10.9	J H TAYLOR GAS CO
-SEAGO OIL INC				RECEIVED:		02/14/83 JA: TX			
8322431	F-7C-63578	4239932543		102-4		BONNIE CLARK #1	BIG ED N (GARDNER LIM	36.0	K-B GAS CO
-SEELY OIL CO				RECEIVED:		02/14/83 JA: TX			
8322282	F-7B-062362	4242933465		102-4		BLACK "27" #3	PEGGY H (DUFFER)	91.0	GREAT WESTERN GAS
8322262	F-7B-61301	4242932339		102-4		BLACK 27 #1	BETTY C (CONGL)	36.5	GREAT WESTERN GAS
8322258	F-7B-61104	4215131532		102-4		T D KEY ESTATE #1	PAUL HUNTER (UPPER CA	51.1	CONOCO INC
8322278	F-7B-062095	4242933295		102-4		T P ROBERTSON-WEISHER #1	ANN T (MISS)	25.5	GREAT WESTERN GAS
-SHANE OIL CORP				RECEIVED:		02/14/83 JA: TX			
8322277	F-7B-61986	4242933442		102-2		COOK HEIRS #4	FRANKEL S (STRAWN)	157.0	WARREN PETROLEUM
8322281	F-7B-062325	4242933434		102-4		COOK HEIRS #5 I D # APPLIED FOR	FRANKEL S (STRAWN)	7.3	WARREN PETROLEUM
8322284	F-7B-062404	4242933441		102-4		COOK HEIRS #6	FRANKEL S (STRAWN)	148.0	WARREN PETROLEUM
-SHAR-ALAN OIL CO				RECEIVED:		02/14/83 JA: TX			
8322287	F-03-062497	4231330365		102-4		JEFF FARRIS #1	MADISONVILLE N E (GEO	0.0	LONE STAR GAS CO
-SHELL OIL CO				RECEIVED:		02/14/83 JA: TX			
8322356	F-01-063420	4231131770		102-4		BRACKEN #3	A W P (OLMOS)	100.0	
8322352	F-08-063414	4213500000		108		JORDAN UNIVERSITY UNIT #319	JORDAN	0.3	PHILLIPS PETROLEU
8322354	F-08-063416	4213500000		108		JORDAN UNIVERSITY UNIT #513	JORDAN	1.0	PHILLIPS PETROLEU
8322353	F-08-063415	4213500000		108		JORDAN UNIVERSITY UNIT #524	JORDAN	0.9	PHILLIPS PETROLEU
8322355	F-08-063417	4213500000		108		THOMAS -A- #10	TXL (SAN ANDRES)	6.2	SHELL OIL CO
-SNOW OIL CO				RECEIVED:		02/14/83 JA: TX			
8322248	F-7B-60640	4213333491		102-4		STANDLEY #1 (19191)	LAKEWOOD (CADDO)	33.0	SOUTHWESTERN GAS
-STAHL PETROLEUM CO				RECEIVED:		02/14/83 JA: TX			
8322317	F-10-063267	4217931193		103		LORENA BAILEY #1	WEST PANHANDLE	0.0	PHILLIPS PETROLEU
8322318	F-10-063268	4217931200		103		WINNIE ELLIOTT #1	WEST PANHANDLE	0.0	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		02/14/83 JA: TX			
8322342	F-01-063400	4212732398		103		BIG WELLS (SAN MIGUEL) #2035	BIG WELLS (SAN MIGUEL	24.0	HOUSTON PIPELINE
8322345	F-04-063404	4242700000		108		D D OIL CO "B" #8	RINCON NORTH	11.0	TRANSCONTINENTAL
8322237	F-04-59446	4235532020		102-4		F E LONDON #8-C	DOUGHTY	74.0	HOUSTON PIPE LINE
8322333	F-08-063384	4213500000		108		FOSTER JOHNSON UNIT #10-2	FOSTER	0.3	EPX CO
8322334	F-08-063385	4213500000		108		FOSTER JOHNSON UNIT #13-1	FOSTER	0.2	EPX CO
8322346	F-08-063405	4213500000		108		FOSTER JOHNSON UNIT #14-5	FOSTER	0.6	EPX CO
8322347	F-08-063406	4213500000		108		FOSTER JOHNSON UNIT #2-1	FOSTER	0.3	EPX CO
8322336	F-08-063387	4249500000		108		M J HILL #26	HALLEY (COLBY)	0.3	TRANSWESTERN PIPE
8322335	F-04-063386	4242700000		108		M SAENZ STATE #7	RINCON NORTH	5.0	TRANSCONTINENTAL
8322337	F-7C-063388	4246100000		108		MOBIL COOK #6	HELUMA-PENN (GAS)	16.0	DELHI GAS PIPELIN
8322344	F-01-063403	4232300000		108		O'NEIL #1	SERBAN (CRETACEOUS LO	21.0	WEST MAVERICK COU
8322291	F-7B-062659	4244732957		103		R A BROWN Q #16	VALDO (CADDO)	44.0	
8322343	F-8A-063401	4221900000		108		RAINS COUNTY SCHOOL LAND #29	LEVELLAND (SAN ANDRES	18.0	CABOT CORP
8322338	F-8A-063391	4221900000		108		RAINS COUNTY SCHOOL LAND #30	LEVELLAND (SAN ANDRES	7.0	CABOT CORP
8322332	F-08-063383	4233531987		103		V T MCCABE "C" #16	JAMESON N (ELLEN)	5.0	LONE STAR GAS CO
8322300	F-02-062820	4246900000		103		W H BENNETT #16U	HEYSER	23.0	TENNESSEE GAS PIP
8322224	F-06-58232	4236530633		103		W H DEBERRY UNIT "A" #2	CARTHAGE	221.0	DELHI GAS PIPELIN
-SUPERIOR OIL CO				RECEIVED:		02/14/83 JA: TX			
8322260	F-8A-61195	4211531702		103		ACKERLY DEAN FIELD UNIT #1509	ACKERLY (DEAN SAND)	0.0	GETTY OIL CO
8322234	F-02-59098	4228531672		103	107-TF	E J KRUPALA GAS UNIT #2	WORD N (EDWARDS)	0.0	
8322231	F-02-58612	4228531655		103	107-TF	GERLICH GAS UNIT #1	WORD N (EDWARDS)	0.0	
8322214	F-03-57415	4205132276		102-2	103	K WEEBER #1	GIDDINGS (AUSTIN CHAL	0.0	
8322249	F-02-60706	4228531674		103	107-TF	L A BLUDUA UNIT #1	WORD N (EDWARDS)	0.0	
8322235	F-02-59226	4228531675		102-3	107-TF	LEO HOFFER GAS UNIT #1	WORD N (EDWARDS)	0.0	
8322263	F-02-61316	4228531678		103	107-TF	LOUIS WICK UNIT #1	SWEET HOME (EDWARDS)	0.0	
8322220	F-03-57939	4201530517		107-DP		ROBERT SPIESS GAS UNIT #1 WELL #2	NEW ULM (EDWARDS)	0.0	
-TEE OPERATING CO				RECEIVED:		02/14/83 JA: TX			
8322252	F-01-60810	4228330917		102-4		SOUTH TEXAS SYNDICATE #3-97	TWO FINGERS & WILCOX	0.0	VALERO TRANSMISSI
-TELSTAR CORP				RECEIVED:		02/14/83 JA: TX			
8322314	F-7B-063255	4236732336		102-4		DOBSON-SHOAF #1	MARMAC (MARBLE FALLS)	103.0	TEXAS UTILITIES F
-TENNECO OIL COMPANY				RECEIVED:		02/14/83 JA: TX			
8322239	F-03-60021	4229131469		102-4		WILLIAM B D POTTER #1	PROPOSED: S LIBERTY (	0.0	HOUSTON PIPE LINE
-TEXACO INC				RECEIVED:		02/14/83 JA: TX			
8322280	F-04-062300	4221531259		103	107-TF	A E GUERRA #22	MCALLEN RANCH	730.0	TENNESSEE GAS PIP
8322391	F-10-63453	4217900000		108		E E GETHING NCT-1 #15	PANHANDLE GRAY COUNTY	0.2	COLTEXO CORP
8322388	F-10-63450	4217900000		108		E E GETHING NCT-1 #18	PANHANDLE GRAY COUNTY	0.2	COLTEXO CORP
8322390	F-10-63452	4217900000		108		E E GETHING NCT-1 4	PANHANDLE GRAY COUNTY	0.7	COLTEXO CORP
8322387	F-10-63449	4217900000		108		E E GETHING NCT-2 #8	PANHANDLE GRAY COUNTY	0.6	COLTEXO CORP
8322367	F-08-063429	4249500000		108		E L GRIFFITH #2	KERMIT SOUTH DEVONIAN	2.3	TRANSWESTERN PIPE
8322389	F-08-63451	4249500000		108		E L GRIFFITH #3	KERMIT SOUTH DEVONIAN	2.3	TRANSWESTERN PIPE
8322419	F-8A-63525	4221933630		103		J I DELOACHE NCT-3 #1	LEVELLAND	2.6	
8322366	F-10-063428	4223300000		108		O C HOLT #1-L	HUTCHINSON NORTH (TON	6.6	INTERNORTH INC
8322370	F-10-063432	4206500000		108		S B BURNETT NCT-12 #2	PANHANDLE CARSON COUN	0.5	PHILLIPS PETROLEU
8322368	F-10-063430	4206500000		108		S B BURNETT NCT-12 #4	PANHANDLE CARSON COUN	0.5	PHILLIPS PETROLEU
8322385	F-10-63447	4206500000		108		S B BURNETT NCT-12 #6	PANHANDLE CARSON COUN	0.5	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322369	F-10-063431	4206500000		108		S B BURNETT NCT-12 #7	PANHANDLE CARSON COUN	0.6	PHILLIPS PETROLEU
8322386	F-10-63448	4206500000		108		S B BURNETT NCT-12 #9	PANHANDLE CARSON COUN	0.5	PHILLIPS PETROLEU
8322372	F-08-063434	4249500000		108		SETH CAMPBELL #35	KEYSTONE (CLEARFORK)	6.9	TRANSWESTERN PIPE
8322374	F-08-063436	4249500000		108		SETH CAMPBELL #37	KEYSTONE (CLEARFORK)	1.3	TRANSWESTERN PIPE
8322371	F-08-063433	4249500000		108		SETH CAMPBELL #39	KEYSTONE (CLEARFORK)	11.2	TRANSWESTERN PIPE
8322373	F-08-063435	4249500000		108		SETH CAMPBELL #40	KEYSTONE (CLEARFORK)	21.6	TRANSWESTERN PIPE
8322383	F-08-063445	4249500000		108		SETH CAMPBELL #43	KEYSTONE (CLEARFORK)	7.4	TRANSWESTERN PIPE
8322375	F-08-063437	4249500000		108		SETH CAMPBELL #45	KEYSTONE (CLEARFORK)	2.9	TRANSWESTERN PIPE
8322384	F-08-63446	4249500000		108		SETH CAMPBELL #57	KEYSTONE (CLEARFORK)	15.2	TRANSWESTERN PIPE
-TEXAL PETROLEUM INC				RECEIVED:	02/14/83	JA: TX			
8322288	F-78-062544	4236732301		103		OGLESBY #1	TOTO (CADDO CONGL)	185.0	TEXAS UTILITIES F
-TEXAS CRUDE INC				RECEIVED:	02/14/83	JA: TX			
8322251	F-02-60774	4229700000		102-4		J W MCCLELLAND #1	OAKVILLE	900.0	HOUSTON PIPELINE
-TIPPERARY OIL AND GAS CORP				RECEIVED:	02/14/83	JA: TX			
8322434	F-01-63602	4216331726		103		ARTHUR HURT "B" #4	PEARSALL (AUSTIN CHAL	36.0	TIPPERARY CORP
-TRINITY EXPLORATION CO				RECEIVED:	02/14/83	JA: TX			
8322283	F-78-062372	4218300000		102-2		DUDLEY "C" #1	GREEN SHOW (UPPER CAD	0.0	ODESSA NATURAL GA
-TRIPLE J INVESTMENTS INC				RECEIVED:	02/14/83	JA: TX			
8322433	F-06-63588	4240100000		103		BLACKWELL #1	NASEEP THOMAS (PETTIT	52.0	PARADE CO
-TXO PRODUCTION CORP				RECEIVED:	02/14/83	JA: TX			
8322213	F-04-56852	4226130462		102-4		ERCK #12	MCGILL WILDCAT	0.0	TRANSCONTINENTAL
8322227	F-02-58500	4229700000		102-4		MCCLELLAND #18	OAKVILLE WILDCAT	0.0	DELHI GAS PIPELIN
8322226	F-02-53499	4223900000		102-4		SCHAEFER G U 1-2	MCDANIEL WILDCAT	0.0	UNITED GAS PIPELI
-UNION DOMINION OIL CORP				RECEIVED:	02/14/83	JA: TX			
8322229	F-01-58590	4217700000		102-2		C P BOULDIN #1-A	CHRISTIAN (6000)	0.0	VALERO TRANSMISSI
8322230	F-01-58591	4217700000		102-2		ELVIN COOK #1	BURKINSHAW (DUDA)	0.0	TIPPERARY CORP
-VERNON E FAULCONER INC				RECEIVED:	02/14/83	JA: TX			
8322204	F-06-48960	4236500000		108-ER		MAUDE ODEN RRC ID #29334	BETHANY (PETTIT)	0.0	TENNESSEE GAS PIP
-W L BRUCE OPERATOR				RECEIVED:	02/14/83	JA: TX			
8322316	F-10-063259	4217930948		103		YOWELL "A" #1 (ID 605076)	PANHANDLE GRAY	50.0	GETTY OIL CO
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	02/14/83	JA: TX			
8322400	F-08-63475	4210305705		108		E N SNODGRASS #17	WADDELL	5.3	EL PASO NATURAL G
8322399	F-08-63474	4210340571		108		E N SNODGRASS #28	WADDELL	4.8	EL PASO NATURAL G
8322349	F-08-063409	4210305693		108		E N SNODGRASS #5	WADDELL	3.6	EL PASO NATURAL G
8322401	F-08-63476	4210305605		108		E N SNODGRASS #7	WADDELL	1.8	EL PASO NATURAL G
8322445	F-08-63651	4247510857		108		HUTCHINGS STOCK ASSN #695	MONAHANS SOUTH (QUEEN	1.0	VALERO TRANSMISSI
8322443	F-08-63649	4247530497		108		HUTCHINGS STOCK ASSN #948	MONAHANS SOUTH (QUEEN	1.0	VALERO TRANSMISSI
8322441	F-08-63647	4247530503		108		HUTCHINGS STOCK ASSN #950	MONAHANS SOUTH (QUEEN	1.0	VALERO TRANSMISSI
8322442	F-08-63648	4247530537		108		HUTCHINGS STOCK ASSN #958	MONAHANS SOUTH (QUEEN	1.0	VALERO TRANSMISSI
8322444	F-08-63650	4247530724		108		HUTCHINGS STOCK ASSN #987	MONAHANS SOUTH (QUEEN	1.0	VALERO TRANSMISSI
-WESSELY ENERGY CORPORATION				RECEIVED:	02/14/83	JA: TX			
8322242	F-06-60158	4245930543		103	107-TF	BROWN #C-1 ( )	CEDAR SPRINGS (MADDOX	720.0	DELHI GAS PIPELIN
-WHITEHEAD PRODUCTION CO INC				RECEIVED:	02/14/83	JA: TX			
8322304	F-09-062955	4223733869		102-4		BAILEY #2	K B H (STRAWN)	150.0	TEXAS UTILITIES F
-WINN EXPLORATION/DULCE CO				RECEIVED:	02/14/83	JA: TX			
8322270	F-01-61611	4250731771		102-4		PRYOR RANCH	WINN-DULCE	0.0	INTER NORTH INC
8322246	F-01-60244	4250731552		102-4		PRYOR RANCH #41	WINN-DULCE	0.0	INTER NORTH INC
-WORLD PRODUCERS INC				RECEIVED:	02/14/83	JA: TX			
8322305	F-78-062958	4236731773		108		TIMMONS UNIT #1	CABBAGE PATCH (ATOKA)	16.0	SOUTHWESTERN GAS
-WTG EXPLORATION INC				RECEIVED:	02/14/83	JA: TX			
8322294	F-08-062748	4238930942		102-2		MEEKER 15 #1	REEVES NORTH	21.0	WESTAR TRANSMISSI
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
**********									
-EL PASO NATURAL GAS COMPANY				RECEIVED:	08/03/81	JA: NM 4			
8151033	NM-0622-81	3003920187		108		SAN JUAN 28-5 UNIT #81	BASIN - DAKOTA GAS	20.0	EL PASO NATURAL G

[FR Doc. 83-6884 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 848]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 11, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic fet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
- 102-2: New well (2.5 Mile rule)
- 102-3: New well (1000 FT rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on ole OCS lease

Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal Seams
- 107-DV: Devonian Shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Source data for this notice is available on magnetic tape from the National Technical Information Service (NTIS). For information contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, VA 22161, or Sandra Spear (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-AMERICAN CONTINENTAL ENERGY INC				RECEIVED: 02/16/83 JA: KS					
8322484	K-82-1118	1520320028		102-4		BAUM #1	CHASE	0.0	NATURAL GAS SALES
8322460	K-82-1122	1520320033		102-4		BURCH #1	CHASE	38.0	NATURAL GAS SALES
8322528	K-82-1123	1509220769		103		FERTIG 2-H	HUGOTON	75.0	INTER NORTH INC
8322461	K-82-1119	1520320065		102-4		GILMORE 1-H	CHASE	55.0	NATURAL GAS SALES
8322482	K-82-1124	1520320034		102-2		WALK #1	UNNAMED	18.0	NATURAL GAS SALES
-AMERICO PETROLEUM INC				RECEIVED: 02/16/83 JA: KS					
8322507	K-82-1022	1515520628		103		HELEN HAINES #1	SW YODER	11.0	PEOPLES NATURAL G
-ANADARKO PRODUCTION COMPANY				RECEIVED: 02/16/83 JA: KS					
8322595	K-82-1368	1517520604		102-4		GROVER "B" #1	QUINQUE	1689.0	CIMARRON-QUINQUE
8322531	K-82-1237	1517520409		108		HITCH G #2	SHUCK	11.0	CIMARRON-QUINQUE
8322499	K-82-1232	1512920455		108		INTERSTATE F-4	INTERSTATE RED CAVE	15.4	PANHANDLE EASTERN
8322496	K-82-1236	1506700000		103		PARSONS D-2	PANOMA	18.2	PANHANDLE EASTERN
8322497	K-82-1235	1518920310		108		REED A-1	PANOMA	18.2	CIMARRON-QUINQUE
8322582	K-82-1233	1512920463		108		ROLL D #1	INTERSTATE RED CAVE	8.3	PANHANDLE EASTERN
8322500	K-82-1231	1518920444		108		YOUNGGREN B #2	YOUNGGREN	6.0	PANHANDLE EASTERN
-ASSOCIATED PETROLEUM CONSULTANTS IN				RECEIVED: 02/16/83 JA: KS					
8322494	K-82-1247	1515100000		103		KLINGBERG #1 API #NOT ASSIGN (OWWO)	BRANT (EXTENSION)	140.0	CENTRAL STATES GA
8322493	K-82-1408	1500721488		102-4		MOTT RANCH #7 15-007-21,488	AMBERMILLS SOUTH	1050.0	DELHI GAS PIPELIN
8322449	K-82-1394	1509521255		102-2		STEFFEN ESTATE #1-15-095-21 255	NONE (WILDCAT)	81.0	DELHI GAS PIPELIN
8322458	K-82-1395	1509521243		102-2		WEBER #1 15-095-21 243	NONE (WILDCAT)	81.0	DELHI GAS PIPELIN
-BARTLING OIL CO				RECEIVED: 02/16/83 JA: KS					
8322540	K-82-1255	1507120179		108		EVERETT #1	BYERLY	18.0	SUNFLOWER ELECTRI
-BEHRNES HAROLD				RECEIVED: 02/16/83 JA: KS					
8322455	K-82-1400	1512524874		102-2		NORTH PLUMLEY #2	COFFEYVILLE CHERRYVAL	58.4	CITY SERVICE GAS
8322454	K-82-1401	1512524875		102-2		NORTH PLUMLEY #3	COFFEYVILLE & CHERRYV	36.5	CITIES SERVICE GA
-BEN SPRINGER				RECEIVED: 02/16/83 JA: KS					
8322544	K-82-1378	1512525120		102-2		ANNA PLUMLEY #1	COFFEYVILLE - CHERRYV	20.3	CITIES SERVICE CC
8322545	K-82-1377	1512525121		102-2		ANNA PLUMLEY #2	COFFEYVILLE - CHERRYV	21.6	CITIES SERVICE CC
8322546	K-82-1376	1512525222		102-2		ANNA PLUMLEY #3	COFFEYVILLE - CHERRYV	20.4	CITIES SERVICE CC
8322533	K-82-1306	1512525310		102-2		HOWELL A SOUTH #4	CHERRYVALE-COFFEYVILL	21.9	CITIES SERVICE CC
8322448	K-82-1399	1512524874		102-2		NORTY PLUMLEY #1	COFFEYVILLE CHERRYVAL	58.4	CITIES SERVICE CC
-BENJAMIN F SPRINGER				RECEIVED: 02/16/83 JA: KS					
8322537	K-82-1380	1512524210		102-2		NORTH HOWELL B #1	COFFEYVILLE - CHERRYV	73.0	CITIES SERVICE CC
8322543	K-82-1379	1512524211		102-2		NORTH HOWELL B #2	COFFEYVILLE - CHERRYV	36.5	CITIES SERVICE CC
8322536	K-82-1381	1512524920		102-2		SOUTH PLUMLEY #1	COFFEYVILLE - CHERRYV	36.5	CITIES SERVICE CC
8322535	K-82-1382	1512524921		102-2		SOUTH PLUMLEY #2	COFFEYVILLE - CHERRYV	36.5	CITIES SERVICE CC
8322531	K-82-1383	1512524919		102-2		SOUTH PLUMLEY #3	COFFEYVILLE-CHERRYVIL	21.9	CITIES SERVICE CC
-BENSON MINERAL GROUP				RECEIVED: 02/16/83 JA: KS					
8322593	K-82-1362	1514520994		103		DITUS 2-4	BURDETT	133.0	INTERNORTH INC
8322592	K-82-1361	1514520995		103		JONES 2-9	BURDETT	36.5	INTERNORTH INC
8322542	K-82-1249	1514520991		102-2		LIPP STRAUSS 2-11	BRYANT SE	0.0	INTER NORTH INC
-BOLLINGER OIL CO				RECEIVED: 02/16/83 JA: KS					
8322520	K-82-1286	1512524741		102-2		STRATEGIC/SHELTON #1	COFFEYVILLE CHERRYVAL	46.0	SALEM PIPELINE CC
-CARAVEL ENERGY (KANSAS) INC				RECEIVED: 02/16/83 JA: KS					
8322465	K-82-1315	1520523162		102-2		RETTMAN #1-12	ALTOONA	600.0	CITIES SERVICE GA
8322530	K-82-1388	1520523161		102-2		RETTMANN 2-11	ALTOONA	600.0	NORTHWEST CENTRAL
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 02/16/83 JA: KS					
8322463	K-82-1109	1505500000		103		OHMES #1	HUGOTON	14.0	KANSAS-NEBRASKA N
-CITIES SERVICE COMPANY				RECEIVED: 02/16/83 JA: KS					
8322573	K-82-1402	1517520444		103		COOPER G #1	LEMERT	15.7	INTERNORTH INC
8322519	K-82-1288	1506700000		103		HOFFMAN L #2	PANOMA	6.2	PANHANDLE EASTERN
8322518	K-82-1289	1512900000		108		INTERSTATE B #1	GREENWOOD	6.5	COLORADO INTERSTA
8322594	K-82-1363	1503100000		108		MCCLURE B #1	HUGOTON	8.7	COLORADO INTERSTA
8322514	K-82-1336	1509300000		103		REESE G #1	HUGOTON	7.3	KANSAS NEBRASKA N
-COASTAL OIL & GAS CORP				RECEIVED: 02/16/83 JA: KS					
8322462	K-82-1115	1512920602		103		MCCLAIN 2-33	GREENWOOD	59.0	COLORADO INTERSTA
-CONTINENTAL ENERGY				RECEIVED: 02/16/83 JA: KS					
8322498	K-82-1234	1508120266		103		CHIEF SATANTA #2	VICTORY	54.0	INTER NORTH INC
-CROWE DRILLING CO INC				RECEIVED: 02/16/83 JA: KS					
8322450	K-82-1391	1517320524		102-2		WHITESELL #1	LATTA NORTH	400.0	GETTY OIL CO
-DORCHESTER EXPLORATION INC				RECEIVED: 02/16/83 JA: KS					
8322487	K-82-1346	1507120022		103		BOUNDS #1	N BRADSHAW (CHASE)	13.9	SUNFLOWER ELECTRI
-EAGLE EXPLORATIONS INC				RECEIVED: 02/16/83 JA: KS					
8322485	K-82-0941	1503321135		102-4		COY A DAVIS #1	SHIMER	2007.5	KANSAS GAS SUPPLY
-EDMISTON OIL CO INC				RECEIVED: 02/16/83 JA: KS					
8322459	K-82-1134	1500721379		103		BURGESS "B" #2	STRANATHAN	50.0	KANSAS GAS SUPPLY
8322576	K-82-1194	1500721189		103		MORTON #1	STRANAHAN	7.6	KANSAS GAS SUPPLY
-ENERGY RESERVES GROUP INC				RECEIVED: 02/16/83 JA: KS					
8322506	K-82-1317	1509500000		108		C J DOYLE "D" #2	SPIVEY GRABS	5.4	KANSAS POWER & L
8322502	K-82-1326	1509500000		103		GANS BROWN #1	SPIVEY GRABS	8.4	KANSAS POWER & L
-F G HOLL				RECEIVED: 02/16/83 JA: KS					
8322505	K-82-1318	1504721037		103		BRITTON "B" #3-15	WAYNE NORTH	15.0	REPUBLIC NATURAL
8322555	K-82-1276	1504721051		103		DONAVAN #1-16	ENLOW	34.0	INTERNORTH INC
8322554	K-82-1277	1504721041		103		DUTTON #3-17	ENLOW	79.0	INTERNORTH INC
8322430	K-82-1280	1504721061		102-2		WHITE #2-1	WAC NORTH	81.0	KANSAS-NEBRASKA N
-FUNK EXPLORATION INC				RECEIVED: 02/16/83 JA: KS					
8322529	K-83-0001	1517520581		102-4		LOFLAND #1	SOUTHEAST BUFFALO	365.0	PANHANDLE EASTERN
8322513	K-82-1332	1517520581		102-4		LOFLAND #1	SOUTHEAST BUFFALO	365.0	PANHANDLE EASTERN
-GEMINI OIL CO				RECEIVED: 02/16/83 JA: KS					
8322561	K-82-1409	1509520756		102-4		MCKENNA #1	PAT CREEK	29.8	KANSAS GAS SUPPLY
-GEORGE A REED				RECEIVED: 02/16/83 JA: KS					
8322579	K-82-1223	1511520422		108		UNRUH #1	MISSISSIPPI	3.5	CLOVER PIPELINE C
-GETTY OIL COMPANY				RECEIVED: 02/16/83 JA: KS					
8322584	K-82-1240	1511920582		103		D E THIESSEN #2	MCKINNEY	125.0	KANSAS POWER & L
8322589	K-82-1344	1511920585		103		M E SHEETZ #2	MCKINNEY	95.0	KANSAS POWER & L
8322588	K-82-1343	1511920584		103		MCKINNEY "B" #2	MCKINNEY	70.0	KANSAS POWER & L
-GRAHAM-MICHAELIS CORP				RECEIVED: 02/16/83 JA: KS					
8322587	K-82-1342	1508100000		103		BLACK #1	HUGOTON	16.0	COLORADO INTERSTA
8322522	K-82-1284	1509720889		103		MCKINNEY #1-34	ALFORD	15.0	KANSAS GAS SUPPLY
8322553	K-82-1283	1509720902		103		PAXTON #1-28	ALFORD	30.0	KANSAS GAS SUPPLY
8322516	K-82-1341	1518700000		108		PLUMMER "B" #1	HUGOTON	18.0	COLORADO INTERSTA
8322550	K-82-1371	1509700000		107-PE		SMITH #1-33	ALFORD	0.0	KANSAS GAS SUPPLY
-GRAMLY RICHARD E				RECEIVED: 02/16/83 JA: KS					

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322574	K-82-1142	1512522367		103		WITT #2	JEFFERSON-SYCAMORE	14.5	UNION GAS SYSTEM
-GRANT OIL INC.				RECEIVED:	02/16/83	JA: KS			
8322515	K-82-1337	1512524789		103		MORRIS #1-11	WILDCAT	14.4	UNION GAS SYSTEMS
8322508	K-82-0922	1512523738		108		WALLACE 1-19	JEFFERSON-SYCAMORE	1.7	UNION GAS SYSTEMS
-GRANVILLE M CAMPBELL				RECEIVED:	02/16/83	JA: KS			
8322547	K-82-1375	1512525210		102-2		STIGENWALT #1	COFFEYVILLE - CHERRYV	21.6	CITIES SERVICE CO
8322548	K-82-1374	1512525209		102-2		STIGENWALT #2	COFFEYVILLE - CHERRYV	18.6	CITIES SERVICE CO
8322486	K-82-1373	1512525211		102-2		STIGENWALT #3	COFFEYVILLE - CHERRYV	20.8	CITIES SERVICE CO
-GRAVES DRILLING CO INC				RECEIVED:	02/16/83	JA: KS			
8322571	K-82-1405	1500721534		103		CUNNINGHAM #2	BLOOM NORTH	16.4	KANSAS POWER & LI
8322570	K-82-1406	1507720821		103		HELEN #1	SHARON	7.2	CITIES SERVICE CO
8322572	K-82-1404	1500721506		103		SMITH #4	BLOOM NORTH	14.4	KANSAS POWER & LI
-HAROLD J MILBURN				RECEIVED:	02/16/83	JA: KS			
8322503	K-82-1308	1507900000		108		WOODS #1	BURRTON NORTH EAST	9.5	PEOPLES NATURAL G
-IMPERIAL OIL COMPANY				RECEIVED:	02/16/83	JA: KS			
8322476	K-82-1246	1504720938		102-2		KNUDSON #1-22	WAC SW EXT	73.0	NATURAL GAS PIPEL
8322477	K-82-1245	1504721014		102-2		KNUDSON #2-22	WAC SW EXT	146.0	NATURAL GAS PIPEL
8322558	K-82-1272	1509700000		108		LONG #1-12	WILDCAT	17.5	KANSAS NEBRASKA N
8322478	K-82-1244	1504720969		102-2		PRATT #1-22	WAC SW EXT	1036.6	NATURAL GAS PIPEL
8322469	K-82-1300	1502520216		108		SCHEIB #1-18	GRANGER CREEK	14.8	KANSAS POWER & LI
8322479	K-82-1243	1504720984		102-2		SLENTZ #1-21	WAC SW EXT	620.5	NATURAL GAS PIPEL
8322586	K-82-1242	1504721029		102-2		WHEATON #1-15	WAC SW EXT	62.1	NATURAL GAS PIPEL
8322585	K-82-1241	1504720437		102-2		WHITE #1-22	WAC SW EXT	109.5	NATURAL GAS PIPEL
-JERALD G BOLLINGER				RECEIVED:	02/16/83	JA: KS			
8322521	K-82-1285	1512525108		102-2		SHELTON #3	COFFEYVILLE-CHERRYVAL	3.0	SALEM PIPELINE CO
-K R M PETROLEUM CORPORATION				RECEIVED:	02/16/83	JA: KS			
8322524	K-82-1038	1503320569		102-4		BAKER #1-34	COLLIER FLATS SOUTH	35.0	INTER NORTH INC
-KAN-EX INC				RECEIVED:	02/16/83	JA: KS			
8322453	K-82-1269	1509521256		103		RAIDA #1	REIDA	73.0	PEOPLES NATURAL G
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED:	02/16/83	JA: KS			
8322481	K-82-0336	1509320379		108		ESFELD 1-2	PANOMA	22.0	KANSAS NEBRASKA N
-LADD PETROLEUM CORPORATION				RECEIVED:	02/16/83	JA: KS			
8322471	K-82-1270	1502520611		102-2		LATZKE #1-11	WILDCAT	33.0	
8322470	K-82-1271	1502520609		102-2		R L HARRIS #2-9	WILDCAT	47.0	KANSAS POWER & LI
-LEBEN OIL CORP				RECEIVED:	02/16/83	JA: KS			
8322526	K-82-1287	1518520367		108		COTTON #1	CHILDS	15.0	CENTRAL STATES GA
-LEITH OPERATIONS				RECEIVED:	02/16/83	JA: KS			
8322523	K-82-1055	1507920551		103		WALL #1	BURRTON NE	44.0	PEOPLES NATURAL G
-MCCOY PETROLEUM CORP				RECEIVED:	02/16/83	JA: KS			
8322578	K-82-1214	1507720822		103		CORYELL ESTATE #1	SHARON	150.0	CITIES SERVICE CO
8322552	K-82-1369	1507720182		102-4		RITTER "B" #1	WHARTON	35.0	PEOPLES NATURAL G
8322577	K-82-1213	1507720805		103		WARREN #1	SPIVEY-GRABS	150.0	CITIES SERVICE CO
-MOBIL OIL CORP				RECEIVED:	02/16/83	JA: KS			
8322517	K-82-1296	1518920592		103		MITCHELL #1 UNIT #2	PANOMA COUNCIL GROVE	32.4	INTER NORTH INC
-MOLZ OIL CO				RECEIVED:	02/16/83	JA: KS			
8322452	K-82-1389	1500721504		103		ECK #1	MCGUIRE GEEMAN ANTRIM	93.0	PEOPLES NATURAL G
-MTS LTD PARTNERSHIP				RECEIVED:	02/16/83	JA: KS			
8322557	K-82-1273	1511920491		103		CORDES #1-36	MOHLER	403.0	PANHANDLE EASTERN
8322560	K-82-1274	1511920573		103		LEVALLEY #1-5	ADAMS RANCH	200.0	KANSAS POWER & LI
-PACK OIL CO INC				RECEIVED:	02/16/83	JA: KS			
8322511	K-81-1238	1509500000		108		YOUNG #1		14.6	KANSAS POWER & LI
-PICKRELL DRILLING COMPANY				RECEIVED:	02/16/83	JA: KS			
8322501	K-82-1333	1503300000		108		HASHKNIFE 'A' #1	GLICK	10.5	KANSAS GAS SUPPLY
-R J PATRICK OPERATING CO				RECEIVED:	02/16/83	JA: KS			
8322583	K-82-1239	1503320549		103		ROBERT WIMMER #4	COLLIER FALTS SOUTH	83.0	INTERNORTH INC
-RINE DRILLING CO				RECEIVED:	02/16/83	JA: KS			
8322492	K-82-1415	1502520607		102-4		BARBY #2-23	SNAKE CREEK	146.0	INTER NORTH INC
8322512	K-82-1087	1502520542		102-4		BARBY #2-27	SNAKE CREEK	60.0	INTER NORTH INC
8322489	K-82-1419	1502520306		102-4		BARBY 1-21	SNAKE CREEK	7.7	INTER NORTH INC
8322491	K-82-1417	1502520568		102-4		BARBY-HARPER 1-22A	SNAKE CREEK	31.0	INTER NORTH INC
8322490	K-82-1418	1502520398		102-4		BARBY-HARPER 2-22	SNAKE CREEK	68.8	INTER NORTH INC
8322488	K-82-1421	1502520597		102-4		BARBY-HARPER 7-22	SNAKE CREEK	116.0	INTER NORTH INC
8322464	K-82-1083	1502520591		103		HARPER #1-13	SNAKE CREEK	109.0	INTER NORTH INC
-ROBERT E CAMPBELL				RECEIVED:	02/16/83	JA: KS			
8322566	K-82-1262	1509521168		103		BENSON-YEAGER #2	KLAVER	70.0	PEOPLES NATURAL G
8322565	K-82-1263	1509520605		108		BRAND #1	SETTLE	7.0	PEOPLES NATURAL G
8322563	K-82-1265	1509520637		103		CALKIN #1	KLAVER NE	8.3	PEOPLES NATURAL G
8322564	K-82-1264	1509521142		103		CALKIN #3	KLAVER	70.0	PEOPLES NATURAL G
8322562	K-82-1266	1509520524		108		CAMPBELL #1 (CASTLE UNIT)	SETTLE	7.0	PEOPLES NATURAL G
8322539	K-82-1257	1509520948		103		FITZGERALD #1	K-3 EXT	34.4	PEOPLES NATURAL G
8322559	K-82-1258	1509520430		108		HICKMAN #1	BONJOUR	14.0	PEOPLES NATURAL G
8322472	K-82-1267	1509520288		108		KAUFMAN #1	K-3	5.0	PEOPLES NATURAL G
8322567	K-82-1261	1509521160		103		MINNIE BENSON #1	K-3	60.0	PEOPLES NATURAL G
8322495	K-82-1260	1509521139		103		OSBORN #1	K-3	70.0	PEOPLES NATURAL G
8322538	K-82-1259	1509520780		108		WALTERS #1	SETTLE	5.0	PEOPLES NATURAL G
-ROBERT F WHITE				RECEIVED:	02/16/83	JA: KS			
8322504	K-82-1324	1509520340		103		FRANCIS-HURD UNIT	PRATHER	30.8	KANSAS GAS SUPPLY
8322541	K-82-1253	1511520917		103		PLETT-BENTZ #2	EAST ANTELOPE	35.0	CITIES SERVICE GA
8322551	K-82-1370	1511520667		108		REIMAN-RING #1	EAST ANTELOPE	35.0	CITIES SERVICE GA
-ROBERT R JONES				RECEIVED:	02/16/83	JA: KS			
8322534	K-82-1385	1512524801		102-2		SOUTH HOWELL #3	CHERRYVALE-COFFEYVILL	18.2	CITIES SERVICE CO
-ROBINSON OIL CO				RECEIVED:	02/16/83	JA: KS			
8322468	K-82-1301	1519121086		102-2		DIXON "A" #1	LATTA NORTH	255.5	GETTY OIL CO
8322580	K-82-1229	1500721472		103		MOLZ "B" #5	STRANATHAN EXTENTION	11.0	PANHANDLE EASTERN
-RONALD RUSS PRATER INC				RECEIVED:	02/16/83	JA: KS			
8322510	K-82-0781	1515120577		103		RIDGE "B" #2	HARDING	90.0	CENTRAL STATES GA
-RUPE OIL CO INC				RECEIVED:	02/16/83	JA: KS			
8322474	K-81-1164	1515100000		103		NEVILLE #1	HARDING WEST	72.0	CENTRAL STATES GA
-SAMUEL GARY OIL PRODUCER				RECEIVED:	02/16/83	JA: KS			
8322568	K-82-0747	1505720178		102-2		HAWES #1	GRACE	146.0	CITIES SERVICES G
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	02/16/83	JA: KS			
8322483	K-82-0746	1512920544		102-3		SANTA FE 1-14	WINTER NORTH	365.0	PANHANDLE EASTERN
-SOUTHLAND ROYALTY CO				RECEIVED:	02/16/83	JA: KS			
8322509	K-82-0844	1511920378		108		ADAMS 6-11	CIMARRON BEND	18.0	COLORADO INTERSTA
-SPINES EXPLORATION INC				RECEIVED:	02/16/83	JA: KS			
8322451	K-82-1390	1515120145		102-2		CALBECK #1	CULLISON WEST	60.0	KANSAS POWER & LI
-STERLING DRILLING & PROD CO INC				RECEIVED:	02/16/83	JA: KS			
8322575	K-82-1145	1504720592		103		CUDNEY "B" #5-4	WIL	20.0	CENTRAL STATES GA
-TEXACO INC				RECEIVED:	02/16/83	JA: KS			
8322591	K-82-1360	1505500000		108		ED HUGHES "B" GAS UNIT #1	HUGOTON	8.2	INTERNORTH INC
-TEXAS ENERGIES INC				RECEIVED:	02/16/83	JA: KS			
8322456	K-82-1268	1515121091		103		STATE OF KANSAS 1-34	WILDCAT	100.0	CENTRAL STATES GA
-THE MAURICE L BROWN COMPANY				RECEIVED:	02/16/83	JA: KS			
8322467	K-82-1302	1509720901		103		ALTON UNRUH #C-1	ALFORD EXTENSION	5.0	KANSAS GAS SUPPLY
8322556	K-82-1275	1509720480		108		COBB #1	ALFORD SOUTH	19.0	KANSAS GAS SUPPLY
8322475	K-82-0749	1517120166		103		COLLINGWOOD "B" #1	HUGOTON NORTH	73.0	KANSAS-NEBRASKA N

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322466	K-82-1303	1503320563		103		V L SMITH #1	WILDCAT	128.0	KANSAS GAS SUPPLY
-THEODORE I LEBEN				RECEIVED:	02/16/83	JA: KS			
8322590	K-82-1345	1515121172		102-2		KINZIE "A" #1	JEM NORTHEAST	164.3	CENTRAL STATES GA
-TUCKER PRODUCTION CORP				RECEIVED:	02/16/83	JA: KS			
8322525	K-82-1034	1517520552		103		NASH #1-21	BORCHERS	219.0	
-TXO PRODUCTION CORP				RECEIVED:	02/16/83	JA: KS			
8322527	K-82-1396	1507720854		102-4		BROWN "R" #1	UNNAMED	150.0	DELHI CORP
8322473	K-82-0713	1500720807		102-4		FINDELY "B" #1	SULLIVAN	350.0	DELHI CORP
8322457	K-82-1397	1500721523		102-4		STONE "D" #1	RHODES NE	70.0	PEOPLES NATURAL G
-WELLS ENERGY CORP				RECEIVED:	02/16/83	JA: KS			
8322569	K-82-1407	1505720276		103		BRENSING #1	PLEASANT VALLEY	92.0	KANSAS GAS SUPPLY
-WILLIAM A TAYLOR				RECEIVED:	02/16/83	JA: KS			
8322549	K-82-1372	1512525312		102-2		STICE #1	CHERRYVALE - COFFEYVI	21.9	CITIES SERVICE CO
8322532	K-82-1384	1512525313		102-2		STICE #2	CHERRYVILLE - COFFEYV	21.9	CITIES SERVICE CO

****

OKLAHOMA CORPORATION COMMISSION

****

-AN-SON CORPORATION				RECEIVED:	02/14/83	JA: OK			
8322601	19211	3503920599		102-2		CLIFT #1-3	EAST HAMMON	1375.0	
-ANADARKO PRODUCTION COMPANY				RECEIVED:	02/14/83	JA: OK			
8322628	18925	3500700000		108		CANADAY #1	MOCANE	5.7	COLORADO INTERSTA
8322651	20030	3500721701		108		JUDY A-1	MOCANE	6.5	PANHANDLE EASTERN
-BENTLEY & LAING				RECEIVED:	02/14/83	JA: OK			
8322615	19839	3510321678		103		TUBBS #1		37.0	AMINOIL USA INC
-BILL WADLEY & SON DRILLING CO				RECEIVED:	02/14/83	JA: OK			
8322596	19841	3511100000		103		BELL #1	BALD HILL	47.2	PHILLIPS PETROLEU
-BISHOP ROYALTY INC				RECEIVED:	02/14/83	JA: OK			
8322620	19865	3511123600		103		ASHLEY #1	ASHLEY NW NE NW SEC 3	43.0	PHILLIPS PETROLEU
-BLUEBELL OIL & GAS INC				RECEIVED:	02/14/83	JA: OK			
8322607	19639	3508121300		103		ELSON #1-35	WILDCAT	55.0	SUN GAS CO
-CHER OIL CO				RECEIVED:	02/14/83	JA: OK			
8322606	19576	3508121576		103		GOODBARY #1	S W PRAIRIE GEM	18.0	SUN OIL CO
-CLARK RESOURCES INC				RECEIVED:	02/14/83	JA: OK			
8322641	17070	3509322408		103		BIERIG 29-1	SOONER TREND	50.0	CITIES SERVICE GA
-COTTON PETROLEUM CORPORATION				RECEIVED:	02/14/83	JA: OK			
8322616	19843	3504521050		103		SAMIE #1	GAGE	0.0	INTER NORTH INC
-FUNK EXPLORATION INC				RECEIVED:	02/14/83	JA: OK			
8322646	19490	3500722359		102-4		BOHERS #1	DOMBEY	250.0	PANHANDLE EASTERN
8322647	19491	3500722360		102-4		BUXTON #1	DOMBEY	350.0	PANHANDLE EASTERN
8322643	18841	3500722298		102-4		SAGER LAND & CATTLE CO	SOUTH BALKO	500.0	MICHIGAN WISCONSI
8322649	19492	3500722309		102-4		WATKINS #1-13	CAMRICK GAS AREA	400.0	
-GEM OIL CO				RECEIVED:	02/14/83	JA: OK			
8322617	19844	3504723062		103		HALL #3	SOUTH GARBER	96.0	GRACE PETROLEUM
-GETTY OIL COMPANY				RECEIVED:	02/14/83	JA: OK			
8322648	19995	3513700000		108		SELBY #54	SHO-VEL-TUM	5.7	LONE STAR GAS CO
-HARRY H DIAMOND INC				RECEIVED:	02/14/83	JA: OK			
8322644	18984	3509120473		103		OSMOND #1	SE CHECOTAH	7.0	
-HEADINGTON PRODUCTION CO				RECEIVED:	02/14/83	JA: OK			
8322652	20046	3505300000		108		JOHNSON #1	WAKITA	16.0	CITIES SERVICE GA
-HELMERICH & PAYNE INC				RECEIVED:	02/14/83	JA: OK			
8322605	19449	3504321511		102-2		WHITE RABBIT #2-3	EAST SEILING	150.0	MICHIGAN WISCONSI
-HOFFMAN OIL & GAS CO				RECEIVED:	02/14/83	JA: OK			
8322633	19628	3511100000		108		COLLINS #1		2.1	PHILLIPS PETROLEU
-INEXCO OIL COMPANY				RECEIVED:	02/14/83	JA: OK			
8322599		3503920685		102-2		GILBERT #1-10	NORTH BUTLER	414.0	PANHANDLE EASTERN
-JAMES Q MAGUIRE INC				RECEIVED:	02/14/83	JA: OK			
8322622	19697	3503724368		103		NETTIE HERROD #2		0.0	KERR MCGEE CORP
-JOHN L COX				RECEIVED:	02/14/83	JA: OK			
8322613	19033	3504500000		103		IRVIN #1	MOCANE-LAVERNE GAS AR	0.0	PANHANDLE EASTERN
-K S OIL CO				RECEIVED:	02/14/83	JA: OK			
8322634	19828	3502700000		103		CURRY #1	SOUTH MOORE FIELD	75.0	SUN GAS CO
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	02/14/83	JA: OK			
8322631	19592	3504720932		108		JANSSEN #1-31	EAST SPRING VALLEY	20.0	GRACE PETROLEUM C
-KEPCO INC				RECEIVED:	02/14/83	JA: OK			
8322600		3503120945		102-4		PETRIE #1-26	SE ELGIN	306.0	CITIES SERVICE GA
-LOUIS KAHAN				RECEIVED:	02/14/83	JA: OK			
8322621	19866	3504722698		103		WALTER JOHNSON #1	ENID NORTHEAST	55.0	GRACE PETROLEUM C
-MONSANTO COMPANY				RECEIVED:	02/14/83	JA: OK			
8322618	19855	3505320838		103		WALD #1	EAST LAMONT	50.0	C R A INC
-O G OIL CO				RECEIVED:	02/14/83	JA: OK			
8322645	19287	3514722023		103		GUINN #B-6	GUINN LEASE	0.9	BARTLESVILLE GATH
-PCX CORP				RECEIVED:	02/14/83	JA: OK			
8322624	16356	3500320361		102-4		CITIES SERVICE FOSTER #1		0.0	CITIES SERVICE GA
-PETRO-LEWIS CORPORATION				RECEIVED:	02/14/83	JA: OK			
8322626	18547	3507300000		108		FREDA 30-1	COOPER EAST	0.3	PARTNERSHIP PROPE
-PHILLIPS OIL OPERATING CO				RECEIVED:	02/14/83	JA: OK			
8322623	19770	3500320883		103		WEBER #1	NORTH RINGWOOD	146.0	PANHANDLE EASTERN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/14/83	JA: OK			
8322638	22245	3504721184		108-ER		LICHTENBERG A #1	S E ENID	8.4	TRANSOK PIPELINE
8322642	18239	3504721238		108-PB		MAXEY B #1	SOONER TREND	9.8	TRANSOK PIPELINE
8322636		3507322567		102-4		SCHAEFER "A" #1	N OKARCHE	0.0	OKLAHOMA NATURAL
8322639	01948	3515300000		108-PB		STATE-K #1	N QUINLAN	15.6	CITIES SERVICE GA
-READING & BATES PETROLEUM CO				RECEIVED:	02/14/83	JA: OK			
8322612	19068	3503920710		102-2		BAKER #1-4	PITTS CREEK	193.0	
8322640	16850	3504700000		108		LANG #28-1	SOONER TREND	20.0	GRACE PETROLEUM C
-RED EAGLE OIL CO				RECEIVED:	02/14/83	JA: OK			
8322603	19400	3504321467		102-3		PIERCE #1		401.5	
-RH OPERATING CO				RECEIVED:	02/14/83	JA: OK			
8322604	19430	3503520848		108		NORTH EWERS #1	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
-ROCKWELL PETROLEUM CORP				RECEIVED:	02/14/83	JA: OK			
8322630	19582	3508120791		108		STATE SCHOOL LAND #5	SKELLEYVILLE	13.0	UNITED GATHERING
-SABINE CORP				RECEIVED:	02/14/83	JA: OK			
8322650	20017	3501900000		108		SMITH #5-22		9.6	UNION OIL OF CALI
-SENECA OIL COMPANY				RECEIVED:	02/14/83	JA: OK			
8322637	19117	3501722139		102-4		BENNETT #2-30		65.7	PHILLIPS PETROLEU
8322627	18910	3509322399		103		RITTER #1-27		57.6	DELHI GAS PIPELIN
-SITCO INC				RECEIVED:	02/14/83	JA: OK			
8322619	19864	3507323543		103		HAY #2	WEST ROXANNA	80.0	EASON OIL CO
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	02/14/83	JA: OK			
8322598	19861	3508322118		103		FARRAR #1	EAST GUTHRIE	0.0	CHAMPLIN PETROLEU
-STATEX PETROLEUM INC				RECEIVED:	02/14/83	JA: OK			
8322611	19181	3508321793		102-4		FLASCH UNIT #1-32		202.0	OKLAHOMA NATURAL
8322610	19182	3508321796		102-4		KEENAN #1-25		576.0	SUN GAS TRANSMISS
8322609	19183	3511921672		102-4		MCFARLAND #1-10		612.0	SUN GAS TRANSMISS
-SUNRISE EXPLORATION INC				RECEIVED:	02/14/83	JA: OK			
8322629	19571	3500721187		108		LONGCOR #1-B	MOCANE-LAVERNE	12.4	INTER NORTH INC

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME		FIELD NAME	PROD	PURCHASER
-TECO PIPELINE CO				RECEIVED:	02/14/83		JA: OK			
8322602	19272	3510700000		103		RUBY #1		NORTH PHAROAH	25.0	PHILLIPS PETROLEU
-TEXOMA NATURAL GAS & OIL CORP				RECEIVED:	02/14/83		JA: OK			
8322614	19837	3503700000		103		BROWN #6		NORTH KELLYVILLE	0.0	COLORADO GAS COMP
-THE WIL-MC OIL CORP				RECEIVED:	02/14/83		JA: OK			
8322632	19597	3501520366		108		BARNEY #1-A		SOUTH ONEY	20.9	DELHI GAS PIPELIN
-UNITED DRILLING FUND INC				RECEIVED:	02/14/83		JA: OK			
8322635	19834	3511100000		103		BELL #9A			281.4	PHILLIPS PETROLEU
-VAN HORN OIL & GAS INC				RECEIVED:	02/14/83		JA: OK			
8322608	19840	3508322007		103		CLYDE 9-1		N W MARSHALL	75.0	EASON OIL CO
-VAUGHN GOOD OIL CO				RECEIVED:	02/14/83		JA: OK			
8322597	19860	3508100000		103		HURST #1			1.0	SUN EXPLORATION &
-WHEELER OIL COMPANY				RECEIVED:	02/14/83		JA: OK			
8322625	18813	3504721141		108		ISBELL #1-34			0.0	ARCO OIL & GAS CO

[FR Doc. 83-6885 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-C

[Docket No. RP83-58-000]

Southern Natural Gas Co.; Application for Waiver of Commission's Regulations

March 11, 1983.

Take notice that on March 1, 1983, Southern Natural Gas Company (Southern) filed an application for a waiver of the test period prescribed in § 154.63(e)(2)(i) of the Commission's Regulations.

Southern states its intention of making a rate change filing with the Commission on or after March 31, 1983. For purposes of this rate change filing Southern intends to utilize a base period extending from January 1, 1982 to December 31, 1982. With regard to Southern's computation of working capital allowance for its estimated gas prepayments, Southern proposes to utilize the projected average cumulative total for the thirteen month period ending September 30, 1984 by requesting a waiver of the test period prescribed in § 154.63(e)(2)(i) of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 24, 1983. Protests will be considered by the Commission in determining to the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6887 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP75-23-013 and CP75-120-006]

Tennessee Gas Pipeline Co. a Division of Tenneco Inc.; Notice of Petition To Amend

March 11, 1983.

Take notice that on February 14, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP75-23-013 and CP75-120-006 a petition to amend the order issued March 7, 1977, as amended, in Docket Nos. CP75-23 and CP75-120 [1] pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas from an additional receipt point from Tenneco Oil Company (TOC), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized in Docket No. CP75-23 to transport natural gas for TOC from specified receipt points to a point of interconnection with Creole Gas Pipeline Corporation (Creole) at Yscloskey, Louisiana, for delivery to Air Products and Chemicals, Inc., and that in Docket No. CP75-120 it was authorized to transport natural gas for TOC from specified receipt points to Yscloskey, Louisiana, for delivery to Creole for transportation by Creole to TOC's Chalmette refinery.

Petitioner proposes herein to receive gas from TOC at an additional onshore receipt point in the Lake Decade Field, Terrebonne Parish, Louisiana. Deliveries of gas from the Lake Decade source would be made by TOC to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Tennessee at a point of interconnection between Transco and TOC or TOC's agent on Transco's Southeast Louisiana Gathering System in Terrebonne Parish, Louisiana. Transco would transport and deliver the subject gas to Tennessee at existing points of interconnection located at Louise, Texas, and Crowley and Kinder, Louisiana, for transportation and delivery by Tennessee to the Yscloskey delivery point.

The amendments dated February 7, 1983, to the transportation agreement between TOC and Tennessee provide that the amount of gas delivered at Yscloskey would be thermally equivalent to the amount received by Transco from TOC for Tennessee's account subject to certain reductions but in no event would the total volume delivered from all sources exceed the maximum volume authorized to be transported by the order issued March 7, 1977.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6888 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. RP83-53-000]

United Gas Pipe Line Co.; Notice of Proposed Changes in FERC Gas Tariff

March 11, 1983.

Take notice that United Gas Pipe Line Company (United), on March 1, 1983, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, to become effective April 1, 1983.

United states that the proposed tariff sheet include proposed Sections 25 and 26 to United's FERC Gas Tariff First Revised Volume No. 1. The proposed Section 26 will permit semi-annual rate adjustments to track increases or decreases in the costs incurred by United under agreements for the transportation of gas by others [excluding charges by the Northern Border Pipeline Company (Northern Border)] as well as adjustments to reflect any net increase in transportation revenue credits. The proposed Section 25, Gas Prepayment Adjustment, is a provision to reflect semi-annual costs incurred by United as a result of prepayments made to gas suppliers under gas purchase contracts.

Copies of the filing will be served upon United's jurisdictional customers and the public service commissions of the states of Alabama, Florida, Louisiana and Mississippi, and the Texas Railroad Commission.

Any person desiring to be heard or to protect said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, and 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6889 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-368-000]

The Upper Peninsula Power Co.; Notice of Filing

March 11, 1983.

The filing Company submits the following:

Take notice that on March 7, 1983, the Upper Peninsula Power Company (UPPCO) tendered for filing proposed changes in the rate schedules for service to the Alger-Delta Cooperative Electric Association, The Ontonagon County Rural Electrification Association, Village of Baraga, City of Escanaba, City of Gladstone, Village of L'Anse, City of Negaunee, and to the Wisconsin Electric Power Company.

UPPCO states that the schedule in the rate filed will supersede the schedule presently on file with this Commission.

The proposed changes would increase revenues for these jurisdictional sales based on the Period II test period ended December 31, 1983. UPPCO proposes that the rate increase become effective in two phases; Phase I in the amount of $586,146 to take effect 60 days after the filing, on May 6, 1983, and Phase II in the amount of $785,502 to take effect at the latest 61 days after the filing, on May 7, 1983. However, should the entire amount of the increase fall within the limits established in *West Texas Utilities*, Docket No. ER82-23-000, Order issued February 26, 1982, UPPCO respectfully requests that the full amount of the two-step increase be allowed to become effective 60 days after filing, on or May 6, 1983.

The reason stated by UPPCO for the increase is to overcome the revenue deficiency from this type of service occasioned by the continued inflationary impact on its costs.

Copies of the filing were served upon UPPCO's affected jurisdictional customers, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6890 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-361-000]

Washington Water Power Co.; Notice of Filing

March 11, 1983.

The filing Company submits the following:

Take notice that on February 25, 1983, the Washington Water Power Company (WWPC) tendered for filing a report issued by the Bonneville Power Administration (Bonneville) containing their final determination of average system cost for WWPC's Idaho jurisdiction for the 1981 test period.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 29, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6891 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of January 17 Through January 21, 1983

During the week of January 17 through January 21, 1983, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Akin, Gump, Strauss, Hauer and Feld, 3/20/83, HFA-0104

Akin, Gump, Strauss, Hauer and Feld filed an Appeal from a denial by the Director of the Office of Oil and Gas, Energy Information Administration of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that information concerning the prices of liquified petroleim gas and natural gas liquid products, filed on Form FEA-P302-M-1, which was initially withheld under Exemption 4 should be released to the public. The DOE determined that in view of the age and the limited nature of the requested information contained on the form, the submitters of the information would not suffer any competitive harm as a result of its release.

Requests for Exception

Champlin Petroleum Company, 1/18/83, BEE-1677

Champlin Petroleum Company filed an Application for Exception from the provisions of 10 C.F.R. § 211.69, which prohibited it from filing amended entitlements reports (Form ERA-49) for the period February 1976 through September 1980. The DOE pointd out that in light of the magnitude of the firms recent profits, Champlin's purchase of excess entitlements did not cause a significant adverse impact on the firm. Accordingly, exception relief was denied. The important issues discussed in the Decision and Order were (i) the sufficiency of public notice before promulgation of the final clean-up rule and (ii) proper application of the clean-up rule to reports filed prior to the rule's August 1, 1981 effective date.

Deiter Bros. Fuel Co., Inc., 1/17/83, HEE-0038

Dieter Bros. Fuel Co., Inc. (Dieter Bros.) filed an Aplication for Exception from the provisions of EIA filing requirements. The firm sought to be relieved of the obligation to file Forms EIA-764A, Petroleum Product Sales Identification Survey, and EIA-172, Sales Report of Fuel Oil and Kerosene. The DOE onsidered the firm's argument that since it had participated in the EIA survey program for over a year, it should be relieved of any further obligation to participate. The DOE found that the forms would require little time to complete and that the firm would not suffer an unfair burden if required to file the forms. Accordingly, exception relief was denied

Lake Charles Refining Company, 1/17/83, BEE-0715

Lake Charles Refining Company filed an Application for Exception from the provisions of 10 CFR section 211,67 in which the firm sought to be issued entitlements for its

alleged inventory of crude oil at its new refinery. In considering the request, the DOE found that the firm had not shown that it had actually acquired a crude oil inventory for the new refinery. Accordingly, exception relief was denied. Lake Charles also requested that the DOE rescind its referral to the Office of Enforcement of discrepancy between the firm's reported runs-to-stills and crude oil receipts. In spite of the fact that Lake Charles contended that it had corrected the discrepancy by filing amended forms, the DOE found that the Office of Enforcement should be permitted to pursue an investigation and determine whether the firm had in fact violated DOE regulations.

Thompson Oil Company, Inc., 1/18/83, HEE-0017

Thompson Oil Company, Inc. (Thompson) filed an Application for Exception from the provisions of EIA filing requirements, in which the firm sought to be relieved of any further obligation to file Form EIA-9A, No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that Thompson did not show that in comparison to similar reporting firms, it was unfairly burdened by the reporting requirement. Accordingly, exception relief was denied.

Request for Modification and/or Rescission

Economic Regulatory Administration/ Olympia Exploration Company, 1/19/83 HRR-0028

The Economic Regulatory Administration filed a Motion for Modification of a Remedial Order issued to Olympia Exploration Company. In the RO, Olympia was found to have overcharged Diamond Shamrock in crude oil sales and was ordered to refund the overcharges directly to Diamond Shamrock. In its Motion, the ERA requested that the RO be modified to provide that the refund be deposited in an escrow account for ultimate disposition by the DOE. In considering the motion, the DOE found that decontrol of crude oil prices had caused a significant change in circumstances since the issuance of the Olympia RO in 1979. Specifically, the DOE found that as a result of decontrol, there was no longer any way to ensure that refunds received by Diamond Shamrock would be channeled through to ultimately injured customers. Diamond Shamrock argued that many of the refined products it sold at the time that the RO was issued were already decontrolled, and that the firm would thus not have been obliged to pass through refunds with respect to these products. The DOE rejected this argument, stating that as a participant in the Entitlements Program, Diamond Shamrock's entitlements benefits would have been reduced by any refund it had received from Olympia. Accordingly, the ERA Motion for Modification was granted.

Motion for Discovery

Atlantic Richfield Company, Office of Special Counsel, 1/18/83, BRD-1452, BRH-1452, HRD-0015, HRD-0001

Atlantic Richfield Company (Arco) filed Motions for Discovery and Evidentiary Hearing in connection with a Proposed Remedial Order (PRO) issued to the firm by the Economic Regulatory Administration's Office of Special Counsel (OSC). In connection with that PRO, OSC filed a Motion for Discovery and a Motion for Protective Order. The PRO concerns Arco's reporting of its May 1973 costs of foreign equity crude oil in its Refiners' Monthly Cost Allocation Reports. Pursuant to the customary accounting procedures standards of the September 1973 amendments to the refiner price rule, Arco had originally reported its May 1973 as its tax reference prices. In 1976, Arco restated its May 1973 costs as its internal transfer prices, arguing that the arms-length standard of the October 1974 amendments to the refiner prices rule permitted the restatement of May 1973 costs in accordance with that standard.

In considering Arco's Motion for Discovery, the DOE found that the firm's requests for administrative record and contemporaneous construction discovery of the September 1973 and October 1974 amendments and other remaining requests for discovery did not seek relevant evidence. The DOE further found, however, that since Arco had already received some of the requested information in another OHA proceeding and since the submission of supplemental comments based on such information would not delay the proceeding, Arco should be permitted to file such comments. Accordingly, Arco's Motion for Discovery was granted in part. In considering Arco's Motion for Evidentiary Hearing, the DOE found that Arco's presentation of documentary evidence and testimony concerning certain aspects of its tax reference and internal transfer accounting methods would, at this stage of the proceeding, result in a clearer and more efficient particularization of relevant disputed issues than would the submission of documents. Accordingly, the Motion for Evidentiary Hearing was granted in part. In considering OSC's Motion for Discovery, the DOE found that some of the information requested by OSC, *i.e.*, information concerning Arco's accounting procedures, was relevant and material evidence. Accordingly, OSC's Motion for Discovery was granted in part. In considering OSC's Motion for Protective Order, the DOE noted that OSC's request for an order relieving OSC of the obligation to provide to Arco any information already furnished to Arco in the related OHA proceeding, was premised on an OHA grant of discovery against OSC. The DOE that since such an order had not been issued, the Motion should be dismissed.

An important principle set forth in the Decision and Order is that there is no ambiguity in the regulations concerning whether the October 1974 amendments permit the restatement of May 1973 costs of foreign equity crude oil and, therefore, contemporaneous construction discovery on that issue is not permitted. Specifically, the Decision and Order held that the October 1974 amendments do not apply to May 1973 costs and, therefore, do not provide a regulatory basis for the restatement of those costs.

Refund Applications

Nordstrom Oil Company/Pacific Intermountain Express Company, 1/17/83, RF22-1

Pacific Intermountain Express Company (PIE) filed an Application for Refund in which the firm sought a portion of the funds obtained by the DOE through a consent order entered into with the Nordstrom Oil Company. After analyzing PIE's claim, OHA found that the firm demonstrated that it made purchases of less than an average of 50,000 gallons a month from Nordstrom during the consent order period and that PIE therefore qualified for a refund under the procedures set forth for small firms and individuals in *Office of Enforcement (Nordstrom)*, 10 DOE ¶85,021 (1982).

Standard Oil Company (Indiana) Tel-Maple Car Care, Inc. et al., 1/19/83, RF21-1 et al.

Thirty-seven branded retailers of Amoco motor gasoline filed Applications for Refund in which they sought a portion of the funds obtained by the DOE through a consent order entered into with the Standard Oil Company (Indiana) (Amoco). All of these firms elected to apply for a refund based upon the presumption of injury and the formulae set forth in *Office of Special Counsel*, 10 DOE ¶85,048 (1982). Each retailer therefore submitted detailed information concerning its Amoco purchase volumes. After analyzing this information, the DOE concluded that each applicant should receive a refund based upon the total volume its Amoco motor gasoline purchases. Accordingly, these applications were granted in full.

Vickers Energy Corporation/B. Ethridge Oil Co., 1/17/83, RF1-156

B. Ethridge, a motor gasoline reseller, filed an Application for Refund in which the firm sought a portion of the funds obtained by the DOE through a consent order entered into with Vickers Energy Corporation. Because Ethridge's purchases from Vickers exceeded the 50,000 gallon per month small claims threshold, the DOE required the firm to establish that it had not passed through any alleged Vickers overcharges to its own customers. After considering detailed data submitted by Ethridge concerning its Vickers purchase volumes, acquisition costs, selling prices and banks of unrecouped increased product costs, the DOE found that the firm did experience an injury in some months as a result, of Vickers' pricing practices. Accordingly, the Application for Refund was granted in part.

Remedial Order

In the following case involving a Proposed Remedial Order, no Statement of Objections was filed. The DOE therefore issued the order in final form.

Company Name and Case No.

ERA/Kimco Petroleum, Inc., HRW-0019

Protective Order

The following firms filed an Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by

the firms. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy.

Name and Case No.

Cities Service Co., Little America Refining Co., HEJ-0030

Dismissals

The following submissions were dismissed:

Name and Case No.

Gas Company of New Mexico, HEE-0047
Wilshire Oil Co., DRO-0225

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system.

Thomas L. Wieker,
Acting Director, Office of Hearings and Appeals.

March 9, 1983.

[FR Doc. 83-6911 Filed 3-16-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59115A TSH-FRL 2322-5]

Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of TM-83-20 and TM-83-21, two applications for test marketing exemptions (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-204, 401 M St. SW., Washington, DC. 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83-20

Date of Receipt: January 24, 1983.
Notice of Receipt: February 11, 1983 (47 FR 6395).
Applicant: Celanese Specialty Resins, a division of Celanese Corporation.
Chemical: Epoxy resin ester (Generic).
Use: Intermediate (Generic).
Import Volume: Confidential.
Number of Customers: 1.
Worker Exposure: Potential exposure to workers will be by the dermal route. A maximum of 15 workers will be potentially exposed for 8 hours/day for no more than 15 days.
Test Marketing Period: 45 days.
Commencing on: March 9, 1983.
Risk Assessment: Based on the type of polymer, molecular weight, and that the test market substance is not designed to be water soluble, no significant health or environmental concerns were identified. Therefore, the Agency finds that the test marketing activity will not result in an unreasonable risk.
Public Comments: None.

TME 83-21

Date of Receipt: January 25, 1983.
Notice of Receipt: February 11, 1983 (47 FR 6395).
Applicant: Confidential.
Chemical: Acrylate of polybutadiene (Generic).
Use: Confidential.
Import Volume: Confidential.
Exposure Information: The confidential use will have the potential for 10 workers to be exposed dermally per day with the potential for less than 10 kg/yr released to the air or land. No release to water is expected.
Test Marketing Period: 291 days.
Commencing on: March 9, 1983.
Risk Assessment: Based on its molecular weight and low solubility in water, the Agency has low health and environmental concerns for the test market substance. The test market substance may be a mild skin and eye irritant based on test data. The submitter recommends protective equipment when handling including chemical splash goggles and/or face mask and gloves, aprons, boots and face protection. The Agency expects the potential for such exposure to be low based on the automated nature of handling the test market substance.
Public Comments: None.

The Agency reserves the right to rescind approval of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

Dated: March 9, 1983.

Don R. Clay,
Director, Office of Toxic Substances.

[FR Doc. 83-6939 Filed 3-16-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP 30070; PH-FRL 2324-2]

Pesticide Registration; Availability of Guidelines Documents

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The nonregulatory pesticide registration guidelines are available to the public and can be purchased through the National Technical Information Service (NTIS). The NTIS order number and price for each guideline document is provided.

ADDRESS: Address orders to: National Technical Information Service, Att: Order Desk, 5285 Port Royal Rd., Springfield, VA 22161, (703-487-4650).

Orders for guidelines documents may be placed by telephone to the NTIS order desk and charged against a deposit account or American Express, VISA or MasterCard or sent by mail with check, money order or account number.

FOR FURTHER INFORMATION CONTACT: Frederick S. Betz, Hazard Evaluation Division (TS-769C), Office of Pesticides Programs, Environmental Protection Agency, Room 821, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7351).

SUPPLEMENTARY INFORMATION: The nonregulatory pesticide registration guidelines contain the standards for conducting acceptable tests, guidance on evaluation and reporting of data, detailed guidance on when data are required, and examples of acceptable protocols. Each of the guidelines documents, except Subdivisions H (Labeling) and K (Reentry Protection), is available to the public and can be purchased through the National Technical Information Service (NTIS). The Agency will publish a Notice of Availability when Subdivisions H and K are available.

For each guideline document desired, your order should specify the title of the guidelines document, the corresponding NTIS order number, and whether hard copy or microfiche is desired. The NTIS order number is the same for both microfiche and hard copy, but the price differs in hard copy.

Document titles, prices, and order numbers and prices are as follows:

Document title	NTIS order No.	Price (hard copy)	Price (microfiche)
Subdivision D—Product Chemistry	PB83-153890	$11.50	$4.50
Subdivision E—Hazard Evaluation: Wildlife and Aquatic Organisms.	PB83-153908	11.50	4.50
Subdivision F—Hazard Evaluation: Humans and Domestic Animals.	PB83-153916	16.00	4.50
Subdivision G—Product Performance	PB83-153924	32.50	4.50
Subdivision H—Labeling	(Not available at this time)		
Subdivision I—Experimental Use Permits	PB83-153932	10.00	4.50
Subdivision J—Hazard Evaluation: Nontarget Plants	PB83-153940	10.00	4.50
Subdivision K—Reentry Protection	(Not available at this time)		
Subdivision L—Hazard Evaluation: Nontarget Insects	PB83-153957	8.50	4.50
Subdivision M—Biorational Pesticides	PB83-153965	25.00	4.50
Subdivision N—Environmental Fate	PB83-153973	13.00	4.50
Subdivision O—Residue Chemistry	PB83-153981	10.00	4.50

Dated: March 3, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-6946 Filed 3-16-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-14]

Prudential Lines, Inc. v. Farrell Lines, Inc., Zim Container Service and Zim Israel Navigation Co., Ltd.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Prudential Lines, Inc. against Farrell Lines, Inc., Zim Container Service and Zim Israel Navigation Co., Ltd. was served March 9, 1983. Complainant alleges that respondents have entered into a transshipment agreement for carriage of cargo from U.S. ports to ports in the Mediterranean via Haifa, Israel without prior approval by the Commission in violation of section 15 of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-6963 Filed 3-16-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Middle States Bancorporation, Inc.

The company listed in this notice has 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 application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Middle States Bancorporation, Inc.*, East Moline, Illinois; to acquire 55.6 percent of the voting shares of Colona Avenue State Bank, East Moline, Illinois. Comments on this application must be received not later than April 11, 1983.

Board of Governors of the Federal Reserve System, March 11, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6670 Filed 3-16-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies, Proposed de Novo Nonbank Activities; Northwest Bancorporation, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing

should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation,* Minneapolis, Minnesota (investment advisory activities; the continental United States): To engage, through its proposed wholly-owned subsidiary, NWB Venture Capital Co., in investment advisory activities. These activities would be conducted from offices in Minneapolis, Minnesota; Portland, Oregon; and Lakewood, Colorado, serving the continental United States. Comments on this application must be received not later than April 11, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Oklahoma Bancorporation, Inc.,* Oklahoma City, Oklahoma (financial advice; southwestern United States): To engage, through a subsidiary, First Invescorp, Inc., in providing financial advice to State and local governments and other tax-exempt organizations and entities, including research and development of financing programs tailored to match the financial resources of the customer with its financial needs in the most effective and cost-efficient manner in accordance with the Board's Regulation Y. These activities would be conducted from an office in Oklahoma City, Oklahoma, serving Oklahoma, Kansas, Arkansas, Missouri, Colorado, New Mexico and Texas. Comments on this application must be received not later than April 11, 1983.

Board of Governors of the Federal Reserve System, March 11, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6872 Filed 3-16-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Company; Skylake Bankshares, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Skylake Bankshares, Inc.,* North Miami Beach, Florida; to become a bank holding company by acquiring 97 percent or more of the voting shares of Skylake State Bank, North Miami Beach, Florida. Comments on this application must be received not later than April 11, 1983.

Board of Governors of the Federal Reserve System, March 11, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6871 Filed 3-16-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) Transaction Number 83-027, Hampshire Investments, Inc.'s (Lisa Garrett, UPE) proposed acquisition of voting securities of Stater Brothers Markets, (Petrolane Incorporated, UPE).	Feb. 15, 1983.
(2) Transaction Number 83-0102, Huntsman Chemical Corporation's (Jon M. Huntsman, UPE) proposed acquisition of certain assets of Royal Dutch Petroleum Company, (Shell Oil).	Feb. 25, 1983.
(3) Transaction Number 83-0107, Enserch Corporation's proposed acquisition of certain voting securities of Losinger A.G.	Feb. 28, 1983.
(4) Transaction Number 83-0109, Gulf and Western Industries, Inc.'s proposed acquisition of certain voting securities of Brunswick Corporation.	Mar. 7, 1983.
(5) Transaction Number 83-0133, BRAE Corporation's proposed acquisition of all voting securities of American Sign and Indicator Corporation.	Do.
(6) Transaction Number 83-0124, Mesa Petroleum Company's proposed acquisition of substantially all assets of Corona Oil Company.	Do.
(7) Transaction Number 83-0131, AEA Investors, Inc.'s proposed acquisition of all voting securities of Niagra Frontier Services, Inc..	Do.
(8) Transaction Number 83-0139, Union Carbide Corporation's proposed acquisition of certain assets of RWA Family Trust 1982-1.	Do.
(9) Bell Industries, Inc.'s proposed acquisition of certain voting securities of Graham Electronics Supply, Inc.	Mar. 3, 1983.
(10) Tyson Food, Inc.'s proposed acquisition of certain voting securities of Valmac Industries, Inc., (Clift C. & Dorothy P. Lane, UPE).	Do.
(11) Sandoz Ltd.'s proposed acquisition of all assets of the Sodyeco Division of Martin Marietta Corporation.	Do.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specalist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-6957 Filed 3-16-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Life Course and Prevention Research Review Committee, NIMH, Reestablishment; Alcohol Psychosocial Research Review Committee, NIAAA, Reestablishment; Board of Scientific Counselors, NIAAA, Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces approval and certification by the Secretary of Health

and Human Services, with the concurrence of the General Services Administration Committee Management Secretariat, of the following advisory committees:

Designation: *Life Course and Prevention Research Review Committee, NIMH.*

Purpose: The Committee shall advise the Secretary and the Director, National Institute of Mental Health, on the scientific and technical merit of applications for research grants, cooperative agreements, individual and institutional National Research Service Awards, and research and development contract projects relating to developmental life crisis; acute life crises and catastrophic events; the assessment of risk for mental illness and emotional disorders; the development and assessment of interventions to prevent the development of or reduce the incidence of mental disorders, serious behavioral deficits and significant emotional distress of persons and populations at risk; the etiology, diagnosis, course, treatment and prevention of mental disorders in mid and later life; stress and stress reduction; the assessment of cognitive, affective, social and family functioning or impairment in mid and later life. The Committee shall make recommendations on applications also to the National Advisory Mental Health Council. The members of this Review Committee shall survey, as scientific and professional leaders, the status of research and research education in their fields.

Expiration Date: Authority for the Life Course and Prevention Research Review Committee will expire November 30, 1984, unless the Secretary formally determines that continuance is in the public interest.

Designation: *Alcohol Psychosocial Research Review Committee, NIAAA.*

Purpose: The Committee shall advise the Secretary and the Director, National Institute on Alcohol Abuse and Alcoholism, on the scientific and technical merit of applications for research projects and cooperative agreements, research center grants, Research Scientist Awards, fellowships, institutional research training grants, and research contract projects. The applications include research on epidemiological, behavioral, psychological, genetic, clinical psychopharmacology, neurochemical, clinical and psychosocial factors related to alcohol abuse and alcoholism, and the prevention, diagnosis and treatment of alcoholism.

The Committee shall make recommendations on applications also to the National Advisory Council on Alcohol Abuse and Alcoholism. The members of this Committee shall survey, as scientific leaders, the status of research and research training in their field.

Expiration Date: Authority for the Alcohol Psychosocial Research Review Committee will expire December 31, 1984, unless the Secretary formally determines that continuance is in the public interest.

Effective with this reestablishment, the following committee was established:

Designation: *Board of Scientific Counselors, NIAAA.*

Purpose: The Committee shall advise the Secretary, the Administrator, ADAMHA, and the Director, NIAAA, through periodic visits to the intramural laboratories for assessment of the research in progress and evaluation of the productivity and performance of staff scientists.

Expiration Date: Authority for the Board of Scientific Counselors, NIAAA will expire January 28, 1985, unless the Secretary formally determines that continuance is in the public interest.

Dated: March 11, 1983.

William Mayer,

Administrator, Alcohol, Drug Abuse and Mental Health Administration.

[FR Doc. 83-6964 Filed 3-16-83; 8:45 am]

BILLING CODE 4160-20-M

Centers for Disease Control

Cooperative Agreements; Preventive Health Services-Tuberculosis Control; Availability of Funds for Fiscal Year 1983

Correction

In FR Doc. 83-5755 beginning on page 9584 in the issue of Monday, March 7, 1983 make the following correction:

On page 9585, column two, paragraph designated as 2b, line two, "onside" should read "onsite."

BILLING CODE 1505-01-M

National Institutes of Health

President's Cancer Panel; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, April 18, 1983, at Northwestern University Medical School, Alumni Center for Continuing Medical Education, Ward Building, Room 1-004, 301 East Chicago Avenue, Chicago, Illinois 60611. The entire meeting will be open to the public from 9:00 a.m. to adjournment. Agenda items include reports by the Director, National Cancer Institute, and the Chairman, President's Cancer Panel; and discussions to obtain information on grants supported by the National Cancer Institute from scientists of the universities in the Chicago area. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of Panel members, upon request.

Dr. Elliott Stonehill, Executive Secretary, President's Cancer Panel, National Cancer Institute, Building 31, Room 11A35, National Institutes of Health, Bethesda, Maryland 20205 (301/496-1148) will furnish substantive program information.

Dated: March 9, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83-6912 Filed 3-16-83; 8:45 am]

BILLING CODE 4140-01-M

Pulmonary Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, on May 7, 1983 at the Hyatt Regency Kansas City at Crown Center, 2345 McGee Street, Kansas City, Missouri 64108.

The entire meeting, from 8:30 a.m. to 5:00 p.m. will be open to the public. The Committee will discuss implementation of the Division of Lung Diseases fiscal 1984 initiatives. Attendance by the public will be limited to the space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A-21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Committee members.

Dr. Suzanne S. Hurd, Ph.D., Acting Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health)

Dated: March 9, 1983.

Betty J. Beveridge,

Committee Management Officer.

[FR Doc. 83-6913 Filed 3-16-83; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

In the Subject Health Resources and Services Administration; Section 5(e) of Public Law 97-116 Immigration and Nationality Act Amendments of 1981; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority by the Secretary of Health and Human Services to the Assistant Secretary for Health (48 FR 6782), the Assistant Secretary for Health has delegated to the Administrator, Health Resources and Services Administration,

with authority to redelegate, the authority delegated to the Assistant Secretary for Health under section 5(e) of Pub. L. 97-116 (8 U.S.C. 1101 note) providing for an evaluation of the exchange programs for graduate medical education of foreign medical graduates.

The delegation to the Administrator, Health Resources and Services Administration, becme effective on March 4, 1983.

Dated: March 4, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-6997 Filed 3-16-83; 8:45 am]

BILLING CODE 4160-15-M

In the Subject Health Resources and Services Administration; Section 212 of the Immigration and Nationality Act; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority by the Secretary of Health and Human Services to the Assistant Secretary for Health (48 FR 6782), the Assistant Secretary for Health has delegated to the Administrator, Health Resources and Services Administration, with authority to redelegate, the authorities delegated to the Assistant Secretary for Health under sections 212(a)(32) and 212(j) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), as amended, providing for limitations on the entry of foreign medical graduates into the United States as immigrants or exchange visitors.

The June 20, 1977 delegation made by the Assistant Secretary for Health to the Administrator, Health Resources Administration, of authority pertaining to sections 212(a)(32) and 212(j) of the Immigration and Nationality Act has been superseded. Provision has been made for redelegations made to Health Resources Administration officials under sections 212(a)(32) and 212(j) of the Immigration and Nationality Act to continue in effect for no more than 90 days from the effective date of the delegation to the Administrator, Health Resources and Services Administration, provided they are consistent with the delegation to the Administrator, Health Resources and Services Administration.

The delegation to the Administrator, Health Resources and Services Administration, became effective on March 4, 1983.

Dated: March 4, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-6998 Filed 3-16-83; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Casper District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Casper District Advisory Council will be held on April 27, 1983.

The meeting will convene at 9:00 a.m. in the conference room of the Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming, 82601.

The agenda will include: election of a chairman and reports on the minerals program, asset management, coal tracts for the 1984 sale, mid year budget review, the Buffalo Resource Area Wilderness Environmental Statement, and the Platte River Resource Management Plan.

The meeting is open to the public. Interested persons may make oral statements or file written statements for the board's consideration. Anyone wishing to make an oral statement should notify the Casper District Manager at the above address by April 25, 1983. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be available for public inspection within 30 days following the meeting.

Dated: March 11, 1983.

Robert V. Abbey,

Acting District Manager.

[FR Doc. 83-6930 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

Eugene District Advisory Council; Meetings

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that the first meeting of the newly appointed Eugene District Advisory Council will be held on April 19, 1983. A second meeting of the Eugene District Advisory Council will occur on May 3, 1983.

Both meetings will be held at 9:00 a.m. Pacific Standard Time in Room 227 in the Federal Building at 211 E. 7th, Eugene, Oregon.

The agenda for the April 19, 1983 meeting is: (1) Orientation to the Eugene District—areas, resources, staffing, etc.; (2) discussion of the district's current issues, including timber sales, vegetation management and resource conflicts; (3) the Eugene District's comprehensive planning system, its status and schedule; and (4) the organization of the Council and topics for future meetings.

The May 3, 1983 meeting will be devoted entirely to the comprehensive land-use planning process.

The meetings are open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and 11:45 a.m. on April 19, 1983 and May 3, 1983 or file written statements for the Council's consideration. Anyone wanting to make an oral statement must notify the District Manager, Bureau of Land Management, 1255 Pearl Street, Eugene, Oregon 97401, by April 12, 1983 for the April 19, 1983 meeting, and by April 27, 1983, for the May 3, 1983 meeting. Depending on the number of persons wanting to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Council meetings will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within 30 days following the meetings.

Dated: March 8, 1983.

Dwight L. Patton,

District Manager.

[FR Doc. 83-6991 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona, Phoenix District, Phoenix/Lower Gila Resource Areas Grazing Advisory Board Meeting; Correction

On February 25, 1983 the meeting date of the Phoenix/Lower Gila Resource Areas Grazing Advisory Board meeting appeared on page 8140 of the **Federal Register** (Vol. 48, No. 39) as: "Wednesday, March 31, 1983"; this document corrects the meeting date to read: Thursday, March 31, 1983.

William K. Barker,

District Manager.

March 11, 1983.

[FR Doc. 83-6915 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

Bernalillo County New Mexico, Disposal of Public Lands; Notice of Realty Action

March 9, 1983.

AGENCY: Bureau of Land Management, Albuquerque District Office, Interior.

ACTION: Notice of Realty Action on proposed land disposal.

SUMMARY: This notice is to advise the public that the Albuquerque District, of the Bureau of Land Management (BLM) is proposing to dispose of approximately 481 acres of public land in the South

Valley of Albuquerque, Bernalillo County, New Mexico.

SUPPLEMENTARY INFORMATION: The BLM has determined that the 481 acres of public land described below are suitable for disposal under the Color-of-Title Acts of 1928 (45 Stat. 1069) and 1932 (47 Stat. 53; 43 U.S.C. 178), the Recreation and Public Purposes Act (43 U.S.C. 869 et seq).

Albuquerque, South Valley, Public Land Disposal Block

T. 9N., R. 2E., NMPM, Section 12: Lots 1, 2, and 3.
Sec. 13: Lots 1, 2, 3, 4, 5, and 6.
Sec. 24: Lots 2, 4, and 5.
Sec. 23: Lot 1, Section 25: Lots 1, 2, 3, and 4.
Sec. 26: Lot 1.
T. 9N., R. 3E., NMPM, Section 7: Lots 1, 2, and 3.
Comprising approximately 481 acres.

Disposal of these lands is consistent with: (1) The approved Land Use Recommendations of the BLM's 1979 Rio Grande, Management Framework Plan. (2) Their location as well as the physical characteristics and the private ownership of adjoining lands, make them difficult and uneconomical to manage as public lands. Consequently, disposal would best serve the public interest. (3) Various public meetings were held throughout the area during the land use planning process. An additional public meeting was held by the City of Albuquerque and BLM in 1982 to provide public review of proposed City park. (4) This Notice of Realty Action will be published once a week for three weeks in a newspaper of general circulation and will be sent to the New Mexico Congressional delegation and the relevant congressional committees by BLM.

The specific parcels of public land will be disposed of using the following "Tract Disposal Criteria" in descending order of priority:

1. *Color-of-Title.* Color-of-Title disposals will be made to any applicant within the disposal block who qualified under the Color-of-Title Acts.

2. *Public Purposes.* If unoccupied lands within the disposal block are identified for recreational or other public purposes by state or local governments or other qualified public purposes applicants, they will be considered for disposal under the R&PP Act.

Terms and Conditions of the disposals are: (1) All disposals will be made subject to prior valid existing rights. (2) All the minerals in the public lands covered by this Notice of Realty Action, along with the rights to explore, prospect for, mine and remove the minerals will be reserved to the United States. (3) Tracts which lie within the 100 years floodplain of the Rio Grande will be subject to EO 11988 which precludes the seeking of compensation from the U.S. or its agencies in the event existing or future facilities on those tracts are damaged by flood.

Additional information pertaining to this disposal including the environmental documents are available for review in the Rio Puerco Resource Area Office, 3540 Pan American Freeway, NE, Albuquerque, New Mexico 87107 or telephone 505-766-3114. For a period of 45 days from the date of this notice, interested parties may submit written comments to the Rio Puerco Resource Area Manager. Any adverse comments will be evaluated by the New Mexico State Director, Bureau of Land Management who may vacate or modify this realty action and issue a final determination.

In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Mathew N. Millenbach,
Associate District Manager.

[FR Doc. 83-6931 Filed 3-16-83; 8:45 am]
BILLING CODE 4310-84-M

Carson City District Advisory Council; Meeting

The Carson City District Advisory Council will meet April 22, 1983, at 9:30 a.m. in the Agricultural Service Center, 111 Sheckler Road, Fallon, Nevada. The Council will consider the Bureau's rangeland management program and will tour a nearby grazing allotment on public land. The public is welcome to attend, and anyone may appear before the Council at 11:00 a.m.

FOR FURTHER INFORMATION CONTACT: Stephen A. Weiss, Public Affairs Officer, Bureau of Land Management, 1050 E. William St., Suite 335, Carson City, Nevada 89701 (telephone 702/882-1631).

Dated: March 10, 1983.

Thomas J. Owen,
District Manager.

[FR Doc. 83-6947 Filed 3-16-83; 8:45 am]
BILLING CODE 4310-84-M

[ES 31916, Survey Group 149]

Minnesota; Notice of Filing of Plat of Survey

1. On July 22, 1982, the plat representing the survey of an island in Borden Lake, T. 44 N., R. 28 W., Fourth Principal Meridian, Minnesota, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. June 15, 1983.

Fourth Principal Meridian, Minnesota

T. 44 N., R. 28 W.,
Tract No. 37.

2. The character of Tract No. 37 is similar in all respects to that of the adjacent surveyed lands.

Elevation on the island Tract No. 37 ranges up to approximately 50 feet above the ordinary high water mark of Borden Lake. Timber consists of ash, elm, basswood, oak, fir, and birch. A birch, 30 inches in diameter, was aged at approximately 120 years.

The elevation of the island, age of timber, presence of large tree stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island described above was found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is, therefore, held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 by June 15, 1983.

Jeff O. Holdren,
Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-6916 Filed 3-16-83; 8:45 am]
BILLING CODE 4310-84-M

[ES 31917, Survey Group 145]

Minnesota; Filing of Plat of Survey

1. On July 21, 1982, the plat representing the survey of an island in Arrow Lake, T. 138 N., R. 42 W., Fifth Principal Meridian, Minnesota, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., June 15, 1983.

Fifth Principal Meridian, Minnesota

T. 138 N., R. 42 W.,
Tract No. 37.

2. The character of Tract No. 37 is similar in all respects to that of the adjacent surveyed lands.

Elevation on the island Tract No. 37 ranges up to approximately 5 feet above the ordinary high water mark of Arrow Lake. Timber consists of aspen, elm, ash, and basswood. The ground cover

consists of sumac. Tree stumps found on the island Tract No. 37 are not to be found in the channel where land would first be exposed by lowering of the lake level.

The elevation of the island, presence of large tree stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island described above was found to be over 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is, therefore, held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, by June 15, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-6917 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[M-57972]

Montana; Realty Action—Land Use Lease

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of Realty Action M-57972, lease of public lands for sanitary land fill purposes in Custer County.

SUMMARY: The Bureau of Land Management, Miles City District, is proposing to lease approximately 30 acres within the following described lands to Custer County for a sanitary land fill, under Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732): T. 9 N., R. 47 E., Section 28: E½SW¼, SW¼SE¼.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, Miles City District, P.O. Box 940, Miles City, Montana. Any comments will be evaluated by the Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the proposed action, including the preliminary environmental assessment and land report, is available for review at the Miles City District Office, west of Miles City, Montana.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to allow for public comment prior to processing Custer County's application. All environmental consequences anticipated by this action have been analyzed and there does not appear to be any reason to reject this proposal. The proposed site has suitable soils and the hydrology on the site will not be adversely affected. Custer County will pay the fair market rental value as determined by a formal appraisal.

Dated: March 11, 1983.

Ray Brubaker,

District Manager.

[FR Doc. 83-6929 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 19343]

Oregon; Exchange of Public and State Lands in the Counties of Crook, Deschutes, Gilliam, Harney, Lake, Sherman, Wasco, and Wheeler; Realty Action

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Williamette Meridian

T. 20 S., R. 19 E.,
Sec. 23, S½SE¼;
Sec. 24, S½S½;
Sec. 25, All.
Sec. 26, E½;
Sec. 35, E½, E½SW¼;
Sec. 36, all;
T. 21 S., R. 19 E.,
Sec. 1, lots 3, 4, 5, and 6, N½SW¼;
Sec. 2, lots 1, 2, 3, and 4, N½S½;
Sec. 14, W½SW¼, SE¼SW¼;
Sec. 15, SW¼NE¼, W½NW¼, SE¼NW¼, N½S½, SE¼SE¼;
Sec. 23, all;
Sec. 24, lots 3 and 4, W½SE¼;
Sec. 25, all;
Sec. 26, all;
Sec. 34, E½;
Sec. 35, all;
Sec. 36, lots 2, 3, and 4, W½E½, W½.
T. 22 S., R. 19 E.,
Sec. 1, all;
Sec. 2, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, N½NE¼, NE¼NW¼.
T. 20 S., R. 20 E.,
Sec. 19, lot 4, SE¼SW¼, S½SE¼;
Sec. 27, SW¼SE¼;
Sec. 28, S½NW¼, SW¼;
Sec. 29, all;
Sec. 30, lots 3 and 4, E½SW¼, SE¼;
Sec. 31, all;
Sec. 32, W½;
Sec. 33, W½.
T. 21 S., R. 20 E.,
Sec. 2, W½SW¼;
Sec. 3, lot 4, S½NW¼, W½SW¼, SE¼SW¼, SE¼;
Sec. 4, lots 1, 2, 3, and 4, S½N½, N½SW¼;
Sec. 5, lots 1, 2, 3, and 4, S½N½, N½SW¼;
Sec. 6, lots 1, 2, 3, and 4;
Sec. 9, W½W½;
Sec. 16, NE¼, NE¼NW¼;
Sec. 19, lots 3 and 4, E½SW¼, SW¼SE¼;
Sec. 29, SW¼NE¼, W½, SE¼;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all.
T. 22 S., R. 20 E.,
Sec. 5, lots 2, 3, and 4, S½N½, S½;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all.
T. 22 S., R. 23 E.,
Sec. 1, S½;
Sec. 2, all;
Sec. 3, lots 1 and 2 S½NE¼, SE¼;
Sec. 4, all;
Sec. 12, all.

Compromising 21,770.88 acres of Federal Land of which 2,677.30 are in Crook County and 19,093.58 are in Deschutes County.

In exchange for these lands, the United States will acquire the following described lands from the State of Oregon:

Willamette Merdian

T. 14 S., R. 11 E.,
Sec. 16; E½, NE¼SW¼, S½SW¼.
T. 15 S., R. 11 E.,
Sec. 16; N½NW¼;
Sec. 21; NE¼;
Sec. 36; NW¼NW¼.
T. 4 S., R. 12 E.,
Sec. 25; SE¼NE¼;
Sec. 36; NW¼NW¼.
T. 15 S., R. 12 E.,
Sec. 20; E½NE¼;
Sec. 21; W½NW¼.
T. 4 S., R. 13 E.,
Sec. 16; NW¼NE¼, SE¼NW¼, NW¼SW¼.
T. 5 S., R. 13 E.,
Sec. 36; E½NE¼, NW¼NW¼, N½SE¼.
T. 16 S., R. 13 E.,
Sec. 36; S½NE¼, SE¼NW¼.
T. 15 S., R. 14 E.,
Sec. 16; NE¼SW¼, S½SW¼, SW¼SE¼.
T. 16 S., R. 14 E.,
Sec. 32; NW¼, SE¼;
Sec. 33; SW¼.
T. 17 S., R. 14 E.,
Sec. 8; N½
Sec. 36; NW¼NE¼.
T. 13 S., R. 15 E.,
Sec. 17; N½SW¼;
Sec. 18; Lots 2 and 3, SE¼NW¼, NE¼SW¼, N½SE¼, SW¼SE¼.
T. 19 S., R. 16 E.,
Sec. 36; N½N½, S½NW¼, NW¼SW¼.
T. 16 S., R. 17 E.,
Sec. 11; NW¼SE¼.
T. 20 S., R. 17 E.,
Sec. 1; S½SW¼;
Sec. 2; SE¼SE¼;
Sec. 11; NE¼NE¼;
Sec. 12; NW¼NE¼, N½NW¼, SE¼NW¼.
T. 1 S., R. 18 E.,

Sec. 36; S½SW¼, SW¼SE¼.
T. 5 S., R. 19 E.,
Sec. 36; E½NE¼.
T. 5 S., R. 19 E.,
Sec. 16; NW¼NW¼.
T. 22 S., R. 20 E.,
Sec. 29; S½;
Sec. 31; all;
Sec. 32; all.
T. 23 S., R. 20 E.,
Sec. 5; all;
Sec. 6; all.
T. 15 S., R. 21 E.,
Sec. 36; N½.
T. 16 S., R. 21 E.,
Sec. 16; lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 12, NE¼SW¼, S½SW¼.
T. 18 S., R. 21 E.,
Sec. 16; W½.
T. 20 S., R. 21 E.,
Sec. 36; S½NE¼, W½NW¼, SE¼NW¼, SW¼, NW¼SE¼.
T. 21 S., R. 21 E.,
Sec. 36; all.
T. 22 S., R. 21 E.,
Sec. 36; all (less 1.51).
T. 9 S., R. 22 E.,
Sec. 23; NE¼NW¼;
Sec. 28; SW¼NE¼, NW¼SE¼.
T. 21 S., R. 22 E.,
Sec. 16; NW¼, S½.
T. 22 S., R. 22 E.,
Sec. 36; all.
T. 23 S., R. 22 E.,
Sec. 16; all;
Sec. 36; all.
T. 24 S., R. 22 E.,
Sec. 36; S½SW¼.
T. 22 S., R. 23 E.,
Sec. 36; all.
T. 23 S., R. 23 E.,
Sec. 16; all (less 11.25);
Sec. 36; all.
T. 26 S., R. 23 E.,
Sec. 16; all;
Sec. 36; W½NE¼, NW¼, S½.
T. 27 S., R. 23 E.,
Sec. 16; all.
T. 8 S., R. 24 E.,
Sec. 29; SE¼SE¼;
Sec. 30; lots 3 and 4, SE¼SW¼;
Sec. 31; lots 1, 2, 3, and 4, W½E½, E½W½;
Sec. 32; N½NE¼, NE¼NW¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼.
T. 9 S., R. 24 E.,
Sec. 5; lots 1, 2, 3, and 4, N½SW¼, NW¼SE¼;
Sec. 6; lot 4.
T. 22 S., R. 24 E.,
Sec. 36; all.
T. 24 S., R. 24 E.,
Sec. 36; all.
T. 25 S., R. 24 E.,
Sec. 36; all.
T. 22 S., R. 25 E.,
Sec. 16, all;
Sec. 17, S½SW¼;
Sec. 18, lots 3 and 4, E½SW¼, SE¼;
Sec. 19, lot 1, N½NE¼, NE¼NW¼;
Sec. 20, N½NW¼.
T. 23 S., R. 25 E.,
Sec. 29, W½SW¼;
Sec. 32, N½NW¼, (less R/W);
Sec. 36, NW¼, S½.

Comprising 20,664.66 acres of State Land of which 3,730.05 acres are in Crook County; 6,440.64 acres are in Deschutes County; 84.00 acres are in Gilliam County; 3,823.47 acres in Harney County; 4,480.00 acres are in Lake County; 156.00 acres are in Sherman County; 400.00 acres are in Wasco County; and 1,500.50 acres are in Wheeler County.

The Federal lands selected by the State of Oregon were not identified for exchange in the BLM land use plan. Notice is hereby given that the land use plans are amended to allow for the disposal of these lands through a land exchange with the State of Oregon.

One purpose of the exchange is in keeping with the Good Neighbor Policy of the Department of the Interior in providing for the needs of State and local governments. The State or Oregon will benefit by trading many small scattered parcels of land lying within larger blocks of Federal land in return for large blocks of good range land in a manageable unit. The Federal government will be in a position to provide more efficient management to the smaller parcels acquired from the State through the formation of a compact unit. The public interest will therefore be served by completing the exchange.

The value of the lands exchanged are approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. Valid, existing rights including any right-of-way, easement or lease of record.

2. A reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1980.

3. Access over existing roads which lead to other Federal lands.

4. A 10 foot wide easement will be retained for an existing and future stockwater pipelines. The existing line originates at Juniper Springs in the NE¼SE¼, Section 6, T. 22 S., R. 24 E., W.M., and extends in a western direction through Sections 1,2,3, and part of 4, T. 22 S., R. 23 E., W.M. In addition, the easement will continue westerly through Section 4 and two lateral lines will extend in a northerly direction through Sections 3 and 4, T. 22 S., R. 23 E., W.M.

Publication of this notice has the effect of segregating all of the above described Federal lands from appropriation under the public land laws and are further segregated from appropriation under the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning the exchange , is available for review at the Prineville District Office of the Bureau of Land Management, 185 East 4th Street, Prineville, Oregon 97754.

for a period of 45 days interested parties may submit comments to the Prineville District Manager at the above address. Any adverse comments will be evaluated by the Oregon State Director, Bureau of Land Management, who may vocate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Gerald E. Magnuson,

District Manager.

[FR Doc. 83-6927 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 34942 (A, B, C, and D)]

Oregon: Notice of Realty Action, Competitive Sale of Public Lands in Grant County, Oregon

March 9, 1983.

The following described four twenty-acre parcels have been examined and identified for a proposed disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value of $1,000 an acre ($20,000 a parcel).

Willamette Meridian

T. 13S., R. 31E.
Sec. 28: N1/2SW1/4SW1/4 (Parcel A)
Sec. 18: S1/2SW1/4SW1/4 (Parcel B)
Sec. 28: N1/2SE1/4SW1/4 (Parcel C)
Sec. 28: S1/2SE1/4SW1/4 (Parcel D)

The above described parcels, each comprising 20.00 acres, will be offered for competitive sale at the public land sale scheduled for June 1, 1983 at 10:00 A.M. The sale will be held in the Grant County Court House Building, Canyon City, Oregon.

The lands have been identified as unneeded in that they have not been used and are not required for any Federal purpose, the land's public values have been identified, and it has been determined that disposal would best serve the public interest. The sale is consistent with the Bureau's planning system and the proposed disposal of these lands has undergone public review and discussion. The land will not be offered for sale for at least 60 days after the date of this notice. Access to the tracts is not guaranteed.

Patent, when issued, will contain the following reservations in the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. A right-of-way, OR 016812 dated May 3, 1966, for a 50 foot transmission line.

3. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The following terms and conditions are also applicable to the sale.

1. Said property is located within the duly adopted Urban Growth Boundary area of the City of John Day and any use or development of such parcels is subject to approval in accordance with land use regulations applicable thereto.

2. The absence of guaranteed access to any such parcel could preclude the approval by the County of any use or development of the effected parcel.

3. Any use or development of a specific parcel would require prior approval from the County for subsurface sewage disposal.

4. If the boundaries of a subject parcel are not monumented, a survey would probably be required by the County prior to any development approval.

5. The sale of these lands will be subject to all prior existing valid rights.

6. No preference right will be given to adjoining private landowners. No bids will be accepted for less than the appraised price. Federal law requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any State of the United States. Proof of citizenship shall accompany the bid.

7. Upon disqualification of the apparent high bidder, the next high bid will be honored.

8. Those parcels not sold pursuant to this Notice of Realty Action shall remain available for sale on a continuing basis until sold, or withdrawn from sale. Subsequent purchases may be transacted at the Burns District Office in person during regular business hours.

The sale will be conducted by sealed and oral bid. Bids must be made by the principal or his agent at, or before, the time of the sale.

The highest bid will establish the sale price. The apparent high bidder will be required to submit a nonrefundable deposit of one-fifth of the full bid price immediately at the sale. The remainder of the full bid price shall be paid within 30 days of the sale. Failure to pay price within 30 days shall disqualify the apparent high bidder and the deposit shall be forfeited and disposed of as other receipts of sale.

All bids will be either returned, accepted, or rejected within 30 days of the sale date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Burns District Office. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Detailed information concerning the sale is available for review at the Burns District Office, 74 South Alvord, Burns, Oregon 97720.

Dated: March 9, 1983.

Joshua L. Warburton,

District Manager.

[FR Doc. 83-6928 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[U-49193]

Exchange of Public and State Lands Washington and Iron Counties, Utah; Realty Action

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

T. 34 S., R. 9 W.,
sec. 29, NE¼NE¼, SW¼NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, W½SE¼
sec. 30, SE¼SE¼
sec. 31, Lots 2 and 3

T. 35 S., R. 10 W.,
sec. 1, Lots 1, 2, 4, 5, 6, SW¼NE¼, S½NW¼, W½SW¼, NE¼SW¼, NW¼SE¼
sec. 3, Lots 5, 6, 7, 8, N½SE¼
sec. 10, Lots 2, 3, 4, S½SE¼NE¼, SW¼NE¼, S½NW¼, E½SW¼, SE¼
sec. 11, Lots 1, 2, 3, 4, S½N½
sec. 15, N½NE¼, W½SW¼
Total 2,268.15 acres

In exchange, the Federal Government will acquire the following tracts of non-Federal land in Washington County from the Utah Division of Wildlife Resources.

T. 39 S., R. 16 W.,
sec. 16, NW¼NW¼, S½N½, S½
T. 40 S., R. 16 W.,
sec. 16, All
T. 40 S., R. 18 W.,
sec. 20, SE¼NW¼, E½SW¼, W½SE¼
sec. 21, S½SE¼
sec. 28, N½N½, SE¼NE¼, NE¼SE¼
sec. 29, N½, N½SW¼, SE¼SW¼, W½SE¼
sec. 30, E½NE¼, SW¼NE¼, SE¼NW¼, N½SE¼
Total 2,440 acres.

Upon publication of this notice these lands will be segregated from appropriation under the public land laws, including the mining laws.

The exchange would be subject to the following terms and conditions:

Exceptions:

1. A right-of-way for the existing road site situated in lots 1, 2, and 4, sec. 1, T. 35 S., R. 10 W., SLM, Utah for public access and use.

Reservations:

1. Rights-of-way SL-063114 and U-0149116 for State and Federal highways; U-1962 and EP-914 for powerlines; U-43865 for an access road; and U-422676 for a material site for highway purposes.

2. A right-of-way thereon for ditches and canals constructed by the authority of the United States.

3. All minerals including leasable, locatable, and salable (sand, gravel, borrow, etc.) in the lands above described, with the right to prospect for, mine, and remove the same, including the right of ingress and egress for such activities, under applicable law and such regulations as the Secretary may prescribe.

Detailed information concerning the exchange is available for review at the Dixie Resource Area Office, 24 E. St. George Blvd., St. George, Utah 84770. Interested parties may submit comments or protests to the District Manager, Cedar City District Office, 1579 North Main, P.O. Box 724, Cedar City, Utah 84720. Deadline for comments is May 6, 1983. Any adverse comments or protests will be evaluated by the District Manager who may vacate or modify this realty action. In the absence of any protest, this realty action will become the final determination of the Department.

March 9, 1983.

J. Kent Giles,

Acting District Manager.

[FR Doc. 83-6925 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[W-81324]

Proposed Sale of Public Lands in Laramie County, Wyoming; Realty Action

March 9, 1983.

The following described lands have been found suitable for disposal and are proposed for sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) at no less than fair market value.

Parcel	Legal description	Acreage	Value
1	T. 12 N., R. 60 W., 6th P.M., Wyo.; Sec. 20: Lots 1, 2, and 3.	1.33	$100
2	T. 13 N., R. 60 W., 6th P.M., Wyo.; Sec. 2: Lots 5 and 6.	14.92	1,700
3	T. 12 N., R. 62 W., 6th P.M., Wyo.; Sec. 2: Lots 1 and 2.	4.51	450
4	T. 12 N., R. 63 W., 6th P.M., Wyo.; Sec. 20: Lot 1.	0.36	100

Parcels 1 and 4 are very narrow strips of land on the Colorado border. These lands have potential for very limited agricultural use. Parcels 2 and 3 are larger tracts that have potential for agricultural or residential development.

The lands are being proposed for sale in order to facilitate land-use planning in the area and to enhance land-use compatibility with adjoining lands. These lots are small and irregularly shaped isolated parcels which are difficult to manage as part of the public lands. They are unsuitable for management by another federal agency. There are no significant resource values which would be affected by this disposal. The proposed sale is consistent with Bureau Planning and is compatible with County Plans. The public interest would be well served by making these lands available for public sale.

Patent for each parcel, if issued, would contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals with the right to explore, prospect for, mine, and remove under applicable law, and such regulations as the Secretary may prescribe. "All minerals" is defined as, but not limited to, metaliferous and non-metaliferous locatable minerals, leasable minerals such as oil gas, coal, sodium, potassium, and geothermal resources, and salable minerals such as sand and gravel. However, upon filing of an application under 43 CFR 2720, the State Director may convey the mineral interest if all requirements of the law are met.

3. The land would be sold subject to valid existing rights of record on the date of conveyance.

4. The sale of parcel 4 would be subject to oil and gas lease W-79434.

The lands, if sold, would remain subject to Laramie County planning and zoning. All lands have legal access except parcel 1. The successful bidder on parcel 1 would need to obtain legal access across approximately one-half mile of private land.

The proposed public land sale would be held on Wednesday, June 1, 1983, at the Wyoming State Office of the Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming. Registration of bidders would begin at 1:00 p.m. and the proposed sale would start upon completion of registration.

Detailed information concerning the proposed sale, including the planning documents, and the land report/environmental assessment, is available for review at the Bureau of Land Management, Rawlins District Office, 1300 North Third Street, Rawlins, Wyoming 82301. No bid would be accepted for less than the appraised value and bids for a parcel must include all the land in the parcel. Federal law requires that bidders be U.S. citizens or, in case of corporations, subject to the laws of any state of the United States. We recommend the lands be inspected by prospective bidders prior to submitting a bid.

Bids must be made by a principal or his agent, either by sealed bid mailed or delivered to the Bureau of Land Management, Rawlins District Office, or oral bidding at the sale, if held. Bids delivered or sent by mail would be considered only if received at the Bureau of Land Management, Rawlins District Office, 1300 North Third Street, P.O. Box 670, Rawlins, Wyoming 82301, prior to 12:00 noon on Tuesday, May 31, 1983. Each bid must be in a sealed envelope accompanied by a certified check, money order, bank draft, or cashier's check, made payable to the Bureau of Land Management for the full amount of the bid. The envelopes must be marked in the lower left-hand corner as follows: "Bid Parcel No. ——, W-81324, Sale to be Held June 1, 1983."

The highest sealed bid on the parcel would determine the base of the oral bidding conducted the day of the sale. If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing shall be held by the authorized officer immediately following the opening of the sealed bids. The highest qualifying bid would be publicly declared on the day of the sale and oral bids would then be invited. After oral bids, if any are received, the highest qualifying bid would be declared by the authorized officer. The person declared to have entered the highest qualifying oral bid shall submit payment by cash, personal check, bank draft, money order, cashier's check, certified check, or any combination for the full bid price immediately following the close of the sale.

All bids would be either returned, accepted, or rejected in writing within 30 days of the sale date.

If any or all parcels do not sell at the June 1, 1983, sale, the sale will be adjourned and the unsold parcels would be reoffered on the last Wednesday of each month at the Rawlin District Office, 1300 North Third Street, Rawlins, Wyoming, until the parcel is sold or the sale is otherwise terminated. Please contact the Rawlins District Office of the Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301 (Phone: 307/324-7171) for further details.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Rawlins District Manager, Bureau of Land Management, Rawlins District Office, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Jack Kelly,

Acting District Manager.

[FR Doc. 83-6926 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[W-80207]

March 10, 1983.

Wyoming; Application

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), the county of Uinta, Wyoming, has applied for an airport lease for the following land for expansion of the Fort Bridger Airport:

Sixth Principal Meridian, Wyoming

T. 16 N, R. 115 W.,
Sec. 5, lots 3 and 4;
Sec. 6, lots 1 and 14, and NE¼SE¼;
Sec. 7, NE¼.
Containing 270.06 acres.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their comments together with their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869,

Highway 187 North, Rock Springs, Wyoming 82901.

David Pomerinke,

Acting Chief, Branch of Land Resources.

[FR Doc. 83-6932 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

Bakersfield District Advisory Council; Meeting

The Bakersfield District Advisory Council will convene at the Hilton Inn in Bakersfield. The agenda includes discussion of urgent District programs and concerns. These concerns include the District's FY 83 asset management program and organizational changes resulting from the recent BLM-MMS merger.

Dates and Time: The meeting will begin Monday, April 4 at 9:00 a.m. and conclude Tuesday, April 5 by 2:00 p.m. Members of the public wishing to make oral comments may do so Tuesday at 10:00 a.m.

Supplementary Information: This meeting is held in accordance with Pub. L. 92-463. The agenda will include: State Director introduction and comments; District administrative reorganization resulting from the BLM-MMS merger; presentation of the District's FY 83 asset management program; other resource management concerns; council organizational needs; and receiving public comments.

The meeting is open to the public. The public may make oral statements Tuesday, April 5 beginning at 10:00 a.m. If written comments will be presented for the councils consideration, they must be submitted before the close of the meeting.

Summary minutes of the meeting will be maintained in the District Office and available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

For further information, contact District Manager, Bakersfield District, Bureau of Land Management, 800 Truxton Avenue, Room 302, Bakersfield, California 93301.

Dated: March 11, 1983.

Glenn A. Carpenter,

Acting District Manager.

[FR Doc. 83-6922 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

California Desert District; Off Highway Vehicle Designation Decisions in the Kelso, Yucca Valley and Imperial Valley South Map Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Off highway vehicle designation decisions to open, close and limit use of routes of travel in the Kelso, Yucca Valley and Imperial Valley South map areas.

SUMMARY: Off highway vehicle designation decisions have been made to protect the resources of the area, to promote safe use of the lands and to minimize conflicts among users. The designations were prepared following the criteria defined in 43 CFR 8342.1 and with the authority of 43 CFR 8000.0-6, 8340, 8341, 8342 and 8364. The California Desert District Conservation Area had been previously mapped using a 21 series map set called the Motorized Vehicle Interim Access Guides. These guides provided the interim vehicle designations as made in the California Desert Conservation Area Plan until such a time as each map area could be more carefully examined. This notice serves to increase public awareness that proposed designation decisions have been completed on the following three map areas:

1. The Kelso map area, located in central Kern County containing approximately 165,000 acres of BLM administered land.

2. The Yucca Valley map area, located in southern San Bernardino County containing approximately 160,000 acres of BLM administered land.

3. The Imperial Valley South map area, located in southern Imperial County containing approximately 420,000 acres.

These designations supersede the Interim Critical Management Plan (ICMP) designations for these areas. The designation decisions were prepared with extensive public involvement. Public meetings were held in El Centro (July 8, 1982), Ridgecrest (August 30, 1982) and in Yucca Valley (August 12, 1982). Ad hoc citizen groups composed of interested members assisted. These groups represented the spectrum of public concerns and were involved in the preparation of the decisions.

DATES: These designations are effective upon publication and will remain in effect until rescinded (or modified by the authorized officer. Enforcement of these route designations will be implemented as routes are signed or as maps are printed and become available to the public.

ADDRESSES: Send inquiries to District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507. Route designations decision records and maps showing vehicle designations will be available for public review at the above address from 7:45 a.m. to 4:15 p.m. on regular work days.

FOR FURTHER INFORMATION CONTACT: Pamela M. Elliott (714) 351-6369.

SUPPLEMENTARY INFORMATION: Under the authority provided in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act (16 U.S.C. 1531 et seq.), EO 11644 (Use of Off Road Vehicles on the Public Lands), and 3 CFR 74.332 as amended by EO 11989, 42 FR 26959 (May 25, 1977). Any person who violates or fails to comply with the vehicle route designations as governed by 43 CFR 8341 is subject to arrest, conviction and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than $1000 or imprisonment for not longer than 12 months, or both.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-6923 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 31918, Survey Group 145]

Minnesota; Filing of Plat of Survey

1. On July 21, 1982, the plat representing the survey of an island in Little Toad Lake, T. 139 N., R. 39 W., Fifth Principal Meridian, Minnesota, which was omitted form the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. June 15, 1983.

Fifth Principal Meridian, Minnesota

T. 139 N., R. 39 W.,
Tract No. 37.

2. The character of Tract No. 37 is similar in all respects to that of the adjacent surveyed lands.

Elevation on the islant Tract No. 37 ranges up to approximately 20 feet above the ordinary high water mark of Little Toad Lake. Timber consists of elm, oak, ash, basswood, birch, balsam fir, and white pine. The ground cover consists of hazel, dogwood, and cranberry. A white pine, 30 inches in diameter, was aged at approximately 150 years of age.

The elevation of the island, age of timber, presence of large tree stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island described above was found to be over 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850

(9 Stat. 519). It is, therefore, held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 June 15, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-6918 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 31919, Survey Group 145]

Minnesota; Filing of Plat of Survey

1. On July 21, 1982 the plat representing the survey of an island in Stinking Lake, T. 140 N., R. 43 W., Fifth Principal Meridian, Minnesota, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. June 15, 1983.

Fifth Principal Meridian, Minnesota

T. 140 N., R. 43 W.,
Tract No. 37.

2. The character of Tract No. 37 is similar in all respects to that of the adjacent surveyed lands.

Elevation on the island Tract No. 37 ranges up to approximately 10 feet above the ordinary high water mark of Stinking Lake. Timber consists of elm, oak, ash, basswood, and box elder. The ground cover consists of cherry and hazel. An elm tree was found on the island measuring 45 inches in diameter, aged at approximately 140 years.

The elevation of the island, age of timber, presence of large tree stumps similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island decribed above was found to be over 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is, therefore, held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 2204 June 15, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operation.

[FR Doc. 83-6919 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 31920, Survey Group 148]

Minnesota; Filing of Plat of Survey

1. On July 22, 1982, the plat representing the survey of an island in Island Lake, T. 141 N., R. 35 W., Fifth Principal Meridian, Minnesota, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., June 15, 1983.

Fifth Principal Meridian, Minnesota

T. 141 N., R. 35 W.,
Tract No. 37.

2. The character of Tract No. 37 is similar in all respects to that of the adjacent surveyed lands.

Elevation of the island Tract No. 37 ranges up to approximately 4 feet above the ordinary high water mark of Island Lake. Timber consists of basswood, ash, willow, spruce, and elm. The ground cover consists of willow and dogwood. Trees on the island were aged up to 80 years.

The elevation of the island, age of timber, presence of large tree stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island described above was found to be over 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is, therefore, held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, by June 15, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-6920 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 31921, Survey Group 147]

Minnesota; Filing of Plat of Survey

1. On July 22, 1982, the plat representing the survey of an island in Clearwater Lake, T. 149 N., R. 36 W., Fifth Principal Meridian, Minnesota, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., June 15, 1983.

Fifth Principal Meridian, Minnesota

T. 149 N., R. 36 W.,
Tract No. 37.

2. The character of Tract No. 37 is similar in all respects to that of the adjacent surveyed lands.

Elevation on the island Tract No. 37 ranges up to approximately 15 feet above the ordinary high water mark of Clearwater Lake. Timber consists of spruce, cedar, birch, oak, ash, elm, and fir. The ground cover consists of dogwood, willow and alder. An 18 inch diameter spruce was aged at approximately 90 years.

The elevation of the island, age of timber, presence of large tree stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island described above was found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is, therefore, held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 June 15, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-6921 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

Formal Designation of Open and Closed Areas; California Desert Conservation Area (CDCA)

AGENCY: Bureau of Land Management, Interior.

ACTION: Formal designation of areas open or closed to vehicle use in the California Desert Conservation Area (CDCA).

SUMMARY: The CDCA Plan was completed in 1980. One of the goals of the plan was to provide for appropriate areas for vehicle free play (open areas). These open areas were selected to ensure the protection of sensitive resources, to promote safe use of the public land and to minimize conflicts among users. A second goal of the plan was to minimize damage or degradation of the natural, cultural and aesthetic values of the desert; this necessitated closure of certain areas to off-highway vehicle use.

Approval of the CDCA Plan constituted the off-highway vehicle use designation of all lands in the CDCA. All open and closed areas became immediately designated when the plan was signed. However, formal designation in the **Federal Register** never occurred. This notice serves to give public notice for designating the 503,000 acres open to vehicle use and the 2,089,000 acres closed to vehicle use as approved in the CDCA Plan. The remaining 9,220,000 acres in the CDCA were designated as limited in the CDCA Plan; these areas will be further analyzed under a separate process that will designate individual routes of travel within the limited area as open, closed or limited to vehicle use.

The decision of the CDCA Plan to open and close the following areas was prepared following the criteria defined in 43 CFR 8342.1 and with the authority of 43 CFR 8000.0–6, 8340, 8341, 8342, and 8364.

DATES: Effective immediately upon publication.

ADDRESSES: Send inquiries to District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507. Maps showing the open and closed areas in the CDCA are available for public review at the above address from 7:45 a.m. to 4:15 p.m. on regular work days.

FOR FURTHER INFORMATION CONTACT: Pamela M. Elliott (714) 351–6369.

SUPPLEMENTARY INFORMATION: Under the authority provided in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act (16 U.S.C. 1531 et seq.), EO 11644 (Use of Off Road Vehicles on the Public Lands), and 3 CFR 74.332 as amended by EO 11989 42 FR 26959 (May 25, 1977).

Any person who violates or fails to comply with the vehicle designations as governed by 43 CFR 8341 is subject to arrest, conviction and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than $1,000 or imprisonment for not longer than 12 months, or both.

Area Designations

The following areas are identifed on the BLM map series entitled "Motorized Vehicle Interim Access Guides." The maps are available for review at the address listed above and from the Area Offices in Barstow, Ridgecrest, Needles, and El Centro.

Designated Open Areas

Designation applies to Bureau of Land Management Administered Lands:

Arroyo Salada
Rasor Area
Dove Springs
Jawbone Canyon
Silurian Dry Lake
Ford Dry Lake
Panamint Dry Lake (South of Hwy 190)
Rice Valley Dunes
Mammoth Wash Area
Plaster City
Spangler Hills
Olancha Dunes
Dumont Dunes
Glamis/Gecko
El Mirage Dry Lake
Stoddard Valley
Johnson Valley
Buttercup Valley

Designated Closed Areas

Designation applies to Bureau of Land Management Administered Lands:

Desert Tortoise Natural Area
Darwin Falls
Mecca Hills (NW Half)
Squaw Spring
Salt Dry Lake
Mesquite Dry Lake
Ivanpah Dry Lake[1]
Soda Dry Lake[2,3]
Panamint Dry Lake (North of Hwy 190)
Silver Dry Lake[2,3]
Coyote Dry Lake [2,3]
Saline Dunes
Fish Creek Mountains
Pilot Knob
Turtle Mountain[5]
Orocopia Mountains[5]
Area West of Davies Valley (Skull Valley, Pinto Canyon Drainage)
Crucifixtion Thorn[5]
Panamint Dunes
Cadiz Dunes
Eureka Dunes
Superior Dry Lake[1,4]
Harper Dry Lake[1,4]
North Saline Valley[5]
Owens Peak[5]
El Paso Mountain[5]
Amargosa Canyon[5]
Clark Mountain[5]
Kelso Dunes[5]
Whipple Mountain[5]
Coyote Mountains
Greenwater Canyon
Desert Lily[5]
San Sebastian Marsh[5]
North Imperial San Dunes[5] (South of Mammoth Wash Open Area to State Route 78)

[1] Open to Non-Motorized Vehicle Access.
[2] Except by Permit.
[3] Except for Approved Route(s) of Travel.
[4] Limited Passage of Vehicles Across Area, No Motorized Free Play.
[5] Areas Designated Closed Under the Interim Critical Management Plan (ICMP) Which Remain Closed Under the CDCA Plan.

Gerald E. Hillier,
District Manager.

[FR Doc. 83–6924 Filed 3–16–83; 8:45 am]
BILLING CODE 4310–84–M

Bureau of Mines

Bureau Survey Form Submitted for Review

The extension for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget Interior Desk Officer at 202–395–7340.

Title: Helium Purchase Contract Application.
Bureau Form Number: 6–1584–X.
Frequency: On Occasion.
Description of Respondents: Purchasers of Government Helium.
Annual Responses: 19.
Annual Burden Hours: 5.
Bureau Clearance Officer: Robert L. Miller, 202–634–1125.

Dated: March 3, 1983.

Robert C. Horton,
Director.

[FR Doc. 83–6956 Filed 3–16–83; 8:45 am]
BILLING CODE 4310–53–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 The Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3235, Block 139, High Island Area, offshore Texas.

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: March 10, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6948 Filed 3-16-83; 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 Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0297, Block 26, 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 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: March 11, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6494 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that General American Oil Company of Texas has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS 0299 and 0301, Blocks 45 and 56, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 11, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexicc OCS Region.

[FR Doc. 83-6950 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of the Secretary

Colorado; Amendment of Wilderness Inventory Decisions

AGENCY: Department of the Interior.

ACTION: Amendment of Wilderness Inventory Decisions.

SUMMARY: This notice designates 16 areas totaling 44,730 acres for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA) or for consideration for other forms of protective management. This notice also amends previous wilderness inventory decisions by the Bureau of Land Management for lands in Colorado, eliminating all or part of 12 wilderness study areas (WSA). The total area eliminated from WSA status under Section 603 of FLPMA is 17,876 acres. As noted above, part of that acreage will continue to be studied for wilderness consideration under Section 202 of FLPMA. The total area returned to the full range of multiple uses other than wilderness is 9,910 acres.

EFFECTIVE DATE: March 17, 1983. (Date of publication)

FOR FURTHER INFORMATION CONTACT: Colorado State Director, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202, telephone (303) 837-3393.

SUPPLEMENTARY INFORMATION:

Amendment of Wilderness Inventory Decisions

This notice completes the action necessary with respect to Bureau of Land Management (BLM) wilderness study areas in Colorado to bring the BLM wilderness review into compliance with recent decisions of the Interior Board of Land Appeals. Previous action on this subject was published in the **Federal Register** on December 30, 1982 (47 FR 58372).

Section 1. Consideration for Protective Management

The sixteen areas listed in Table 1 have been designated for wilderness consideration pursuant to Section 202 of the Federal Land Policy Management Act of 1976 (FLPMA) or for consideration for other forms of protective management. These areas were formerly identified as wilderness

study areas under Section 603 of FLPMA. They were either eliminated from that category on December 30, 1982, or they are being eliminated by Sections 2 and 3 of this decision.

Section 2. Split-Estate Lands

The lands listed as "split estate" in Table 2 are deleted from wilderness study area status, effective upon publication of this decision in the **Federal Register.** These are lands that were improperly identified for wilderness study under Section 603 of FLPMA. They consist of scattered tracts where the Federal Government owns the surface but where the subsurface mineral estate is nonfederally owned (referred to hereafter as split estate). In the wilderness study area (WSA) listed in Table 2, only the indicated acreage of split-estate lands is eliminated from wilderness study; the remainder of the WSA remains under wilderness study, and the boundary of the WSA has not been changed. The deletions do not affect the BLM's previously adopted conclusions as to the presence of wilderness characteristics.

The boundaries of the wilderness study areas listed in Table 3 are modified, effective upon publication of this decision in the **Federal Register,** to delete split-estate lands. Only the indicated acreage is eliminated from wilderness study. The remainder of the WSA remains under wilderness study, and the boundary change does not affect the BLM's previously adopted conclusions as to the presence of wilderness characteristics in the remaining WSA.

Section 3. Contiguous Areas

The areas listed in Table 4 are deleted from the status of wilderness study areas, effective upon publication of this decision in the **Federal Register.** These are lands that were improperly identified for wilderness study under Section 603 of FLPMA. These areas were found not to have wilderness characteristics by themselves, but were found to have those characteristics in association with contiguous wilderness candidate areas administered by the National Park Service.

Section 4. Management of Deleted Lands

All lands in Colorado deleted from wilderness study status by this decision in Tables 2, 3 and 4 or by the decision issued on December 30, 1982, (47 FR 58372) and not designated for further wilderness consideration in Table 1 of this notice are hereby released from management restrictions to protect their wilderness suitability. Of these lands, 636 acres (Bull Gulch) are being considered for Area of Critical Environmental Concern designation and will be managed to protect the identified scenic values. The remaining 9,910 acres will be managed for the full range of multiple uses other than wilderness and in conformance with existing land use plans and regulations for those areas.

This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

Garrey E. Carruthers,

Assistant Secretary.

March 14, 1983.

TABLE 1.—AREAS BEING CONSIDERED FOR PROTECTIVE MANAGEMENT

Area name	Number	Acreage	County	Category
Adjacent to Dinosaur National Monument.	CO-010-224	4,320	Moffat	Wilderness.[1]
Do	CO-010-224A	1,320	do	Do.
Do	CO-010-226	4,880	do	Do
Do	CO-010-228	5,200	do	Do.
Do	CO-010-220D	6,900	do	Do.
America Flats	CO-030-217	4,710	Hinsdale/San Juan Ouray	Do.
Weminuche Contiguous	CO-030-238B	1,980	San Juan	Do.
Needle Creek	CO-030-229B	4,540	San Juan/La Plata	Do.
Sand Castle	CO-050-135	1,644	Alamosa	Do.
Black Canyon	CO-050-131	2,300	Saguache	Do.
South Piney Creek	CO-050-132B	870	do	Do.
Papa Keal	CO-050-137B	1,020	Alamosa	Do.
Zapata Creek	CO-050-139B	720	do	Do.
Eagle Mountain	CO-070-392	330	Pitkin	Do.
Hack Lake	CO-070-425	3,360	Garfield/Eagle	Wilderness; ACEC.[2]
Bull Gulch	CO-070-430	636	Eagle	ACEC.
Total (16 areas)		44,730		

[1] In this table "wilderness" denotes wilderness consideration under Section 202 of FLPMA.
[2] "ACEC" denotes consideration for areas of critical environmental concern.

TABLE 2.—MODIFIED WILDERNESS STUDY AREAS—SPLIT ESTATE DELETED

WSA name	Number	Old WSA acreage	Acres split-estate	Revised WSA acreage	County
Menefee Mountain	CO-030-251	7,400	120	7,280	Montezuma.

TABLE 3.—MODIFIED WILDERNESS STUDY AREAS—BOUNDARY CHANGED TO DELETE SPLIT ESTATE

WSA name	Number	Old WSA acreage	Acres split-estate	Revised WSA acreage	County
Willow Creek	CO-010-002	13,368	94	13,274	Moffat.
Skull Creek	CO-010-003	13,740	226	13,514	Do.
Redcloud Peak	CO-010-208	40,575	1,770	38,400	Hinsdale.
Whitehead Gulch	CO-030-230B	6,200	640	5,560	San Juan.
Handies Peak	CO-030-241	18,860	600	18,260	Hinsdale.
McIntyre Hills	CO-050-013	16,800	740	16,060	Fremont.
Lower Grape Creek	CO-050-014	11,220	590	10,630	Do.
Upper Grape Creek	CO-050-017	10,200	360	9,840	Do.
Bull Gulch	CO-070-430	15,000	636	14,364	Eagle.
Total (9 areas)			5,656		

TABLE 4.—ELIMINATED WILDERNESS STUDY AREAS—CONTIGUOUS AREAS WITHOUT WILDERNESS CHARACTERISTICS

WSA name	Number	WSA acreage	County
Adjacent to Dinosaur National Monument	CO-010-228	5,200	Moffat.
Adjacent to Dinosaur National Monument	CO-010-229D	6,900	Moffat.
Total (2) areas		12,100	

[FR Doc. 83-6961 Filed 3-16-83; 8:45 am]
BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decisions-Notice

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.

Please direct status inquiries to Team 2, at (202) 275-7030.

Volume No. OP2-109

Decided: March 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 139983 (Sub-No. 2)X, filed February, 24, 1983. Applicant: CAHOON FARMS TRUCKING, INC., P.O. Box 295 North Rose, NY 14516. Representative: Michael A. Wargula, 128 Sherburn Dr., Hamburg, NY 14075 (716) 648-0481. Sub-No. 1, to (1) change all one-way territorial movements to "between points in the U.S. (except AK and HI), under continuing contract(s) with named shippers"; and (2) broaden the commodity description from frozen prepared apples, frozen prepared cherries, and frozen foods, to "food and related products.

Please direct status inquiries to Team 5 at (202) 275-7289.

Volume No. OP5-115

Decided: March 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

MC 128409 (Sub-14)X, filed February 10, 1983. Applicant: HAROLD MILLER TRUCKING, INC., P.O. Box 623, 2312 South 29th, Moorhead, MN 56560. Representative: Richard P. Anderson, Federal Square, 112 Roberts Street, P.O. Box 2581, Fargo, ND 58108. Lead and Subs 2, 5F and 7F permits: (A) Broaden from: (1) Lead (a) fertilizer, chemicals and twine (except liquids in bulk), to "chemicals and related products and textile mill products", and (b) plywood, millwork, and materials and supplies to "lumber and wood products", (2) Sub 2, steel storage tanks to "metal products", (3) Sub 5F, (a) sugar (except inedible sugar), in bulk, in tank vehicles and (b) materials and supplies used by sugar beet processing plants (except liquid commodities in bulk, in tank vehicles) to "food and related products", (4) Sub 7F, soda ash to "chemicals and related products", and (5) broaden all of the above listed permits to "between points in the U.S., under continuing contract(s) with named shippers."

MC 140168 (Sub-8)X, filed February 3, 1983. Applicant: FANETTI TRANSPORT, INC., Route 2, Bloomer, WI 54724. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719 (608) 273-1003. Sub Nos. 2, 5F, 6F, and 7F Certificates: Broaden (1)(a) and Subs 2 and 7F to "food and related products" from fresh inedible meats and dairy products (except in bulk), (b) Sub 6F to "chemicals and related products" from chemicals and solvents (except in bulk), and (c) Sub 5F to "building materials and materials, equipment and supplies used in the manufacture and sale of building materials" from building insulation and materials, equipment, and supplies used in the manufacture and sale of building insulation (except in bulk); (2) city points to countywide authority: Sub 2 to Clark and Barron Counties, WI (Greenwood and Cameron, WI), Leigh and Columbia Counties, PA (Allentown and Bloomsburg, PA), Cleveland and Mahoning Counties, OH (Cleveland and Sebring, OH), and Elkhart County, IN (New Paris, IN), Sub 5 to Chippewa County, WI (Bloomer, WI), Sub 6F to Marathon County, WI (Wausau, WI), and Sub 7F to Chippewa County, WI (Bloomer, WI); (3) expand one-way to radial authority in all subs; and (4) remove plantsite restriction in Sub 6F.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6934 Filed 3-16-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 26]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by 49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

New York Docket No. T-10135, filed February 1, 1983. Applicant: DONALD K. BLAIR, d.b.a. A-1 GOUVERNEUR MOTOR SALES, R.F.D. 58, Box 339A, Gouverneur, NY 13642.

Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Mobile Homes*, between all points in Jefferson and St. Lawrence Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10145, filed February 22, 1983. Applicant: FUTURE TRANSPORT INC., 8 Lamb Place, Dix Hills, NY 11746. Representative: Peter B. Cierer, Esq., 275 Broad Hollow Rd., Melville, NY 11747.

Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, between all points in Nassau and Suffolk Counties and New York City. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-6110, filed February 22, 1983. Applicant: HAROLD'S EXPRESS, INC., 25 Liberty Street, Binghamton, NY 13901.

Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, between the Counties of Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Madison, Oneida, Onondago, Otsego, Steben, Tioga and Tompkins. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

[FR Doc. 83-6935 Filed 3-16-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries about the following to Team 3 at (202) 275-5223.

Volume No. OP3-93

Decided: March 8, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 2934 (Sub-136), filed February 15, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875-1142. Transporting *general commodities* (except commodities in bulk and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with GTE Corporation, of Stamford, CT.

MC 15735 (Sub-73), filed February 28, 1983. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681-8378. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Hills Department Stores, of Canton, MA.

MC 15735 (Sub-74), filed February 28, 1983. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681-

8378. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Monsanto Company, and its subsidiaries, of St. Louis, MO.

MC 123265 (Sub-13), filed February 28, 1983. Applicant: SANTRY TRUCKING COMPANY, 10505 NE Second Ave., Portland, OR 97211. Representative: John G. McLaughlin, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224-5525. Transporting *petroleum products,* between points in OR, WA, ID, MT and CA, under continuing contract(s) with Union Oil Company of California of Los Angeles, CA.

MC 123805 (Sub-19), filed February 28, 1983. Applicant: LOMAX TRUCKING SERVICE, INC., R.R. 1, Hannibal, MO 63401. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, (314) 636-2321. Transporting *commodities in bulk,* between points in MO, IA, and IL.

MC 135364 (Sub-56), filed February 28, 1983. Applicant: MORWALL TRUCKING, INC., R.D. 3, Box 76-C, Moscow, PA 18444. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *paper and related products,* and *chemicals and related products,* between points in Hampden County, MA, on the one hand, and, on the other, those points in the U.S. east of MN, IA, KS, OK, and TX.

MC 143385 (Sub-5), filed February 28, 1983. Applicant: TRANSPORT ROBERT (1973) LTEE, 150 First Avenue-C.P.-39, Rougemont, P. Quebec, Canada JOL 1MO. Representative: Robert D. Schuler, 100 West Long Lake Road—Suite 102, Bloomfield Hills, MI 48013, (819) 871-1112. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. under continuing contract(s) with Heeg Manufacturing, Inc., of Quebec, Canada.

MC 144754 (Sub-2), filed February 16, 1983. Applicant: LAWRENCE WARD TRUCKING, INC., P.O. Box 1842, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763-9555. Transporting *such commodities* as are dealt in or used by food and grocery business houses, between points in the U.S. (except AK and HI).

MC 146235 (Sub-4), filed January 17, 1983. Applicant: J. H. SIMS TRUCKING CO., INC., 505 So. Palmetto St., Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, (714) 738-3889. Transporting *building materials,* between points in CA and AZ. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request of the permit in MC-139947 (Sub-No. 2), issued August 21, 1981.

Note.—The purpose of this application is to convert applicant's existing contract carrier authority in MC-139947 (Sub-No. 2) to common carrier authority.

MC 147655 (Sub-7), filed February 28, 1983. Applicant: PAYNE, INC., P.O. Box 112, Brandy Station, VA 22714. Representative: Daniel B. Johnson, 4304 East-West Hwy., Bethesda, MD 20814, (301) 654-2240. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 160725 (Sub-1), filed February 22, 1983. Applicant: A & S TRUCKING COMPANY, INC., 404 Cross St., Cleveland, MS 38732. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701, (601) 335-3576. Transporting (1) *food and related products,* (2) *textile products,* (3) *machinery,* (4) *metal products,* (5) *transportation equipment,* (6) *rubber and plastic products,* (7) *lumber and wood products,* (8) *iron and steel articles,* and (9) *munitions,* between points in the U.S. (except AK and HI). Condition: The authority granted herein to the extent it authorizes the transport of munitions is limited in point of time to a period of five (5) years from the date of issuance.

MC 164225, filed February 28, 1983. Applicant: GILBERT B. SCHUMACHER, d.b.a., U. V. RENTAL CO., 508 Randall Avenue, DePere, WI 54110. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. Transporting *metal and related products,* between Chicago, IL, on the one hand, and, on the other, points in WI.

MC 164394, filed February 28, 1983. Applicant: J & C CARTAGE, INC., 13231 Conant Avenue, Detroit, MI 48212. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 482-2400. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MI, IN and OH.

MC 164625, filed February 28, 1983. Applicant: SHAEN MAGAN TRUCKING, 7580 Rasmussen Rd., Visalia, CA 93278. Representative: Shaen Magan (same address as applicant) (209) 651-1576. Transporting (1) *sulphur,* between points in Los Angeles County, CA, on the one hand, and, on the other, points in Nye County, NV, under continuing contract(s) with Chevron Chemical Co., of Fresno, CA, (2) *petroleum oil,* between points in Nye County, NV, on the one hand, and, on the other, points in Los Angeles County, CA, under continuing contract(s) with Crest Trading Co., of Bakersfield, CA, and (3) *flat glass,* between points in Fresno County, CA, on the one hand, and, on the other, points in Clark County, NV, under continuing contract(s) with Guardian Industries Corp., of Kingsburg, CA.

MC 166134, filed February 8, 1983. Applicant: KnK FAST FREIGHT, INC., 1015 S. Lafayette A-3, Royal Oak, MI 48067. Representative: Jeffrey Knapp, (same address as applicant) (313) 365-8837. Transporting (1) *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Weyerhaeuser Company, of Chicago, IL, and (2) *clay, concrete, glass and stone products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Colonial Brick Company, of Detroit, MI.

MC 166264, filed February 15, 1983. Applicant: FELTMAN TRUCKING COMPANY, Route 1, Box 37, Hamilton, AL 35570. Representative: C. Harry Green, P.O. Box 547, Hamilton, AL 35570, (205) 921-2133. Transporting *lumber* and *iron and steel articles,* between points in the U.S. (except AK and HI).

MC 166284, filed February 15, 1983. Applicant: H.P. TRANSPORT INC., 51 New Brunswick Ave., Hopelawn, NJ 08861. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 166285, filed February 15, 1983. Applicant: TRANSROAD, INC., Rt. 1, Henagar, AL 35978. Representative: Milton W. Flack, 8484 Wilshire Blvd., No. 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 the U.S. (except AK and HI).

MC 166384, filed February 23, 1983. Applicant: McNEILL TRUCKING CO., P.O. Box 4785, Margate, FL 33063. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166, (305) 592-0036. Transporting (1) *lumber and wood*

products, and (2) *such commodities* which because of their size or weight require the use of special handling or equipment, between points in AL, FL, GA, LA, MS, NC, SC, TN, and TX.

MC 166385, filed February 23, 1983. Applicant: DOBSON BROS. TRUCKING, Box 329, Taft Hill Rd., RD 2, Painted Post, NY 14870. Representative: Olin L. Dobson (same address as applicant), (607) 936–8930. Transporting *salt* and *salt products,* between points in PA, NY and NJ, under continuing contract (s) with Morton Salt Division of Morton Thiokol, Inc., of Chicago, IL.

MC 166404, filed February 23, 1983. Applicant: STARVING STUDENTS, INC., P.O. Box 25933, Los Angeles, CA 90025. Representative: Ethan Harold Margalith (same address as applicant), (213) 479–6505. Transporting *household goods,* between points in the U.S.

MC 166455, filed February 28, 1983. Applicant: GEORGE B. SELKO, d.b.a. GE–BE FREIGHT LINES, P.O. Box 7148, Sacramento, CA 95826. Representative: William D. Taylor, 100 Pine St. #2550, San Francisco, CA 94111 (415) 986–1414. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA and NV.

MC 166475, filed February 28, 1983. Applicant: EDWARD R. RATHWAY, d.b.a. EDWARD R. RATHWAY TRUCKING, R. D. #2, Box 174, Perryopolis, PA 15473. Representative: Kevin W. Walsh, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222 (412) 471–3300. Transporting *coal and coal products,* between points in PA, on the one hand, and, on the other, points in OH, NY, WV, VA, MD, CT MA, and NH, under continuing contract(s) with Northbrook Mining, Inc., of Charleroi, PA.

MC 166494, filed February 28, 1983. Applicant: JONRIC, LTD., 6505 W. Van Buren, Phoenix, AZ 85034. Representative: David Robinson, 2228 W. Northern Ave., Suite B–201, Phoenix, AZ 85021 (602) 864–0999.Transporting (1) *building materials,* (2) *food and related products,* (3) *paper products,* (4) *plastic products,* and (5) *furniture,* between points in CA, AZ, OK, NV, TX NM, OR, WA, and CO.

Volume No. OP3–96

Decided: March 9, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier: Member Fortier not participating.

MC 2934 (Sub-143), filed February 28, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry, (same address as applicant) (317) 875–1142. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Schlumberger-North America, of Houston TX.

MC 72914 (Sub-6), filed February 28, 1983. Applicant: SOUTH HILLS MOVERS, INC., 3132 Industrial Blvd., Bethel Park, PA 15102. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471–1800. Transporting *household goods,* (1) between points in ME, MT, OR, SD, and WA, and (2) between points in ME, MT, OR, SD, and WA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IS, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV, WI, WY, and DC.

MC 123744 (Sub-100), filed February 25, 1983. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 110 North Second St., P.O. Box 1320, Clearfield, PA 16830 (814) 765–9611. Transporting *general commodities* (except classes A and B explosives and householed goods), between points in the U.S. (except AK and HI).

MC 147774 (Sub-5), filed February 24, 1983. Applicant: SURE–WAY TRANSPORTATION, INC., 103 Buckner, Columbus, MO 65201. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375 (212) 263–2078. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AR, IA, IL, KS, KY, MO, NE, OK, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147895 (Sub-3) filed February 24, 1983. Applicant: EXPRESS TRANSPORT CORP., Crows Mill Rd., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 234–0301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), or submit an affidavit stating why Commission approval is unnecessary, or submit a petition of exemption to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 149075 (Sub-10), filed February, 25, 1983. Applicant: OVER LAND, INC., P.O. Box 15819, Northside Sta., Panama City, FL 32406. Representative: Wilhelmina Boersma 1600 First Federal Bldg., Detroit, MI 48226 (313) 962–6492. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 153074 (Sub-1), filed February 28, 1983. Applicant: F. RILEY'S EXPRESS, INC., 7611 W. Lincoln Ave., Summit, IL 60501. Representative: Richard Catrambone (same address as applicant), (312) 594–2575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, TN, and WI.

MC 154705 (Sub-3), filed February 25, 1983. Applicant: MAC'S CUSTOMIZED DISTRIBUTION SERVICE, INC., 4150–B Pleasantdale Rd., Doraville, GA 30340. Representative Kim G. Meyer, Suite 1006, South Tower, 225 Peachtree St., N.E., Atlanta, GA 30303, (404) 523–1717. 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 Peter L. McKenna, d/b/a MacKenna Brokers, of Doraville, GA.

MC 159335 (Sub-1), filed February 25, 1983. Applicant: INTERMODAL CARRIERS, INC., 2815 Gaston Ave., Dallas, TX 75226. Representative: William S. Tibbets, Jr., (same address as applicant), (214) 827–2452. Transporting *such commodities* as are dealt in or used by department stores, between points in TX.

MC 160054 (Sub-1), filed February 28, 1983. Applicant: SHANNON TRUCKING, INC., 2002 Preston St., Rockford, IL 61102. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *metal products* and (2) *machinery,* between points in Boone and Winnebago Counties, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (3) *metal products,* between points in Dane County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161214 (Sub-2), filed February 28, 1983. Applicant: CHIP TRUCKING, INC., P.O. Box 556, Mountville, PA 17554. Representative: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106, (215) 925–8300. 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 166405, filed February 22, 1983. Applicant: McQUINN TRANSFER, INC., 700 12th St., Columbus, GA 31901. Representative: W. H. Tomlinson 1601 13th St., Suite B, Columbus, GA 31901, (404) 322-8404. Transporting *general commodities* (except commodities in bulk, classes A and B explosives, and household goods), between points in GA and AL.

MC 166534, filed February 24, 1983. Applicant: ROBERTSON-WILLIAMS TRANSPORT, INC., 5803 Blue Parkway, Kansas City, MO 64129. Representative: Warren H. Sapp, 815 Ann Ave., Kansas City, KS 66101, (913) 621-0055. Transporting *petroleum and its products,* between points in IA, KS, MO, NE, OK, TX, those in Boulder and Jefferson Counties, CO, and those in CO on and east of Interstate Hwy 25.

Volume No. OP3-99

Decided: March 10, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Frotier.

MC 139464 (Sub-5), filed February 25, 1983. Applicant: BASS TRANSPORT, INC., Route 2, Box 64-A, Altavista, VA 24517. Representative: Frank B. Hand, Jr., 523 S. Cameron St., Winchester, VA 22601, (703) 662-0927. Transporting (1) *furniture and fixtures,* between points in VA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) (a) *food and related products,* and (b) *rubber and plastic products,* between points in Campbell County, VA, on the one hand, and, on the other, points in WA, OR, CA, MN, WI, IL, NY, NJ, PA, MD, FL, GA, AL, MS, NC, SC, WV, and TN.

MC 141504 (Sub-1), filed February 25, 1983. Applicant: WICKWIRE TRUCKING, INC., P.O. Box 241, Wysox, PA 18544. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *lumber and wood products, and building materials,* (1) between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada, and (2) between points named in (1) above, on the one hand, and, on the other, those points in the U.S. on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 145485 (Sub-8), filed February 22, 1983. Applicant: DAVIS CARTAGE COMPANY, 230 Sleeseman Drive, Corunna, MI 48817. Representative: Dennis Dean Kirk, Suite 929, Penn. Bldg., 425 13th Street NW., Washington, D.C. 20004, (202) 347-2857. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 151065 (Sub-2), filed February 24, 1983. Applicant: KANSAS CITY PIGGYBACK, INC., 3600 Great Midwest Dr., Kansas City, MO 64161. Representative: Donald J. Quinn, Commerce Bank Bldg., Suite 232, 8901 State Line, Kansas City, MO 64114, (816) 444-7474. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Springfield, MO, on the one hand, and, on the other, points in AR, IA, KS, MO, NE, and OK.

MC 153215 (Sub-2), filed February 25, 1983. Applicant: DON'S MOTOR EXPRESS, INC., 1168 168th St., R.R. #7, White Rock, B.C., Canada V4B 5A8. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle WA 98104, (206) 622-3220. Transporting *general commodities* (except classes A and B explosives and household goods), between ports of entry on the International Boundary line between the U.S. and Canada, in WA, ID, and MT, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, WY, CO, NV, UT, AZ, and NM.

MC 161305 (Sub-1), filed February 28, 1983. Applicant: R & R TRUCKING, INC., 823 Menominee, Lake in the Hills, IL 60102. Representative: James O'Grady, 8550 W. Golf Road, Niles, IL 60648, (312) 827-6191. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S., under continuing contract(s) with Lomax Piggyback, Inc., of Lake Bluff, IL.

MC 161795 (Sub-3), filed February 25, 1983. Applicant: VANTAGE TRANSPORT, INC., 6810 Fleetwood Rd., McLean, VA 22101. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893-3050. 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 164034, filed February 24, 1983. Applicant: ALMAC MOVING AND STORAGE OF NEW HAMPSHIRE, d.b.a. VISA INTERNATIONAL, 11 Park Ave., Hudson, NH 03051. Representative: Robert D. Hansen, 191 Leland Farm Rd., Ashland, MA 01721, (617) 482-3075. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Hillsborough and Rockingham Counties, NH, on the one hand, and, on the other, Boston, MA, and Portsmouth, NH.

MC 164104, filed February 24, 1983. Applicant: SITTER'S TRANSPORT LIMITED, 406 1st Ave., Kindersley, Saskatchewan, Canada S0L 1S0. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting (1) *clay, concrete, glass or stone products,* between points in Lake County, OR, on the one hand, and, on the other, ports of entry on the International boundary line between United States and Canada, in ID, MT, and WA, and (2) *ores and minerals,* between ports of entry on the International boundary line between United States and Canada, in MN, MT, and ND, on the one hand, and, on the other, points in IA, MN, MT, NE, ND, SD, and WI.

MC 164104 (Sub-1), filed February 24, 1983. Applicant: SITTER'S TRANSPORT LIMITED, 406 1st Ave., Kindersley, Saskatchewan, Canada AOL 1SO. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting (1) *ores and minerals,* between points in the U.S. (except AK and HI), under continuing contract(s) with Uranerz Exploration and Mining Limited, of Saskatoon, Saskatchewan, Canada, and (2) *rubber and plastic products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Universal Foam Moulding Ltd, of Pilot Butte, Saskatchewan, Canada.

MC 165864 (Sub-1), filed February 24, 1983. Applicant: VALLEY TRANSPORT, INC., 1124 West Lincoln Highway, Coatesville, PA 19320. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005, (202) 296-3555. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with A & S Transportation Services, Inc., of Coatesville, PA.

MC 166434, filed February 24, 1983. Applicant: DAVID C. POWELL, d.b.a. POWELL TRUCKING CO., P.O. Box

39275, Atlanta, GA 30318. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 792-2613. Transporting *clay, concrete, glass or stone products,* between points in AL, GA and TN.

MC 166435, filed February 28, 1983. Applicant: L.C.T., INC., 518 Villa Park Court, Fort Wayne, IN 46808. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (219) 483-2465. Transporting *general commodities* (except commodities in bulk, classes A and B explosives and household goods), between points in IN on the one hand, and, on the other, points in the U.S. (except AK and HI).

Please direct status inquiries about the following to team 4 at (202) 275-7669.

Volume No. OP4-149

Decided: March 10, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 166576, filed March 3, 1982. Applicant: B & J TRUCKING, INC., Route 3, Stuart, VA 24171. Representative: William P. Farthing, Jr., 110 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372-6730. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in VA and NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166577, filed February 28, 1983. Applicant: AUSTIN TRUCKING CO., P.O. Box 75055, Oklahoma City, OK 73147. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424-3301. Transporting (1) *metal products,* (2) *machinery,* and (3) *Mercer commodities,* between points in AR, KS, LA, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP4-151

Decided: March 11, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 150467 (Sub-2), filed March 7, 1983. Applicant: LAVERGNE EXPRESS, INC., P.O. Box 857, Lavergne, TN 37086. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790-2510. Transporting *General commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in TN, IL, OH, NJ, NY, CA, GA, AL, KY and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164126 (Sub-1), filed March 1, 1983. Applicant: G & E TRUCKING, INC., 1780 Old Covington Hwy., Conyers, GA 30207. Representative: Anthony L. Keenen, 1385 Iris Drive, Conyers, GA 30208, (1-800) 241-3666. Transporting *mirror tile, wall and door mirrors, and accesories for home and building repairs,* between Chicago, IL, Dallas, TX, Elizabeth, NJ, Denver, CO, and points in Henry County, GA, King County, WA, Los Angeles, County, CA and Prince Georges County, MD, under continuing contract(s) with Hoyne Industries, Inc., of McDonough, GA.

MC 166546, filed March 2, 1983. Applicant: TORBLAA TRUCKING, INC., P.O. Box 358, Delano, MN 55328. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Ste. 307, Edina, MN 55424, (612) 927-8855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Carver, Hennepin, McCloud, Ramsey, Scott, Stearns and Wright Counties, MN, and LaCrosse County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166627, filed March 7, 1983. Applicant: AAA PACKING & SHIPPING, INC., 2455 E 27th St., Los Angeles, CA 90058. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945-2745. Transporting *furniture and fixtures,* between New York, NY, and points in Los Angeles County, CA, and Dade County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166647, filed March 7, 1983. Applicant: BRASHEAR TRUCKING CO., 213 Joe C Lane, Lufkin, TX 75901. Representative: Gordon Glenn Brashear (same address as applicant), (713) 632-1572. Transporting *mercer commodities,* between points in TX, on the hand, and, on the other, points in the U.S. (except HI).

Volume No. OP4-153

Decided: March 11, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 166406, filed February 22, 1983. Applicant: ALBERT R. HARTMAN, d.b.a. HARTMAN TRUCKING, P.O. Box 253, Copper Center, AK 99573. Representative: Noel Kopperud, P.O. Box 1630, Wasilla, AK 99687, (907) 376-2222. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the Third Judicial Division of AK.

MC 166457, filed February 28, 1983. Applicant: LOUIE JAMES WYNNE, d.b.a. NBS TRANSPORTATION, 3133 N.W. St. Helens Rd., Portland, OR 97210. Representative: Louie James Wynne (same address as applicant), (503) 224-5042. 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 National Rate and Brokerage Services, of Portland, OR.

MC 166637, filed March 7, 1983. Applicant: JAMAR CARRIERS, INC., 1364 "1" St., Elmont, NY 11003. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between New York, NY; Nassau and Suffolk Counties, NY; and points in MA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166646, filed March 7, 1983. Applicant: KEN CORBIN, d.b.a. CORBIN TRUCKING, Rural Route 1, Carthage, SD 57323. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103, (605) 335-1777. 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 Marko Steel Service Center of Huron, SD, and Trail King Industries, Division of Western AG Sales, Inc., of Mitchell, SD.

Please direct status inquiries about the following to Team 5 at (202) 275-7289.

Volume No. OP5-113

Decided: March 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

MC 4368 (Sub-3), filed February 25, 1983. Applicant: BOHREN'S MOVING & STORAGE, INC., 755 Alexander Road, Princeton, NJ 08540. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *household goods, furniture and fixtures,* (1) between points in CT, DE, FL, GA, MD, MA, NJ, NY, NC, PA, RI, SC, VA, and DC, and (2) between points in the states in (1) above, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 52979 (Sub-28), filed February 25, 1983. Applicant: HUNT TRUCK LINES, INC., West High St., Rockwell City, IA 50579. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in

bulk), between points in the U.S., under continuing contract(s) with National Commercial Services Co., Inc., of Des Moines, IA.

MC 83539 (Sub-546), filed February 24, 1983. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Pkwy., Dallas, TX 75227-9989. Representative: Thomas E. James, P.O. Box 270535, Dallas, TX 75227-9989, (214) 288-3305. Transporting *construction equipment, materials, and supplies, iron and steel articles,* and *railway car and locomotive parts,* between points in the U.S., under continuing contract(s) with Morrison Knudsen Co., Inc., of Boise, ID.

MC 102679 (Sub-9), filed February 24, 1983. Applicant: COLLINS MOVING SYSTEMS, INC., 904 W. Morgan, Kokomo, IN 46901. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S., (except AK and HI), under continuing contract(s) with U.S. Traffic Coordinators, Inc., of Louisville, KY.

MC 108449 (Sub-419), filed February 25, 1983. Applicant: INDIANAHEAD TRUCK LINE, INC., P.O. Box 43355, St. Paul, MN 55164. Representative: W. A. Myllenbeck (same address as applicant), (612) 633-2661. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NY, ND, OH, OK, PA, SD, TN, TX, WV, WI, and WY, on the one hand, and, on the other, points in AL, AZ, CA, FL, GA, ID, LA, MS, NV, NM, NC, OR, SC, UT, VA, and WV.

MC 112668 (Sub-65), filed February 28, 1983. Applicant: HARVEY R. SHIPLEY & SONS, INC., 2601 Emory Road, P.O. Box 266, Finksburg, MD 21048. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893-4924 Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Schapiro & Whitehouse, Inc., and S & C Paper Stock Co., both of Baltimore, MD.

MC 146909 (Sub-6), filed February 25, 1983. Applicant: PIONEER VAN LINES, INC., 1810 Park Place Bldg., Seattle, WA 98101. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893-3050. Transporting *transportation equipment,* between points in the U.S. (except HI).

MC 153709 (Sub-2), filed February 9, 1983. Applicant: DEPOT TRUCKING, INC., Building 54, Rotterdam Industrial Park, Rotterdam, NY 12306. Representative: Edward F. V. Pietrowski, 336 Scranton Life Bldg., Scranton, PA 18503, (717) 343-2126. Transporting *general commodities* (except classes A and B explosives), between points in NY, NJ, PA, OH, MD, MI, VT, MA, and NH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164729, filed February 25, 1983. Applicant: RALPH WOOD, d.b.a. R. WOOD TRUCKING, 15 Yubas Ave., Burlington, NJ 08016. Representative: James H. Sweeney, P.O. Box 9023, Lester, Pa 19113, (215) 365-5141. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Revere Sugar Corporation, of Lyndhurst, NJ.

MC 166428, filed February 25, 1983. Applicant: B & D MOVERS, INC., P.O. Box 1400, Vernal, UT 84078. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *mobile homes and office trailers,* between points in UT, CO, ID, MT, NV, ND, SD, WY, AZ, and NM.

Volume No. OP5-117

Decided: March 11, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 160858, filed February 24, 1983. Applicant: TARHEEL MOTOR EXPRESS, INC., 309 Trade St., Forest City, NC 28043. Representative: Gary C. Ivey, 1100 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372-6730. Transporting *automobiles* (1) between those points in the U.S. in and east of MI, WI, IL, KY, TN, MS, and LA, and (2) between points in CA, AZ, NV, and CO, on the one hand, and, on the other, those points in the U.S. in and east of MI, WI, IL, KY, TN, MS, and LA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6933 Filed 3-16-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-F116; No. MC-F-15163]

Motor Carriers; Russ Transport, Inc.—Purchase Exemption—Producers Transport Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. § 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Russ Transport Inc., of Chattanooga, TN, and Producers Transport Co., also of Chattanooga, seek an exemption from the requirement of prior regulatory approval for the purchase by Russ of the operating rights of Producers in No. MC-124835 and subnumbers thereunder. Both vendor and vendee are controlled by Liquid Transporters, Inc., which holds authority in No. MC-112617.

DATES: Comments must be received within 30 days after date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, DC 20036.

Comments should refer to No. MC-F-15163.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representatives. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 10, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6938 Filed 3-16-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 422]

Motor Carriers; Removal of Extraordinary (Financial) Conditions Imposed Upon Carrier and Noncarrier Holding Companies and Their Motor Carrier Subsidiaries and Removal of Jurisdiction

AGENCY: Interstate Commerce Commission.

ACTION: Final policy statement.

SUMMARY: The Commission is removing all extraordinary financial conditions previously imposed on carrier and noncarrier holding companies of motor carriers and their motor carrier subsidiaries and canceling regulation of noncarrier holding companies of motor carriers previously exercised under 49 U.S.C. 11348. The public interest in protecting individual motor carriers

from financial mismanagement has lessened as a result of the enactment of the Motor Carrier Act of 1980 (Pub. L. No. 96–296) and the Bus Regulatory Reform Act of 1982 (Pub. L. No. 97–261).

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245 or Gloria E. Blazsik, (202) 275–9048.

SUPPLEMENTARY INFORMATION: A proposed policy statement was published at 47 FR 44521, October 7, 1982, notifying the public that the Commission was considering removing all extraordinary financial conditions previously imposed on carrier and noncarrier holding companies and their motor carrier subsidiaries, and canceling the Commission's regulation of noncarrier holding companies of motor carriers previously exercised under 49 U.S.C. 11348.

In the past, the Commission imposed conditions [1] in connection with the acquisition of a regulated carrier by a carrier or noncarrier holding company if the evidence demonstrated that the financial condition of the motor carrier was marginal, or past intercorporate practices of the carrier and noncarrier firm suggested that the assets of the carrier might be drained by the corporate parent. See *Am. Exp. Industries, Inc.-Invest. of Control,* 116 M.C.C. 851 (1974). We also discouraged commingling of carrier assets with those of noncarrier affiliates for the protection of the carrier. *See California Parlor Car Tours Co.-Pur.-Greyhound,* 127 M.C.C. 605 (1979). In addition, when we found that approval of the control transaction would significantly influence the national transportation system, the noncarrier holding companies were designated as carriers, subject to the provisions of 49 U.S.C. 11348. This required a holding company to comply with the accounting, reporting, and securities issuance provisions of 49 U.S.C. Subtitle IV to the extent specified in the individual case. *See, International Util.-Control-Pacific Intermountain,* 127 M.C.C. 752, 753 (1981).

The American Bus Association and The Greyhound Corporation filed comments supporting the proposal.

We conclude that there is no further need for imposing extraordinary financial conditions on carrier and noncarrier holding companies of motor carriers and their motor carrier subsidiaries, or subjecting noncarrier holding companies of motor carriers to our regulation under 49 U.S.C. 11348. In recent years there has been a marked change in the regulatory climate exemplified by the enactment of the Motor Carrier Act of 1980 (MCA) and the Bus Regulatory Reform Act of 1982 (Bus Act). Historically, we imposed regulation to prevent carrier failures due to financial mismanagement by a parent holding company of its motor carrier subsidiaries. We were concerned that carrier failures would adversely impact the shipping public. However, ease of entry fostered by the MCA eliminates this concern because any effect of financial mismanagement falls primarily on a carrier's stockholders, rather than on the shipping public. Second, repeal of our motor carrier securities jurisdiction in the Bus Act and the Commission's authority to exempt mergers, consolidation and acquisition of control transactions involving motor carriers of property from regulation (also mandated by the Bus Act) are further indications of congressional intent that the Commission should reduce its regulation in this area. Lastly, the complete support and lack of opposition in the comments is additional justification for eliminating this unnecessary regulation.

We will allow persons 30 days from publication to petition for continuation of the conditions in specific cases where they were imposed in the past, or for the continuation of our regulation over particular noncarrier holding companies which have been previously subjected to our jurisdiction. Parties seeking this relief will have the burden of proof, and will be required to demonstrate that the need to continue the conditions or regulation is in the public interest, and outweighs the need to remove regulatory restraints and the benefits associated with the removal.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

This action is taken under the authority of 5 U.S.C. 553 and 49 U.S.C. 10101, 11301, and 11348.

Decided: March 10, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Commissioner Simmons did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–6936 Filed 3–16–83; 8:45 am]

BILLING CODE 7035–01–M

[1] The conditions prohibited, essentially, (1) Payment of cash dividends in excess of 50 percent of earnings in the dividend period, (2) making any advances, whether in cash or property, to affiliates, (3) encumbering any assets for noncarrier purposes, and (4) engaging in any other monetary or property transactions, except as necessary in the course of motor carrier operations.

[Ex Parte No. 387]

Exemptions for Contract Tariffs; Norfolk & Western Railway Co., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278, or Tom Smerdon (202) 275–7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specifics	Review Board	Decided date
856	Norfolk and Western Railway Co., ICC-NW-C-5023, Supplement 1, (Bituminous coal) via Port of Lamberts Point, VA	[1]3	3-9-83
857	Soo Line Railroad Co., ICC-SOO-C-O111, Supplement 6, (Starch, sulphuric acid, caustic soda, sodium silicate)	[2]1	3-9-83
858	Burlington Northern Railroad Co., ICC-BN-C-0304, (Vegetable oils)	[1]2	3-10-83
859	Consolidated Rail Corp., ICC-CR-C-0205, Supplement 1, (Storage arrangement)	[1]3	3-9-83
860	The Pittsburgh and Lake Erie Railroad ICC-PLE-C-0102, (Bituminous steam coal)	[1]3	3-9-83
861	Norfolk and Western Railway Co., ICC-NW-C-5019, Supplement 1, (Coal) via Port of Lamberts Point, VA	[1]1	3-9-83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier.
Review Board No. 2, Members Carleton, Williams, and Ewing.
Review Board No. 3, Members Krock, Joyce, and Dowell.
[2] Review Board No. 1, Members Parker, Chandler, and Fortier. Member Fortier not participating.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-6777 Filed 3-16-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30120]

Rails; Illinois Central Gulf Railroad Company—Exemption—Abandonment in Massac County, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirements of prior review and approval under 49 U.S.C. 10903 *et seq.* abandonment by Illinois Central Gulf Railroad Company of a 0.76-mile segment of line in Massac County, IL, subject to standard labor protective conditions.

DATES: This exemption shall be effective on April 18, 1983. Petitions to stay the effectiveness of this decision must be filed by March 28, 1983. Petitions for reconsideration must be filed by April 6, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423
and
(2) Petitioner's representative: Howard D. Koontz, Illinois Central Gulf Railroad Company, 233 North Michigan Avenue, Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: March 10, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioner Andre, Simmons, and Gradison. Commissioner Simmons did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-6937 Filed 3-16-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Agency Forms Under Review

March 15, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

New (not previously approved or expired more than 6 months ago)

- Justice Management Division, Evaluation Staff
Department of Justice
Private Industry Interest in the Employment of Federal Prison Inmates
Nonrecurring
Businesses or other institutions (except farms)
Selected members of the National Alliance of Business "Fortune 500" List: 200 responses; 100 hours; not applicable under 3504(h).
David Reed—395-7231

- Bureau of Justice Statistics
Department of Justice
1983 National Jail Census
Quinquennial
State or local governments
County and city jail administrators: 3,500 responses; 1,750 hours, not applicable under 3504(h).
David Reed—395-7231

Extension (no change)

- Immigration and Naturalization Service
Department of Justice
Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa
Nonrecurring
Individuals or households
U.S. Citizen and lawful permanent resident petitioners for relatives: 526,000 responses, 263,000 hours, not applicable under 3504(h).
David Reed—395-7231

- Immigration and Naturalization Service
Department of Justice
Petition to Classify Preference Status of Alien on Basis of Profession or Occupation
Nonrecurring
Individuals or households
Third or sixth preference petitioners: 29,000 responses; 29,000 hours; not applicable under 3504(h).
David Reed—395-7231

- Immigration and Naturalization Service
Department of Justice
Application for Employment by Spouse or Unmarried Dependent Son or Daughter of A-1 or A-2 Official or Employee of Diplomatic or Consular Establishment or G-4 Officer or Employee of International Organization
Nonrecurring
Individuals or households
Spouse or unmarried son or daughter of A-1, A-2 or G-4 nonimmigrant: 825 responses; 206 hours; not applicable under 3504(h)
David Reed—395-7231

- Immigration and Naturalization Service
Department of Justice
Baggage and Personal Effects of Detained Alien
Nonrecurring
Individuals or households
Detained aliens: 600,000 responses; 10,000 hours; not applicable under 3504(h)

David Reed—395-7231

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 83-6960 Filed 3-16-83; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-24]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Aeronautical Propulsion Technology.

DATES: April 12, 1983, 8:30 a.m. to 5 p.m.; April 13, 1983, 8:30 a.m. to 5 p.m.

ADDRESS: National Aeronautics and Space Administration, Lewis Research Center, 21000 Brookpark Rd., Administration Building, Room 215, Cleveland, OH.

FOR FURTHER INFORMATION CONTACT: Mr. Cecil C. Rosen, III, National Aeronautics and Space Administration, Code RT-6, Washington, DC 20546; (202/755-3280).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Aeronautical Propulsion Technology was established to assist the NASA in identifying and examining advanced propulsion technology requirements for future aeronautical vehicles and to recommend program additions, deletions, or changes in scope or emphasis that may be found necessary to support the overall NASA aeronautical research and technology objectives. The Chairperson is Dr. Montgomerie C. Steele and there are eleven members on the Subcommittee. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including the Subcommittee members and participants).

Type of Meeting: Open

Agenda

April 12, 1983:

8:30 a.m.—FY 1984 Budget Review.
10 a.m.—Review of Turbofan Component Research.
11 a.m.—Review of Stall Recovery Research.
1 p.m.—Review of Noise Research Programs.
2:30 p.m.—Review of Alternative Fuels Program.
4 p.m.—Review of Proposed Altitude Wind Tunnel Rehabilitation.
5 p.m.—Adjourn.

April 13, 1983:

8:30 a.m.—Review of Materials Program for Propulsion.
9:30 a.m.—Review of Structures Program for Propulsion.
10:30 a.m.—Advanced Turboprop Program Update.
1:30 p.m.—Subcommittee Discussion and Formulation of Recommendations.
5 p.m.—Adjourn.

Dated: March 10, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-6866 Filed 3-16-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Design Arts Advisory Panel (Challenge); 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 (Challenge) to the National Council on the Arts will be held on April 13-14, 1983, from 9:00 a.m.—5:30 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

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.

[FR Doc. 83-6951 Filed 3-16-83; 8:45 am]

BILLING CODE 7537-01-M

Media Arts Advisory Panel (Challenge/Advancement); 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 Media Arts Advisory Panel (Challenge/Advancement) to the National Council on the Arts will be held on April 5-6, 1983, from 9:00 a.m.-5:30 p.m. in the 12th floor Screening Room of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

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.

[FR Doc. 83-6952 Filed 3-16-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR-61 to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (facility) located in Middlesex County, Connecticut. This amendment is effective as of its date of issuance.

This amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal

Water Pollution Control Act Amendment of 1972.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 15, 1983, (2) Amendment No. 54 to License No. DPR-61, and (3) the Commission's related letter of transmittal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 16457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-7000 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

Consumers Power Co.; Hearings

March 11, 1983.

In the matter of Consumers Power Company (Midland Plant, Units 1 and 2); ASLBP Nos. 78-389-03 OL, 80-429-02 SP; Docket Nos. 50-329 OL, 50-330 OL; Dockets Nos. 50-329 OM, 50-330 OM; additional evidentiary hearings.

Notice is hereby given that an evidentiary hearing on operating license issues will be held on Monday, March 28, 1983, beginning at 9:30 a.m. As set forth in our notice dated March 9, hearings will also be held on March 29-April 1, 1983, beginning at 9 a.m. each day. As also set forth in the March 9 notice, oral limited appearance statements will be heard on Tuesday morning, March 29, 1983.

All of the above hearings will be held in Room E, Quality Inn Central, 1815 S. Saginaw Road, Midland, Michigan.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 83-7001 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-382 OL]

Louisiana Power & Light Co. (Waterford Steam Electric Station, Unit 3); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of March 8, 1983, oral argument on the appeal of joint intervenors Save Our Wetlands, Inc., and the Oystershell Alliance from the Licensing Board's November 3, 1982 partial initial decision will be heard at 9:30 a.m. on Tuesday, April 19, 1983, in the U.S. Court of Appeals Building, Room 223, East Courtroom, 600 Camp Street, New Orleans, Louisiana.

Dated: March 9, 1983.

For the Appeal Board.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 83-7008 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-387]

Pennsylvania Power & Light Co., et al.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. NPF-14, issued to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc., for Susquehanna Steam Electric Station, Unit 1 (the Facility) located in Luzerne County, Pennsylvania. This amendment modifies license condition 2.C.(5) to clarify blocking or maintenance of valves in the closed position as only being required in operational conditions other than cold shutdown or refueling, and requires the licensee to maintain each containment purge and vent isolation valve greater than 3-in. nominal diameter in one of the following conditions: (1) Closed and electrically prohibited from opening, (2) blocked so as not to permit opening by more than 50 degrees, or (3) operated to permit opening by more than 50 degrees after demonstrating that the valves are qualified to close from the full open position against peak LOCA pressure, and are also qualified per the criteria of Branch Technical Position CSB 6-4. This amendment is effective as of the date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for the amendment dated September 14, 1982 as amended by licensee letter dated October 29, 1982; (2) Amendment No. 12 to License NPF-14, dated March 9, 1983; and (3) the Commission's evaluation dated March 9, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of March 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-7002 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352-OL and 50-353-OL]

Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel

members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Christine N. Kohl, Chairman
Stephen F. Eilperin
Dr. Reginald L. Gotchy

Dated: March 10, 1983.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-7007 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket 50-267]

Public Service Company of Colorado; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License DPR-34 issued to the Public Service Company of Colorado, which revised Technical Specifications for operation of the Fort St. Vrain Generating Station (the facility) located in Platteville, Colorado. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to update various surveillance requirements related to the In-Service Inspection and Testing Program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated October 15, 1982, as superseded by letter dated February 22, 1983, (2) Amendment No. 33 to Facility Operating License DPR-34; and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Greeley Public Library, City Complex Building, Greeley, Colorado. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, Attention: Director, Division of Resident, Reactor Projects and Engineering Programs.

Dated at Arlington, Texas, this 8th day of March 1983.

For the Nuclear Regulatory Commission.

T. F. Westerman,

Acting Chief, Reactor Project Branch 1.

[FR Doc. 83-7004 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443 and 50-444]

Public Service Company of New Hampshire, et al.; Availability of Safety Evaluation Report for Seabrook Station, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the Seabrook Station, Units 1 and 2, located in Rockingham County, New Hampshire. Notice of receipt of the application by Public Service Company of New Hampshire, et al.[1] to operate the Seabrook Station, Units 1 and 2 was published in the **Federal Register** on October 19, 1981 (46 FR 51330).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03883 for inspection and copying. The report (Document No. NUREG-0896) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 10th day of March 1983.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-7003 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

[1] The current construction permit holders for Seabrook Station are: Bangor Hydro-Electric Company, Canal Electric Company, Central Maine Power Company, Central Vermont Public Service Corporation, Connecticut Light & Power Company, Fitchburg Gas & Electric Light Company, Hudson Light & Power Department, Maine Public Service Company, Massachusetts Municipal Wholesale Electric Company, Montaup Electric Company, New England Power Company, New Hampshire Electric Cooperative, Inc., Public Service Company of New Hampshire, Taunton Municipal Lighting Plant, The United Illuminating Company, Vermont Electric Cooperative, Inc., and Washington Electric Cooperative, Inc.

[Docket No. 50-206]

Southern California Edison Co. et al.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment deletes Section 2.0 of the Appendix B Environmental Technical Specifications (ETS) which pertain to the non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated January 7, 1983, (2) Amendment No. 67 to Provisional Operating License No. DPR-13, and (3) the Commission's related letter of transmittal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California. A single copy of items (2)

and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-7005 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

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 effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 10th day of March at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Marvin R. Peterson,

Acting Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (EXPORTS)

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element (additional)	Total isotope (additional)		
Exxon Nuclear Co., Feb. 23, 1983-Feb. 28, 1983, XSNM01903(01).	3.5 Percent enriched uranium..	2,850	53	Increased quantity of material authorized for export for use as fuel in Oskarshamn, Unit I.	Sweden.
Edlow Int'L, Feb. 23, 1983-Feb. 28, 1983, XSNM02021.	3.45 Percent enriched uranium.	8,601	297	Routine reload of fuel for Genkai Unit I	Japan.
Mitsui & Co., Feb. 28, 1983-Mar. 2, 1983, XSNM02022.	3.95 Percent enriched uranium.	13,418	403	Routine reload of fuel for Fukushima I, Unit 5	Japan.
Edlow Int'L, Feb. 28, 1983-Mar. 2, 1983, XSNM02023.	2.65 Percent enriched uranium.	14,410	382	Routine reload of fuel for Mihama Unit 2	Japan.
Marubeni America, Feb. 28, 1982-Mar. 7, 1983 XSNM02027.	3.95 Percent enriched uranium.	23,714	695	Reload of fuel for Shimane Unit No. 1	Japan.
Transnuclear, Inc., Mar. 7, 1983-Mar. 7, 1983, XSNM02028.	4.00 Percent enriched uranium.	19,753.000	593.200	Reload fuel for Forsmark I	Sweden.
	4.05 Percent enriched uranium.	[1]6.000	[1]0.243		

[1]Sample quantity.

[FR Doc., 83-6999 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.59, Revision 1, "Standard Format and Content for a Licensee Physical Security Plan for the Protection of Special Nuclear Material of Moderate or Low Strategic Significance," describes the information needed in the physical security plan required as part of an application for certain licenses to possess, use, or transport special nuclear material of moderate or low strategic significance and recommends a format for its presentation.

Comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washingon, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 9th day of March 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-7006 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Investigation Authority, and Availability of Reports and Responses

Investigation Authority

Pursuant to the provisions of Section 304(b)(1) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(b)(1)), Edwin R. Butler, Investigator-in-Charge, is hereby designated

and authorized to administer oaths, issue and serve subpoenas, and require by such subpeonas the attendance and testimony of witnesses, and the production of such evidence as may be deemed advisable and necessary in the matter of investigation of a Missouri Pacific Railroad Company side collision of two freight trains at Possum Grape, Arkansas, on October 3, 1982 (Docket ATL-83-A-R001), conducted pursuant to Section 304(a) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(a)).

Dated: March 2, 1983.

Jim Burnett,

Chairman.

Reports Issued

Railroad Accident Report: Derailment of Southern Pacific Transportation Company Train No. 01-BSMFF-05 Carrying Radioactive Material, Thermal, California, January 7, 1982 (NTSB-RAR-83-1).

Highway Accident Report: Pattison Head Start Center School Van Run-Off Bridge and Fire, near Hermanville, Mississippi, December 17, 1981 (NTSB-HAR-82-5).

Recommendation Responses From

Aviation—*Federal Aviation Administration: Jan. 24: A-82-62 and -63:* Agrees that the United Control Corporation (Sundstrand) V-557 cockpit voice recorder (CVR) has a history of occasional poor performance, some of which has been attributed to maintenance. However, preliminary information does not dictate that a costly random sampling check of the V-557 CVR operators' units and their associated maintenance programs is necessary. Issued Maintenance Bulletin No. 23-17 on Oct. 22, 1982, regarding Scheduled Preventive Maintenance Requirements. The recommended requirement for removal of the V-557 CVR after 2 years would be extremely costly without apparent offsetting safety benefit. Is reevaluating all CVR/flight data recorder devices. *Jan. 28: A-81-36 through -38:* Review of these recommendations regarding rolled thread lift strut forks on Piper aircraft is taking longer than anticipated. *Jan. 28:A-81-67:* Will issue an operations bulletin to alert field inspectors to discuss the hazards associated with a poorly planned approach and emphasizing the longer landing distances that may be required (decreased performance) when landing on wet or icy runways. *Jan. 28: A-82-145:* Believes that existing regulatory requirements under 14 CFR 135 provide significantly enhanced safety measures compared to rules governing nonrevenue single-pilot IFR operations, and in conjunction with existing airplane certification requirements, appropriately addresses human engineering aspects as a basis for certification of single-pilot IFR operations. *Jan. 28: CY-70-42, Part 4; A-77-70; and A-80-125 through -131:* Review of recommendations regarding adequacy of occupant protection in general aviation aircraft is taking longer than expected. *Jan. 28: A-82-53:* Issued Airworthiness Directive 82-23-07 on Oct. 28, 1982, requiring a one-time inspection of deicing boots on the Ratier-Figeac model FH 146 propellers. *A-82-54:* The propeller manufacturer will conduct experiments on the development of insulation resistance versus temperature and time on a blade with an overheated area. *A-82-55:* Is monitoring the activities between representatives of Aerospatiale and Ratier-Figeac, under cognizance of the French authorities, in reviewing the design of the Ratier-Figeac model 146 propellers for compatible composition of the deicing boot, its adhesive material, and the propeller blade material in the event it is exposed to excessive heat. *Jan. 31: A-80-90 through -92:* Established a regulatory project regarding flexible, crash-resistant fuel lines, self-sealing frangible fuel line couplings, and light-weight, flexible, crash-resistant fuel cells. *A-80-94:* Is reviewing the recommendation to assess the feasibility of requiring the installation of selected crash-resistant fuel system components, made available in kit form from manufacturers, in existing general aviation aircraft on a retrofit basis. *Jan. 31: A-82-14:* Issued Air Traffic Service Bulletin No. 82-2, dated Dec. 1982, pertaining to winter operations, including aircraft icing. *Feb. 2: A-79-76 through -78:* Issued Change 34 to FAA Order 8430.17, Air Carrier Operations Bulletins (ACOB), which transmits ACOB No. 1-76-23, Brace for Impact Positions. *Feb. 7: A-82-94;* Will issue an advisory circular regarding external opening instructions/identification on airplanes equipped with external openable emergency exits. *Feb. 7: A-823-146:* Cancellation at this time of the waiver of the FAA Handbook "Air Traffic Training," 3120.4F, Chapter 3, Section 2, Paragraph 100.C(3), regarding instructor techniques training prior to being assigned to conduct on-the-job training would not enhance the safety of flight or the training of new controllers, but in certain critical facilities would constrain the rebuilding of the air traffic control system and would not add to the safety of control operations. *A-82-147:* Notice 3120.72, transmitted to the field on Jan. 4, 1983, provides guidance to air traffic control facility managers for the assignment of on-the-job training instructors. *A-82-148:* Provided written instructions to regional air traffic division and facility managers concerning guidance on the time and workload characteristics for utilizing newly trained OJT instructors. *A-82-149:* The team-assigned Evaluations, Proficiency and Procedures Specialist concept has not proven to be cost-effective, particularly at larger ATC facilities. An effective training program should be standardized and managed by a responsible assistant facility manager or the manager himself. *Feb. 9: A-81-75 and -76:* Developing an Advisory Circular to provide guidance on cockpit noise measurement, noise levels above which communication aids would be desirable, and remedies that can be used in the event that high noise levels are encountered. *Feb. 9: A-80-115:* Deliveries of color weather radar displays to center weather service units at air route traffic control centers are expected to begin in February 1983 and continue through May 1983. *Feb. 10: A-80-36 and -37:* A National Institutes of Health study on the applicability and validity of the "age 60 rule" for pilot retirement stated that there is a lack of precise, reliable, longitudinal, medical, and performance data on older pilots concerning the validity, with respect to piloting, of currently tests of perceptual cognitive function. FAA has issued an Advance Notice of Proposed Rulemaking to solicit information to be used in determining the feasibility of a program to gather data regarding the use of older pilots in air carrier operations. FAA study will be limited to crewmembers operating under 14 CFR Part 121. FAA does not, at this time, expect to impose age restrictions under other CFR operating rules. *Feb. 10: A-81-2:* Believes that the special Quality Assurance Systems Analysis Review Team Audit Report on the B.F. Goodrich Company, dated Jan. 22, 1981, satisfactorily covered the manufacturer's compliance with current regualtory requirements governing production certification and specifically the issuance and approval of service bulletins, investigation and reporting of service difficulties, maintenance of appropriate production and inspection records, and coordination of service difficulties with primary airframe manufacturers. *A-81-4:* Believes that issuing an advisory circular on nondestructive testing techniques for air carrier inspection programs is unnecessary since FAA previously issued five maintenance bulletins which alterted field inspectors and the aviation industry to potential wheel and tire problems. *Feb. 18: A-82-68:* Issued Airworthiness Directive 82-27-02 on Dec. 10, 1982, requiring a one-time dye penetrant inspection of all the suspect Model 90-DHB propeller blades within 10 hours time in service from December 30, 1982. *Feb. 24: A-81-15:* Does not believe that an Airworthiness Directive requiring inspection of Cessna airplanes for seat interference and relocation of the forward seat stops is justifiable. *A-81-16:* Believes that the recommended procedure for locking the pilot's seat in position before the engine is started, contained in the Cessna Pilot's Operating Handbook, is adequate and that inclusion of an adjustment and locking check of front seats, belts, and shoulder harnesses on the "before takeoff" checklist is unnecessary. *Feb. 28: A-82-90:* Will issue a Notice of Proposed Rulemaking to require the installation of inboard stall strips to the wing leading edge of applicable Piper PA-38-112 airplanes. *Feb. 28: A-82-97:* Issued Notice of Proposed Rulemaking Docket No. 82-CE-40-AD on Dec. 30, 1982, regarding the Cessna Model 172 right-hand control yoke assembly problem. *Mar. 1: A-82-48 and -49:* Issued Docket No. 79-ASW-19 Amendment 39-4552 to Airworthiness Directive 68-04-04 on Jan. 19, 1983, applicable to Brantly Models B-2, B-2A, and B-2B helicopters requiring permanent marking of tail rotor blades to assist in identification of proper blades and prevent confusion during inspections and requiring that the tail rotor blade spar retention area exterior surface be left unpainted to facilitate daily visual inspections by maintenance personnel and daily checks by pilots. *Mar. 3: A-78-73:* Issued Advisory Circular 145-4 on Sept. 27, 1982, regarding inspection, retread, repair, and alterations of aircraft tires. *A-78-74:* Establishment of an uppper limit on the number of retread cycles allowed each model tire is not being considered at this time. *Mar.*

4: A-82-170: Will issue a General Aviation Airworthiness Alert (AC-43-16) regarding the engine control cable seizure on Cessna 300 and 400 series airplanes and the availability of Cessna Information Letter ME80-45 and its revisions which provides information to correct the problem. *Mar. 4: A-82-64 and -65:* Initiated a flight data recorder study to identify the available technology for, and associated cost and safety impact of requiring under 14 CFR 121.343, the installation on turbojet aircraft of digital flight data recorder systems capable of recording more extensive parameters. *Mar. 4: A-79-16 through -19:* Expects to issue Technical Standard Order C69A entitled, "Emergency Evacuation Slides, Ramps, and Slide/Raft Combinations," which would upgrade requirements of airplane evacuation slides pertaining to fire resistance, girt strength, and critical angle testing. Issuance of an Airworthiness Directive is not necessary. *A-79-20:* Considers that the redundancy required by the regulations for emergency evacuation systems and the requirement that deflated slides be usable for emergency evacuation provides an acceptable level of safety. *Mar. 4: A-82-81:* Will publish an Air Carrier Operations Bulletin to require Principal Operations Inspectors to require that air carrier training programs adequately cover the effects of aircraft leading edge contamination on aerodynamic performance. *A-82-82:* Will review taxi and takeoff checklists of all air carrier aircraft to ensure that all action items required for a successful takeoff are included. *A-82-83:* Will not issue an airworthiness directive either to require the installation and use of the ground operable wing thermal anti-ice system or to require increased takeoff speeds for the Boeing Model 737 operating in adverse weather because such action would imply that use of the system or increased takeoff speeds are an acceptable alternate means of complying with the operating rules. FAA actions to date have been aimed at increasing crew awareness of adverse weather operating problems and the need for strict compliance with operating rules. A revised Boeing 737 Operations Manual, with information for improved stall margins, when excess runway is available, by use of improved climb (takeoff overspeed) procedures for selected flap positions, has been sent to all B-737 operators. A revised Boeing 737 FAA-approved Airplane Flight Manual with similar information will be sent to all operators. Associated with the FAA's approval of the B-737 ground thermal anti-icing system on Jan. 14, 1983, is a revision to the FAA-approved Airplane Flight Manual which stipulates that the system is not to be used as a substitute for ground deicing/anti-icing and inspection procedures which are necessary to comply with operating rules. *A-82-84:* The provisions of Order 7210.7C, paragraph 3.b.(2), Flow Control Procedures, and Handbook 7210.3F, paragraph 1232, Gate Hold Procedures, are adequately meeting the objectives of minimizing aircraft departure delays at the runway. Gate hold procedures were discussed in the Dec. 1982 Air Traffic Service Bulletin, No. 82-2, Winter Operations. A future bulletin will emphasize the requirements of Order 7210.7C regarding notification of the Cental Flow Control Facility of anticipated or actual delays. *A-82-85:* Handbook 7110.65C will be amended to state that separation of aircraft is determined "at the time the departing aircraft commences takeoff roll," not at the time the departing aircraft is cleared to take off. When applied correctly, the procedures contained in Handbook 7110.65C, paragraph 743, remain a safe and viable method of separating arriving and departing aircraft in instrument weather conditions. *A-82-87:* Washington National Airport has acquired one 40-foot surplus Coast Guard cutter with modest icebreaking capability, one 22-foot Boston Whaler, and two air boats. Other equipment such as rafts and inflatable lines has been placed on land-based equipment as well as on the boats. Continuing to seek a mutual aid agreement with the District of Columbia concerning rescue response. *A-82-88:* Completing a field survey of water rescue capabilities at designated airports. *A-82-89:* Will issue a Notice of Proposed Rulemaking concerning 14 CFR Part 139 which will address water rescue capability.

Railroad—*Southeastern Pennsylvania Transportation Authority: Feb. 7: R-80-1:* By Dec. 1980, the 600-volt d.c. power cables had been relocated on the exteriors of all Brill Electric Cars, and all interior control wires were insulated. *Feb. 14: R-82-21:* Planning a grade crossing/railroad safety program to enhance the operating safety of all regional high-speed lines (commuter rail) which will include audiovisual aids and literature and be strategically directed to both hazardous material carriers and schools. *R-82-110:* All active automatic crossing protection on the Fox Chase Rapid Transit Line has been modified so that once a train initially shunts the circuit, a timing feature holds the shunt for 3 seconds. *R-82-111:* Modifying the inward opening passenger doors in the existing diesel rail cars to facilitate passenger evacuation in emergency situations is neither economically feasible nor does it facilitate egress during an emergency. *R-82-112:* The Transportation Operational Training Section will enhance its training and education program by emphasizing grade crossing hazards.

District of Columbia: Feb. 7: R-82-78: Fire Department plans to hire and train sufficient personnel to restore full-time, full-service rescue squad capability for two squad units by June 1983 and for the remaining two squad units by September 1983. *R-82-79:* Fire Department has written or rewritten, tested and revised two major emergency procedures for the management of large-scale incidents—"Standard Operating Procedures for Metrorail Incidents" and "Mass Casualty Incident Plan of Operations." *R-82-80:* Funding to expand the Fire Department Communication's Division computer storage capability to include all the information needed by the Fire Dispatcher for automatic assignment and response of units to multiple incidents has yet to be identified. *R-82-81:* In Nov. 1982, Fire Department conducted a comprehensive disaster simulation in conjunction with the Washington Metropolitan Area Transit Authority. Fire and rescue units from Maryland and Virginia participated, as well as seven District of Columbia and three Virginia hospitals.

Massachusetts Department of Public Utilities: Oct. 28: R-82-33, which recommended reevaluation of that part of paragraph 154, chapter 160, of the Massachusetts General Laws Annotated which requires, ". . . one brakeman for the last car in every freight train to be stationed thereon . . .," to determine the advisability and necessity of having a brakeman so positioned, and that if it is found necessary, specify the accommodations that shall be provided: Believes that Section 711 of the Regional Rail Reorganization Act of 1973 would prohibit Massachusetts from issuing the type of regulation the recommendation refers to.

Seaboard System Railroad: Feb. 3: R-81-99 through -101: In addition to an intensive review with employees of the various SCL Signal Instruction Letters applicable to compliance with Federal Signal Regulations and testing procedures after equipment is repaired or replaced, additional Signal Instruction Letters 11 and 12 were issued in connection with tilting or inverting relays.

Norfolk Southern: Feb. 16: R-81-37: The practice on the Norfolk and Western, as well as on most other railroads in the United States, is to install an advance approach signal only when the existing approach signal cannot be relocated and there is insufficient stopping distance between the existing approach signal and the positive home signal. *R-81-38:* The Norfolk and Western has a procedure at crew-change terminals whereby crews reporting for duty are spot-checked to see that they are physically fit. It would be completely impractical to have a supervisor check every crew going on duty because many are at outlying points, such as terminals in the coal mining districts.

Missouri Pacific Railroad Co.: Jan. 24: R-81-83: There are not enough channels on conventional train radios to communicate with all carriers that might operate over portions of a given railroad's track.

State of New York: Feb. 17: R-81-116: The Counsel to the Governor and the Dept. of Transportation is considering the recommendation to initiate the legislative and/or executive action to authorize a new or existing independent agency to properly oversee and regulate the safety of the New York City Transit Authority.

International Association of Fire Chiefs: Feb. 22: R-81-23 through -25: Will assist and cooperate with the Urban Mass Transportation Administration and the United States Fire Administration in developing rail rapid transit system training program guidelines which address fire safety concerns, such as tunnel rescue in a smoke and/or fire environment, in developing a national training curriculum for fire service personnel involved in the administration of fire protection on rail rapid transit systems, and in determining minimum fire safety equipment needs of rail rapid transit systems.

New York City Transit Authority: Feb. 17: R-82-105: On Nov. 12, 1982, the Maintenance of Way Signal Division issued Directive #82-68 to require Signal Supervision to issue priority work orders, which are generally completed within 30 days, for permanent changes and/or repairs that are beyond the

scope of the maintenance forces. *R-82-106:* The Maintenance of Way Signal Division provides refresher training for employees to ensure that they are cognizant of operating rules and regulations, standards, tests, instructions, and procedures through positive compliance directives issued monthly.

Southern Pacific Transportation Company: Feb. 28: R-83-1: Rules M971 and M972 require an inspector to remove a known or evident defect. Shallow shells are not considered dangerous, because most do not develop into detail fractures, and do not justify removing the rail. The rail defect inspection of Apr. 27, 1981, found 10 defects in 15 miles for a 0.667 failure per mile rate. The average of 0.675 failures per track mile in the past 5 years on this track segment is less than the general industry standard for the end of first position rail life of 3.0 failures per track mile. *R-83-2:* Changes have been made to show the two-letter DOT label on the train graph of Trailer-On-Flat-Car (TOFC)/Container-On-Flat-Car (COFC) loads as well as carloads. *R-83-3:* Instructions have been reissued to remind waybilling locations to properly describe TOFC/COFC shipments containing hazardous materials. Procedural instructions are in place at ramps for railroad clerks to record placard information on the company's Form 2678. If the truck driver does not have proper documents describing the hazardous material or if such documents are not available at the gate, the unit is set aside and refused until such documents are furnished in order to properly prepare the waybill. *R-83-4:* Reissued instructions to train crews to insure that conductors clearly understand that they are to review documents covering their train and know whether their train contains hazardous material or other loads requiring special handling.

The American Short Line Railroad Association: Feb. 28: R-83-10 and -11: Informed its membership of the facts, conditions, and circumstances of the accident which occurred at Thermal, California, on Jan. 7, 1982, and recommended that its member railroads (1) review, and modify if necessary, their evaluation process concerning track inspection defect data for tracks carrying passenger trains or trains with hazardous materials to better assure that rails having defects which might result in catastrophic failure be replaced and (2) assess their procedures to make certain that train crews of trains carrying hazardous materials have in their possession accurate documentation of, and emergency response information for, all hazardous materials being carried.

Marine—*Delta Steamship Lines, Inc.: Feb. 16: M-82-57 and -58:* Instructed all masters and relief masters to encourage the use of VHF radiotelephones by the bridge watch to assist in establishing meeting arrangements on waters not covered by the U.S. Vessel Bridge-to-Bridge Radiotelephone Act and to emphasize the necessity of complying with the International Regulations for Preventing Collisions At Sea, 1972, with particular regard to the requirements for effective radar plotting and for proceeding at a safe speed in areas of restricted visibility.

Federal Communications Commission: Feb. 10: M-82-10: Initiated a high-priority VHF Marine education/monitoring enforcement effort to determine the necessity of amending FCC Rules Section 83.251(c) to require a power-limiting device on bridge-to-bridge transmitters. *M-82-11:* Anticipates completion soon of a memorandum of understanding with the U.S. Coast Guard concerning the enforcement of bridge-to-bridge radiotelephone regulations.

Federal Highway Administration: Feb. 25: M-81-18 and -19: Issued on Feb. 11, 1983, technical advisory T 5140.19, "Pier Protection and Warning Systems for Bridges Subject to Ship Collisions," providing information on types of bridge span failure detection and warning systems; the design of bridge span detection warning systems, and the need for such systems on Federal-aid highway projects. *M-81-20 through -22:* Is reviewing recommendations to develop, in cooperation with the U.S. Coast Guard, standards for the design, performance, and location of structural bridge pier protection systems which consider that the impact from an off-course vessel can occur significantly above as well as below the water surface; to conduct, in cooperation with the U.S. Coast Guard, a study to determine which existing bridges over the navigable waterways of U.S. ports and harbors are not equipped with adequate structural pier protection; and to use the results of the study to advise appropriate bridge authorities of the benefits of installing additional pier protection systems.

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703-487-4650 and to order subscriptions to reports call 703-487-4630. Single copies of response letters are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

March 14, 1983.

[FR Doc. 83-6886 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-58-M

RAILROAD RETIREMENT BOARD

Report Under Section 22 of the Railroad Retirement Act

AGENCY: Railroad Retirement Board.

ACTION: Notice of a report submitted to the President, the Speaker of the House, and the President of the Senate.

SUMMARY: Section 22(a) of the Railroad Retirement Act (45 U.S.C. 231u(a)) requires the Railroad Retirement Board (Board) to submit a report to the President and the Congress with respect to the condition of the railroad retirement system in any fiscal year in which the Board determines it must exercise fifty percent or more of its general fund borrowing authority. Section 22(a) further provides for publication of the report in the Federal Register. The Board has determined that it will use more than fifty percent of its general fund borrowing authority in Fiscal Year 1983, and on February 18, 1983, submitted the required report to the President and the Congress.

DATE: March 17, 1983. This date must be no earlier than 20 days nor more than 30 days after submission of the report to the President and the Congress (February 18, 1983); thus, publication should occur no earlier than March 10, nor later than March 18, 1983.

Report Required by Section 22 of the Railroad Retirement Act

The 1981 amendments to the Railroad Retirement Act gave the Railroad Retirement Board the authority to borrow money from the general fund of the Treasury. The amount that can be borrowed at any time is equal to the excess of annuity payments due in the following month over the balance in the Railroad Retirement Account. The borrowing authority, however, is limited. The law states that the total outstanding loan from the general fund at any time during a fiscal year shall not exceed the total amount estimated to be transferred from the Social Security Trust Funds to the Railroad Retirement Account with respect to that fiscal year. The transfer, made pursuant to section 7(c)(2) of the Railroad Retirement Act, is known as the financial interchange transfer.

The 1981 amendments also added Section 22 to the Railroad Retirement Act. Section 22(a) states:

In any fiscal year in which the Board determines that general revenue borrowing authority available under this Act will be used to borrow an amount equal to or greater than fifty percent of the total amount available under such borrowing authority for that fiscal year, the Board shall, on or before April 1 of that year, report to the President, the Speaker of the House, and the President of the Senate, in writing—

(1) The aggregate amount it will need to borrow for that fiscal year and the aggregate amount it is authorized to borrow for that fiscal year;

(2) The first fiscal year during which benefits under this Act must be reduced, in the absence of any adjustments, because insufficient funds (including any general revenue borrowing authority under this Act) would preclude payment of full benefits (other than benefits payable from the Dual Benefits Payments Account) for every month in such fiscal year;

(3) The first fiscal year during which the Board would recommend suspension of the authority to borrow contained in

section 10(d) of the Railroad Unemployment Insurance Act, in order to prevent depletion of the Railroad Retirement Account; and

(4) The amount, if any, of adjustments (stated in terms of percentage of taxable payroll), and any other changes such as cash flow adjustments, necessary to preserve the financial solvency of the Railroad Retirement Account, if such adjustments were effective at the beginning of the next succeeding fiscal year.

The Board shall, not less than 20 nor more than 30 days after the submission of a written report under this subsection, publish such report in the **Federal Register.**

This is the report of the Board required by Section 22(a).

Discussion of Methodology. It is clear that the four specific items which Section 22 requires be included in this report, especially items (1), (2) and (4), can only be estimates. These estimates must be based on assumptions as to the behavior of all factors which will affect the balance of the Railroad Retirement Account during the next several years. There are many such factors, such as rates of mortality, rates of retirement, the level of wage and price inflation, and the level of railroad employment. Some of these factors are subject to reasonaby accurate prediction and some are not. Unfortunately, the factor to which the estimates are most sensitive, the level of railroad employment, is the most volatile and difficult to predict.

The main source of income to the Railroad Retirement Account is a payroll tax. The amount of revenue produced by the tax depends on the number of railroad employees covered by the tax. A reliable response to item (4) therefore depends on how accurate the employment assumption turns out to be.

The history of railroad employment over the last ten years is shown in the table below.

Period	Average number of workers (in thousands)
1973	584
1974	592
1975	548
1976	540
1977	546
1978	542
1979	554
1980	532
1981	505
1982	440

After holding fairly steady for a few years, employment dropped sharply during the 1974–75 recession, declining by 44,000 jobs between 1974 and 1975. After the recession ended, employment did not again approach its pre-recession level. It held relatively steady until the next recession, when it dropped sharply again. From 1980 to 1982, railroad employment dropped by 92,000 jobs, or about 17 percent of the 1980 work force.

The volatility of railroad employment causes an assumption as to its future behavior to be little more than an educated guess. Individuals may differ as to whether a particular assumption is valid or invalid. This report shows estimates of the items required by Section 22 based on two sets of employment assumptions. The two employment assumptions are as follows:

Calendar year	Employment assumption (in thousands)	
	A	B
1983	385	370
1984	370	350
1985	360	335
1986	355	325
1987	350	320
1988	345	315
1989–92	340	310

No claim is made that A represents a best case or that B represents a worst case. Actual experience may turn out to be better than A or worse than B. The intent is to show the sensitivity of estimates of hypothetical levels of railroad employment. The assumptions as to all factors other than the level of employment are identical for the two sets of estimates. The estimates are relatively insensitive to reasonable changes in these other factors.

Results. The estimates in the table below are based on employment assumptions A and B, as indicated. An explanation of the column headings follows. All figures in the table are in millions of dollars.

"Balance I" represents the balance in the Railroad Retirement Account on May 1 of the indicated year, assuming that the Railroad Unemployment Insurance Account after September 30, 1983. A negative balance indicates that the Railroad Retirement Account is in debt to the general fund; the magnitude of the negative number is the amount of the outstanding loan.

Note.—The financial interchange with social security currently represents a substantial portion of the railroad retirement system's income. The transfer of funds is made once a year in June and covers the preceding fiscal year. In addition, because of the due dates of railroad retirement taxes set forth under IRS regulations, the Railroad Retirement Account receives very little taxes in the first month of a calendar quarter, almost two months of taxes in the second month, and one month of taxes in the third month. The effect of these two factors on cash flow is to make May 1 the time at which the balance of the Railroad Retirement Account is at its minimum for the fiscal year.

"Borrowing Authority" represents the financial interchange transfer with respect to the fiscal year and is the maximum amount that the Railroad Retirement Account may owe to the general fund.

Note.—The Railroad Retirement Account may not borrow more than the "borrowing authority" amount. Under the provisions of Section 22(c), the Board will have to issue and put into effect regulations which will cut back benefits to the extent necessary so that payments do not exceed the funds available, unless some other corrective action is taken. Thus, the magnitude of an actual negative balance will never be greater than the borrowing authority. The balances shown in the table, however, are based on the assumption that the Board borrows whatever is needed to pay full benefits. These calculations are necessary in order to respond to item (4) of Section 22(a).

"Excess I" represents the excess of the amount that must be borrowed in order to pay full benefits over the amount that the Board is authorized to borrow, assuming that the Railroad Unemployment Insurance Account is allowed to continue borrowing from the retirement account. It is equal to the excess, if any, of the loan represented in Balance I over the amount for the corresponding year in Borrowing Authority.

"Excess II" is the same as Excess I except that it is based on the assumption that no loans are made from the Railroad Retirement Account to the Railroad Unemployment Insurance Account after September 30, 1983.

Estimates Based on Employment Assumptions A and B (millions of dollars)

Fiscal year	Balance I	Balance II	Borrowing authority	Excess I	Excess II
Employment Assumption A					
1983	−$1,177	−$1,177	$1,867		
1984	−2,421	−2,280	2,109	$312	$171
1985	−3,627	−3,270	2,254	1,,373	1,016
1986	−4,809	−4,287	2,300	2,509	1,987
1987	−6,082	−5,436	2,355	3,727	3,081
1988	−7,487	−6,752	2,456	5,031	4,296
1989	−8,992	−8,188	2,560	6,432	5,628
1990	−10,576	−9,707	2,672	7,904	7,035
1991	−12,112	−11,177	2,650	9,462	8,527
1992	−13,832	−12,827	2,684	11,148	10,143

Employment Assumption B

1983	−$1,255	−$1,255	$1,867		
1984	−2,707	−2,527	2,159	$548	$368
1985	−4,128	−3,659	2,336	1,792	1,323
1986	−5,566	−4,847	2,413	3,153	2,434
1987	−7,096	−6,194	2,503	4,593	3,691
1988	−8,713	−7,697	2,618	6,095	5,079
1989	−10,428	−9,329	2,730	7,698	6,599
1990	−12,235	−11,058	2,851	9,384	8,207
1991	−14,022	−12,765	2,848	11,174	9,917
1992	−16,005	−14,663	2,895	13,110	11,768

In the following discussion of the estimates, the numbering corresponds to the four numbered items which Section 22(a) requires in the report.

1. Under both sets of employment assumptions, the aggregate amount that the Board is authorized to borrow in fiscal year 1983 is $1,867 million. Under assumption A the Board will need to borrow $1,177 million; under assumption B it will need to borrow $1,255 million. Both amounts exceed 50 percent of the borrowing authority.

2. For both assumptions, the magnitude of the negative Balance I is first greater than the Borrowing Authority in fiscal year 1984. This indicates that, in the absence of corrective action, the first fiscal year in which insufficient funds will preclude payment of full benefits will be 1984.

3. The "Excess II" column of both sets of estimates shows that, even if the Railroad Unemployment Insurance Account is prohibited from borrowing from the Railroad Retirement account after September 30, 1983, the Railroad Retirement Account would still become depleted. In a sense, therefore, it is not possible to make a meaningful recommendation under item (3).

Loans to the unemployment insurance system intensify the financial problems of the Railroad Retirement Account to a significant degree. From the point of view of the retirement account, loans to the unemployment insurance system should be disallowed after September 30, 1983. Such a prohibition would require an increase in unemployment insurance taxes, a reduction in benefits, or another source from which to borrow.

4. The table below shows the adjustments (stated in terms of additional percentages of tier 2 taxable payroll) needed, beginning October 1, 1983, to preserve the financial solvency of the Railroad Retirement Account (prevent the Account from exceeding its borrowing authority) through the year indicated.

Fiscal year	Employment assumption A		Employment assumption B	
	RUIA borrowing continued (percent)	RUIA borrowing discontinued (percent)	RUIA borrowing continued (percent)	RUIA borrowing discontinued (percent)
1984	6.3	3.5	11.6	7.8
1985	8.8	6.5	12.2	9.0
1986	9.3	7.4	12.4	9.6
1987	9.4	7.8	12.4	10.0
1988	9.4	8.1	12.4	10.2
1989	9.4	8.2	12.4	10.4
1990	9.4	8.3	12.4	10.4
1991	9.4	8.3	12.4	10.4
1992	9.4	8.3	12.4	10.4

For example, if Railroad Unemployment Insurance Account borrowing is allowed to continue, an additional 12.4 percent of tier 2 taxable payroll, starting October 1, 1983, is needed under employment assumption B to preserve the solvency of the Railroad Account through fiscal year 1987. If the Railroad Unemployment Insurance Account borrowing is discontinued after September 30, 1983, an additional 8.1 percent of tier 2 taxable payroll, starting October 1, 1983, is needed under employment assumption A to preserve the solvency of the Railroad Retirement Account through fiscal year 1988.

Dated: March 9, 1983.

By Authority of the Board.

James T. Brown,

Chief Executive Officer, Railroad Retirement Board.

[FR Doc. 83-6955 Filed 3-16-83; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF TRANSPORTATION
Coast Guard

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Authority To Prescribe and Enforce Standards or Regulations Affecting Occupational Safety and Health of Seamen Aboard Vessels Inspected and Certificated by the United States Coast Guard; Memorandum of Understanding

Purpose

It is the purpose of this memorandum of understanding (MOU) to set forth clearly the boundaries of the authority of the United States Coast Guard (Coast Guard) of the U.S. Department of Transportation and the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor in prescribing and enforcing standards or regulations affecting the occupational safety and health of seamen aboard vessels inspected and certificated by the Coast Guard (hereinafter "inspected vessels"). This MOU is intended to eliminate confusion among members of the public with regard to the relative authorities of the two agencies. Nothing in this MOU pertains to uninspected vessels. The Coast Guard and OSHA agree to work together to fulfill their respective authorities.

Authority of the Coast Guard

The Coast Guard is the dominant federal agency with the statutory authority to prescribe and enforce standards or regulations affecting the occupational safety and health of seamen aboard inspected vessels. Under the Vessel Inspection Laws of the United States, the Coast Guard has issued comprehensive standards and regulations concerning the working conditions of seamen aboard inspected vessels.

These comprehensive standards and regulations include extensive specific regulations governing the working conditions of seamen aboard inspected vessels as well as ample general authority regulations to cover these seamen with respect to all other working conditions that are not addressed by the specific regulations. These standards and regulations are generally set forth at 46 CFR Chapter I, and in the Coast

Guard's Marine Safety Manual and its Navigation and Vessel Inspection Circulars.

Authority of OSHA

OSHA has a general statutory authority to assure safe and healthful working conditions for working men and women under the Occupational Safety and Health (OSH) Act of 1970. Section 4(b)(1) of the OSH Act defines the relationship between OSHA and the other federal agencies whose exercise of statutory responsibilities may affect occupational safety and health. Based on OSHA's interpretation of section 4(b)(1), and as a result of the Coast Guard's exercise of its authority, described above, OSHA has concluded that it may not enforce the OSH Act with respect to the working conditions of seamen aboard inspected vessels. Nonetheless, OSHA retains the following responsibilities.

OSHA retains its authority under section 11(c) of the OSH Act, which forbids discrimination in any manner against employees who have exercised any right afforded them under the OSH Act. Pursuant to this provision, OSHA has the authority to require vessel owners to post a notice that informs employees of their right to complain about working conditions to the Coast Guard, OSHA, or the employer and to be free from retaliatory discrimination. OSHA has concluded that its exercise of authority under section 11(c) if not precluded by the scope of section 4(b)(1) of the OSH Act.

OSHA agrees to refer to the Coast Guard, for its consideration, any complaints, other than section 11(c) discrimination complaints, OSHA receives from seamen working aboard inspected vessels. However, the Coast Guard, consistent with the statement of its authority above, has the sole discretion to determine, under its applicable standards and regulations, whether the events complained of constitute hazardous conditions and the extent of any remedy that may be required.

Recordkeeping

OSHA and the Coast Guard will continue to discuss the extent of their respective jurisdictions to require owners of inspected vessels to keep records concerning occupational injuries and illnesses. This MOU does not resolve any issues concerning recordkeeping obligations.

Effective Date and Publication

This MOU shall take effect upon signature by the parties. It shall be promptly published in the Federal Register.

Dated: March 8, 1983.

James S. Gracey,

Commandant, United States Coast Guard, Department of Transportation.

Dated: March 4, 1983.

Thorne G. Auchter,

Assistant Secretary for Occupational Safety and Health, Department of Labor.

[FR Doc. 83-6792 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

Coast Guard

[CGD 83-010]

Chemical Transportation Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applicants for appointment to membership on the Chemical Transportation Advisory Committee. This committee advises the Coast Guard Marine Safety Council on regulatory requirements for promoting safety in the transportation of hazardous materials on vessels and the transfer of these materials between vessels and waterfront facilities. Fourteen (14) members will be appointed to the committee.

To ahcieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in applications from minorities and women.

The committee usually meets at least once a year in Washington, D.C., with subcommittee meetings for specific problems on an as-required basis. Members serve at no cost to the Federal Government and receive neither travel nor per diem allowances.

DATE: Requests for applications should be received no later than May 20, 1983.

ADDRESS: Persons interested in applying should write to Commandant (G-CMC), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Captain C. M. Holland, Executive Secretary, Chemical Transportation Advisory Committee (G-CMC), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St. S.W., Washington, D.C. 20593; (202) 426-1477.

Dated: March 14, 1983.

C. M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

[FR Doc. 83-6965 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Travis and Williamson Counties, Texas

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Travis and Williamson Counties, Texas.

FOR FURTHER INFORMATION CONTACT: W. L. Hall, Jr., P.E., District Engineer, Federal Highway Administration, 826 Federal Office Bldg., Austin, Texas 78701, Phone (512) 482-5966.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas Department of Highways and Public Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct Farm-to-Market Highway 734 (F.M. 734), locally known as Parmer Lane, in Travis and Williamson Counties, Texas. The proposed improvement would involve the new construction of F.M. 734 from F.M. 1325 northwest 5.1 miles to Ranch to Market Road 620 (R.M. 620). The proposed project area is developing rapidly, primarily with residential subdivisions. Many of these subdivisions are presently completed. The proposed facility will provide an arterial for the anticipated traffic in this area and be an alternate route for nearby U.S. Highway 183. It is planned for this proposed construction to ultimately include two separated grade interchanges at F.M. 1325 and R.M. 620. Also included would be an overpass at the Missouri Pacific railroad tracks and a bridge at Lake Creek.

Alternatives under consideration include: (1) No build; (2) constructing a four-lane farm-to-market highway; (3) constructing a six-lane divided facility and (4) constructing a four-lane freeway with frontage roads to control access. Incorporated into and studied with all the build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agnecies, who have previously expressed an interest in this proposal. A public meeting will be held in the project area between March and May of 1983. At least an opportunity will be offorded

for anyone wanting a public hearing sometime after the draft environmental impact statement is circulated for comments. Public notices will be placed in all local newspapers advertising a time and place of the meeting or hearing. The draft E.I.S. will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the E.I.S. should be directed to the FHWA at the address provided above:

W. L. Hall, Jr., P.E.,

District Engineer, Austin, Texas.

[FR Doc. 83-6660 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in February 1983. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemption.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1479-X	DOT-E 1479	Jet Propulsion Laboratory, Pasadena, CA	49 CFR 173.315(a)(1)	To authorize use of non-DOT specification cargo tanks for transportation of liquefied fluorine and mixture of liquefied fluorine and liquefied oxygen. (Mode 1).
2000-X	DOT-E 2000	Union Carbide Corporation, Danbury, CT	49 CFR 172.101, 173.304(a), 173.316 (a)(2).	To authorize use of a non-DOT specification portable tank or a DOT Specification 4L cylinder, for shipment of flammable liquefied compressed gases. (Mode 1.)
3128-X	DOT-E 3128	Walter Kidde, Belleville, NJ	49 CFR 173.304, 175.3	To authorize use of non-DOT specification cylinders, for transportation of a Class C explosive and a liquefied nonflammable gas. (Modes 1, 2, 3, and 4.)
3330-X	DOT-E 3330	Babcock and Wilcox Co., Lynchburg, VA	49 CFR 173.214(d)	To authorize use of containers not presently prescribed in Hazardous Materials Regulations, for transportation of certain flammable solid material. (Modes 1 and 2.)
3498-X	DOT-E 3498	U.S. Department of Defense, Washington, DC.	49 CFR 146.02-22, 146.05-15, 146.29-45, 146.29-47, 146.29-59, 146.29-99, 176.83 Table 1, 176.905(c)(d), (1), Part 172 Subpart E, Part 172 Subpart F, Parts 107, Parts 173, 174, 176, Parts 177.	To authorize transport on open top vehicles military combat & tactical vehicles loaded w/their combat supply of accessory ammunition up to 6000 lbs. & not to exceed 18% of net weight of vehicle. (Modes 1, 2, and 3.)
4177-X	DOT-E 4177	Hydrodyne Industries, Inc., Hauppauge, L.I., NY.	49 CFR 173.302(a)(1), 175.3	To renew and to authorize additional design accumulators. (Modes 1, 2, 3, and 4).
4262-X	DOT-E 4262	Schlumberger Well Services, Houston, TX	49 CFR 172.101, 173.53(u), 173.80	To authorize private offshore oil well supply cargo vessels as an additional mode of transportation. (Mode 1.)
4262-P	DOT-E 4262	Schlumberger Offshore Services, Houston, TX.	49 CFR 172.101, 173.53(u), 173.80	To become a party to Exemption 4262. (Mode 1.)
5022-P	DOT-E 5022	Thiokol Corporation, Elkton, MD	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To become a party to Exemption 5022. (Modes 1 and 2.)
5403-P	DOT-E 5403	Halliburton Industrial Services, Inc., Duncan, OK.	49 CFR 173.245(a)(31), 173.248(a)(6), 173.249(a)(6), 173.263(a)(10), 173.264(a)(14), 173.268(b)(3), 173.272(i)(21), 173.289(a)(4), 178.343-2(b), 178.343-5(b)(1)(i), 178.343-5(b)(2)(i).	To become a party to Exemption 5403. (Modes 1 and 3.)
6215-X	DOT-E 6215	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.315(a)	To authorize use of insulated non-DOT specification cargo tanks, for shipment of a nonflammable gas. (Mode 1.)
6218-X	DOT-E 6218	Liquid Carbonic Corporation, Chicago, IL	49 CFR 173.315(a)	To authorize shipment of argon or nitrogen pressurized liquid in insulated non-DOT specification cargo tanks. (Mode 1.)
6232-X	DOT-E 6232	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 173.102, 173.108, 173.176, 173.87, 175.3.	To authorize an additional survival kit containing an oxygen cylinder, carbon dioxide cylinder and signal flares. (Modes 1, 3, and 4.)
6267-X	DOT-E 6267	Alden Leeds, Inc., South Kearny, NJ	49 CFR 173.217(a)	To authorize the transportation of certain oxidizers in non-DOT specification double-faced fiberboard boxes. (Modes 1, 2, and 3.)
6517-X	DOT-E 6517	Coyne Cylinder Company, Huntsville, AL	49 CFR 173.303(a)	To authorize use of non-DOT specification steel cylinders comparable to DOT Specification 4BW, for shipment of acetylene. (Modes 1, 2, and 3.)
6518-P	DOT-E 6518	Syntex Chemicals Inc., Boulder, CO	49 CFR 172.101, 172.302, 173.119, 173-134, 173.154.	To become a party to Exemption 6518. (Modes 1 and 3.)
6545-X	DOT-E 6545	San Diego Gas & Electric Company, San Diego, CA.	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification cargo tanks, for shipment of a flammable gas. (Mode 1.)
6583-X	DOT-E 6583	Phillips Petroleum Company, Bartlesville, OK.	49 CFR 173.249(a)(7)	To authorize shipment of a corrosive material in a DOT Specification 51 portable tank. (Mode 1.)
6626-X	DOT-E 6626	Airco Welding Products, Murray Hall, NJ	49 CFR 173.34(e)(15)(i), 173.34(e)(15)(v), 175.3.	To authorize use of DOT Specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A, or 3AA, for shipment of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
6752-X	DOT-E 6752	Pennwalt Corporation, Philadelphia, PA	49 CFR 173.301(d)(3), 173.304(a)(2)	To authorize DOT Specification 3AAX and 3T cylinders containing difluoroethylene manifolded in an ISO frame as an additional container configuration. (Modes 1, 2, and 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6800-P	DOT-E 6800	Petro-Chem Drum Corporation, Houston, TX.	49 CFR 173.119(a), 173.119(b), 173.245(a)(26), 173.245b(a)(6), 173.249(a)(1), 173.250a(a)(1), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.271, 173.272(i)(9), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 173.357(b), 178.19.	To become a party to Exemption 6800. (Modes 1, 2, and 3.)
6834-X	DOT-E 6834	FMC Corporation, Philadelphia, PA	49 CFR 173.245(a)(4)	To authorize use of DOT Specification 5 drums, for shipment of a certain corrosive liquid. (Mode 1.)
6874-X	DOT-E 6874	Twain Incorporated, Denver, CO	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, and 3.)
6874-X	DOT-E 6874	Degussa Corporation, Teterboro, NJ	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, and 3.)
7024-P	DOT-E 7024	Avondale Mills, Sylacauga, AL	49 CFR 173.249(a)(7)	To become a party to Exemption 7024. (Mode 1.)
7026-P	DOT-E 7026	Walter Kidde, Division of Kidde, Inc., Wilson, NC.	49 CFR 173.304(a)(1), 175.3, 178.47	To become a party to Exemption 7026. (Modes 1, 2, 4, and 5.)
7074-X	DOT-E 7074	Allied Chemical, Morristown, NJ	49 CFR 173.273	To authorize a one-time shipment of sulfur trioxide, stabilized, in non-DOT specification steel tank. (Mode 1.)
7277-X	DOT-E 7277	Structural Composites Industries, Inc., Pomona, CA.	49 CFR 173.302(a)(1), 173.304(a), 173.304(d), 175.3.	To authorize various nonflammable gases and certain flammable gases as additional commodities for shipment in non-DOT specification cylinders. (Modes 1, 2, 3, 4, and 5.)
7767-P	DOT-E 7767	Walter Kidde, Division of Kidde, Inc., Wilson, NC.	49 CFR 173.304(a)(1), 175.3, 178.47	To become a party to Exemption 7767. (Modes 1, 2, 3, 4, and 5.)
7811-P	DOT-E 7811	J. T. Baker Chemical Company, Phillipsburg, NJ.	49 CFR 173.119(a)(23), 173.245(a)(18), 173.346(a)(21), 173.347(a)(8), 175.3, 178.210.	To become a party to Exemption 7811. (Modes 1, 2, 3, and 4.)
7811-X	DOT-E 7811	EM Science, Cincinnati, OH	49 CFR 173.119(a)(23), 173.245(a)(18), 173.346(a)(21), 173.347(a)(8), 175.3, 178.210.	To authorize certain Class B poisons as additioonal commodities. (Modes 1, 2, 3, and 4.)
7811-P	DOT-E 7811	U.S. Department of Energy, Richland, WA	49 CFR 173.119(a)(23), 173.245(a)(18), 173.346(a)(21), 173.347(a)(8), 175.3, 178.210.	To become a party to Exemption 7811. (Modes 1, 2, 3, and 4.)
7834-X	DOT-E 7834	U.S. Department of Defense, Washington, DC.	49 CFR 173.306(b)(4), 175.3	To authorize transport of nonliquefied sulfur hexafluoride in certain X-ray machines overpacked in strong wooden or fiberboard boxes. (Modes 1, 2, 3, 4, and 5.)
7835-P	DOT-E 7835	Suburban Welders Supply Co., Inc., Ashland, MA.	49 CFR 177.848, Part 107 Appen. B(1)	To become a party to Exemption 7835. (Mode 1.)
7938-X	DOT-E 7938	Sea Containers Atlantic Ltd., Hamilton, Bermuda.	49 CFR 173.118a, 173.119, 173.125, 173.128, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize use of non-DOT specification portable tanks for transportation of certain hazardous materials. (Modes 1, 2, and 3.)
7952-X	DOT-E 7952	Albright & Wilson Inc., Norwood, NJ	49 CFR 173.270, 178.87	To authorize shipment of phosphorus tribromide in non-DOT specification lead-lined drums. (Modes 1, 2, and 3.)
8080-X	DOT-E 8080	Diamond Shamrock Corporation Pasadena, TX.	49 CFR 173.164	To authorize transport of dry chromic acid in a DOT Specification 105A300W tank car which has been converted to DOT Specification 111A100W. (Mode 2.)
8086-X	DOT-E 8086	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 172.102, 173.118(a), 173.119, 173.206, 173.87.	To authorize transport of a cruise missile containing hazardous materials. (Mode 1.)
8094-X	DOT-E 8094	Milport Chemical Company, Milwaukee, WI.	49 CFR 173.245, 173.249, 173.263, 173.268, 173.272.	To authorize shipment of corrosive materials in a DOT Specification 56 tank where a DOT Specification 60 tank is permitted in the regulations. (Mode 1.)
8115-X	DOT-E 8115	Acurex Corporation, Mountain View, CA	49 CFR 173.302(a)(1), 173.304(a), 173.304(d), 175.3.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic hoop wrapped cylinder, for transportation of certain nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
8126-X	DOT-E 8126	SLEMI, Paris, France	49 CFR 173.123, 173.315	To authorize use of non-DOT specification portable tanks for transportation of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid. (Modes 1, 2, and 3.)
8126-X	DOT-E 8126	Fauvet-Girel, Paris, France	49 CFR 173.123, 173.315	To authorize use of non-DOT specification portable tanks for transportation of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid. (Modes 1, 2, and 3.)
8144-X	DOT-E 8144	Hercules, Incorporated, Wilmington, DE	49 CFR 173.133, 175.3, 176.3	To authorize transport of 10 percent nitroglycerine in propylene glycol or ethyl alcohol, in DOT Specification 2E polyethylene bottles or DOT Specification 2U containers overpacked in DOT Specification 12A or 12B fiberboard boxes, or DOT Specification 21C fiber drums. (Modes 1, 3, and 4.)
8144-X	DOT-E 8144	Atlas Powder Company, Dallas, TX	49 CFR 173.133, 175.3, 176.3	To increase quantity limit for DOT Specification 2U inside containers, from 6 quarts to 5 gallons, for shipment of spirits of nitroglycerin (nitroglycerin-propylene glycol mix). (Modes 1, 3, and 4.)
8144-X	DOT-E 8144	Atlas Powder Company, Dallas, TX	49 CFR 173.133, 175.3, 176.3	To authorize transport of 10 percent nitroglycerine in propylene glycol or ethyl alcohol, in DOT Specification 2E polyethylene bottles or DOT Specification 2U containers overpacked in DOT Specification 12A or 12B fiberboard boxes, or DOT Specification 21C fiber drums. (Modes 1, 3, and 4.)
8144-X	DOT-E 8144	ICI Americas Inc., Wilmington, DE	49 CFR 173.133, 175.3, 176.3	To authorize transport of 10 percent nitroglycerine in propylene glycol or ethyl alcohol, in DOT Specification 2E polyethylene bottles or DOT Specification 2U containers overpacked in DOT Specification 12A or 12B fiberboard boxes, or DOT Specification 21C fiber drums. (Modes 1, 3, and 4.)
8237-X	DOT-E 8237	Sanders Associates, Inc., Nashua, NH	49 CFR 172.101, 173.302(a)(2), 175.3	To authorize an additional device containing lithium batteries. (Modes 1 and 4.)
8251-X	DOT-E 8251	Sea Containers Atlantic Ltd., Hamilton, Bermuda.	49 CFR 173.119, 173.245, 173.346	To authorize use of non-DOT specification intermodal portable tanks, for transportation of certain flammable, combustible, corrosive and poisonous liquids. (Modes 1, 2, and 3.)
8359-X	DOT-E 8359	Dow Chemical Company, Midland, MI	49 CFR 173.389-173.398, Part 172, Part 177.	To transport within plant over public highway via private carriage, radioactive materials (radioisotopes) as essentially non-regulated materials when contained in sealed source instruments for inhouse processing. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8390-P	DOT-E 8390	Corco Chemical Corporation, Fairless Hills, PA.	49 CFR 173.272, 178.210, 178.24a	To become a party to Exemption 8390. (Mode 1.)
8401-X	DOT-E 8401	ERA Helicopters, Inc., Anchorage, AK	49 CFR 175.3, 175.310(c)(3), 175.310(d)	To authorize carriage of fuel in Canadian 5B drums loaded in cargo compartments of passenger-carrying helicopters. (Mode 5.)
8439-P	DOT-E 8439	Walter Kidde, Division of Kidde, Inc., Wilson, NC.	49 CFR 173.302, 173.304, 175.3, 178.53	To become a party to Exemption 8439. (Modes 1, 2, 3, 4, and 5.)
8445-P	DOT-E 8445	FMC Corporation, Princeton, NJ	49 CFR Part 173, Subpart D, E, F, & H	To become a party to Exemption 8445. (Mode 1.)
8494-X	DOT-E 8494	Fruehauf Corporation, Omaha, NB	49 CFR 178.342-6(a)	To authorize manufacture, marking and sale of DOT Specification MC-307 aluminum cargo tanks equipped with glass sight gauges in lieu of the acceptable gauging devices, for transportation of flammable gases. (Mode 1.)
8507-X	DOT-E 8507	U.S. Department of Energy, Washington, D.C.	49 CFR 173.302, 175.3	To authorize use of non-DOT specification stainless steel welded conical pressure vessel, for shipment of a compressed gas. (Modes 1, 2, 4, and 5.)
8510-X	DOT-E 8510	Dow Chemical Company, Freeport, TX	49 CFR 173.178	To authorize shipment of salt-coated magnesium granules in a non-DOT specification wax-impregnated, intermediate bulk, fiberboard box with an inside polyethylene bag. (Modes 1, 2, and 3.)
8519-P	DOT-E 8519	Polish Ocean Lines, Gdynia, Poland	49 CFR 176.905(L)	To become a party to Exemption 8519. (Mode 3.)
8538-X	DOT-E 8538	Hercules, Incorporated, Wilmington, DE	49 CFR 173.62, 178.177	To authorize transport of liquid high explosives in DOT Specification 15M containers in which the inner copper containers and the rubber boots have been replaced with polyethylene containers. (Mode 1.)
8539-X	DOT-E 8539	Aero Taxi-Rockford, Inc., Rockford, IL	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107 Appendix B.	To authorize carriage of certain Class A, B and C explosives that are not permitted for shipment by air, or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
8545-X	DOT-E 8545	Hercules Incorporated, Wilmington, DE	49 CFR 173.62	To authorize transport of limited quantities of liquid high explosives in polyethylene bottles packed in a DOT Specification 37A drum, overpacked in a DOT Specification 15A wooden box. (Mode 1.)
8554-X	DOT-E 8554	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.114a, 173.93	To authorize transport of propellant explosives and blasting agents, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Mode 1.)
8561-X	DOT-E 8561	HTL Industries, Incorporated, Duarte, CA	49 CFR 173.304(a)(1), 175.3, 178.44	To authorize manufacture, making and sale of non-DOT specification girth welded stainless steel cylinders, for transportation of a compressed gas. (Modes 1, 2, and 4.)
8564-X	DOR-E 8564	Altus Corporation, San Jose, CA	49 CFR 173.206, 173.247	To authorize shipment of lithiumthionyl chloride batteries in DOT Specification 19 wooden boxes. (Mode 1.)
8565-X	DOT-E 8565	Olin Corporation, Stamford, CT	49 CFR 173.217(a)(3), 178.224	To authorize shipment of calcium hypochlorite mixture, dry, classed as oxidizer, in a DOT Specification 21C drum having an inner ply consisting of a lamination of polyester film mounted on aluminum foil.
8627-P	DOT-E 8627	Omega Treating Chemicals, Inc., Midland, MI.	49 CFR 173.119, 173.245, 178.253	To become a party to Exemption 8627. (Mode 1.)
8646-X	DOT-E 8646	Marshall Hyde Incorporated, Port Huron, MI.	49 CFR 172.101, 173.100, 173.86	To authorize transport of an explosive pest repellant device in limited quantities, in non-DOT specification inner fiberboard cartons. (Modes 1, and 2.)
8725-X	DOT-E 8725	CNG Fuel Cylinder Corporation, Long Beach, CA.	49 CFR 173.302(a)	To authorize an alternate bend test; and increase water capacity to 500 pounds and to authorize use of a ring specimen for bend and tensile tests. (Mode 1.)
8752-X	DOT-E 8752	Thiokol Corporation, Elkton, MD	49 CFR 173.92	To authorize shipment of fifteen rocket motors in a specially designed packaging configuration. (Mode 1.)
8862-P	DOT-E 8862	Union Carbide Corporation, Danbury, CT	49 CFR 173.119, 173.305	To become a party to Exemption 8862. (Mode 1.)
8871-P	DOT-E 8871	Bulk Lift International Inc., Carpenterville, IL.	49 CFR 173.154, 173.182, 173.245(b)	To become a party to Exemption 8871. (Modes 1, and 2.)

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
Note.—Inadvertently omitted from the 48 FR 38 publication of Exemptions issued during January 1983 are as follows:				
7052-P	DOT-E 7052	AVCO, Wilmington, DE	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	The Bendix Corporation, Kansas City, MO	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1862-N	DOT-E 8959	Green Hydraulics, Inc., City of Commerce, CA.	49 CFR 173.302(a)(1), 173.304(a), 173.304(d), 175.3.	To authorize shipment of nitrogen or nitrogen mixtures in steel hydraulic accumulators. (Modes 1, 2, 3, and 4.)
8866-N	DOT-E 8866	Noncliff Thayer, Inc., Saint Louis, MO	49 CFR Part 100-199	To authorize shipment of safety book matches packed with an inert, non-hazardous material in a rigid, open-top, paperboard caddy. (Modes 1, 2, 3, 4, and 5.)
8910-N	DOT-E 8910	Canbar Products Limited, Waterloo, Ontario, Canada.	49 CFR 178.19, 178.253, Part 173 Subpart F.	To authorize use of non-DOT specification notationally molded, linear low density polyethylene portable tank enclosed in a steel cage, for shipment of corrosive liquids. (Modes 1 and 2.)
8930-N	DOT-E 8930	General Aviation, Inc., Greenville, TN	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of Class A, B and C explosives not permitted for air shipment, or in quantities greater than those prescribed for shipment by air. (Mode 4.)
8937-N	DOT-E 8937	Amax Specialty Metals Corporation, Salt Lake City, UT.	49 CFR 173.178	To authorize shipment of coated magnesium granules in non-DOT specification collapsible flexible bag, disposable bulk container. (Modes 1 and 2.)
8950-N	DOT-E 8950	Structural Composites Industries, Inc., Pomona, CA.	49 CFR 173.302(a)(1), 173.304(a), (d), 175.3.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic hoop wrapped cylinders, for transportation of certain flammable and non/flammable compressed gases. (Modes 1, 2, 3, 4, and 5.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8953-N	DOT-E 8953	Foseco, Inc., Brook Park, OH	49 CFR 173.206	To authorize shipment of metallic sodium fused solid, in a non-DOT specification aluminum can, overpacked in a non-DOT specification removable head, single trip steel drum. (Mode 1.)
8961-N	DOT-E 8961	Geosource Inc., Corpus Christi, TX	49 CFR 173.119, 173.304, 173.315	To authorize manufacture, marking and sale of non-DOT specification containers, for transportation of flammable liquids and flammable gases. (Mode 1.)
8963-N	DOT-E 8963	Atlantic Research Corporation, Gainesville, VA.	49 CFR 173.88(e)(2)(ii)	To authorize transport of a rocket motor in a propulsive state, in a DOT Specification 15A wooden box. (Mode 1.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8996-N	DOT-E 8996	Florida Aircraft leasing Corporation, Fort Lauderdale, FL.	49 CFR 172.101, 175.320(a)	To authorize transport of Class A explosives loaded on the same aircraft with Class C explosives; no other cargo permitted. (Mode 4).
EE 9000-N	DOT-E 9000	Global International Airways, Kansas City, MO.	49 CFR, 172.101 Column 6(b)	To authorize air transport of rocket ammunition with explosive projectile, Class A explosive. (Mode 4).

DENIALS

8863-N	Request by Union Carbide Corporation, Danbury, CT to authorize shipment of certain etching materials, classed as corrosive material in non-authorized DOT Specification packaging denied February 1, 1983.
8934-N	Request by Korean Air Lines, Inc., Los Angeles, CA to authorize carriage of various Class A, B and C explosives, radioactive devices and magnetized materials aboard aircraft when not permitted by the Department's Hazardous Material Regulations denied February 22, 1983.

Issued in Washington, DC, on March 7, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-6475 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-60-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 53
Thursday, March 17, 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

	Items
Federal Deposit Insurance Corporation	1-5
Federal Election Commission	6
Federal Maritime Commission	7
Federal Reserve System	8, 9
Nuclear Regulatory Commission	10
Railroad Retirement Board	11

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, March 14, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,625-L (Amended)—Wilcox County Bank, Camden, Alabama

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day, the following matter:

Application of West Olympia Bank, Los Angeles, California, for consent to establish a branch at 901 South Western Avenue, Los Angeles, California.

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: March 15, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-375-83 Filed 3-15-83; 11:44 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:10 p.m. on Friday, March 11, 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 Newport Harbour National Bank, Newport Beach, California, which was closed by the Comptroller of the Currency on March 11, 1983; (2) accept the bid for the transaction submitted by Trans American National Bank, Monterey Park, California; and (3) provide such financial assistance, pursuant to section 13(c)(2)), of the Federal Deposit Insurance Act (12 U.S.C. 1832(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: March 14, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-374-83 Filed 3-15-83; 11:45 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, March 14, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Request for reconsideration of a previous denial of a request for consent to retire a subordinated note prior to maturity: Name and location of bank authorized to exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application for assistance under section 13(c) of the Federal Deposit Insurance Act: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii).

Application of Diablo State Bank, Danville, California, for consent to relocate its main office from 355 N. Hartz Avenue to 156 Diablo Road, Danville California.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to

the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii), of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8) and (c)(9)(A)(ii).

Dated: March 15, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secetary

[S-373-83 Filed 3-15-83; 11:43 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 4:00 p.m. on Tuesday, March 22, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Request for reconsideration of a previous denial of an application for Federal deposit insurance:

Metropolitan Bank, Phoenix, Arizona, a proposed new bank to be located at 320 North Central Avenue, Phoenix, Arizona, for reconsideration of a previous denial of its application for Federal deposit insurance.

Application for consent to merge and establish one branch:

The Trenton Saving Fund Society, Trenton, New Jersey, an insured mutual savings bank, for consent to merge, under its charter and title, with Burlington Savings Bank, Burlington, New Jersey, and for consent to establish the sole office of Burlington Savings Bank as a branch of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,605-L—Franklin National Bank, New York, New York

Case No. 45,619-NR—Penn Square Bank, National Association, Oklahoma City, Oklahoma

Memorandum and Resolution re:—United States National Bank, San Diego, California

Memorandum and Resolution re:—Bank of Enville, Enville, Tennessee

Memorandum and Resolution re:—Hohenwald Bank & Trust Co., Hohenwald, Tennessee

Memorandum and Resolution re:—City and County Bank of Campbell County, Jellico, Tennessee

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California (two memorandums).

Memorandum re: Automation Committee Recommendation for Replacement of FDIC's Amdahl V/6-II Computer.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the General Counsel:

Memorandum re: The Mission State Bank & Trust Company, Mission, Kansas, Mission State Bank/FDIC v. Arthur Lohrey, et al.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: March 15, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-372-83 Filed 3-15-83; 11:43 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:30 p.m. on Tuesday, March 22, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 522b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for consent to merge and establish one branch:

Marine Bank, Warren, Pennsylvania, an insured State nonmember bank, for consent to merge, under its charter and title, with The Ridgway National Bank, Ridgway, Pennsylvania, and to establish the sole office of The Ridgway National Bank as a branch of the resultant bank.

Application for consent to retire a subordinated note prior to maturity:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A) (ii)).

Request for reconsideration of a previous denial of a request for consent to retire a subordinated note prior to maturity:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the

"Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: March 15, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-371-83 Filed 3-15-83; 11:42 am]

BILLING CODE 6714-01-M

6

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, March 22, 1983, 10 a.m. (continued on Thursday, March 24, 1983 at close of the Open Meeting to conclude any unfinished business).

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, March 24, 1983, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Finance committee report
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-376-83 Filed 3-15-83; 3:19 pm]

BILLING CODE 6715-01-M

7

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 9986, March 9, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., March 15, 1983.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

1. American Coastal Line Joint Venture, Inc. v. United States Lines, Inc. and Sea-Land Service, Inc. U.S. District Court for the District of Columbia, No. 83-706.

[S-368-83 Filed 3-15-83; 9:34 am]

BILLING CODE 6730-01-M

8

FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 10:30 a.m., Wednesday, March 23, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed follow-up report to Congress on the International Banking Act of 1978.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: Mach 15, 1983.

James McAfee,

Associate Secretary of the Board.

[S-378-83 Filed 3-15-83; 4:00 pm]

BILLING CODE 6210-01-M

9

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, March 23, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed book-entry securities fee structure. (Proposed earlier for public comment; Docket No. R-0443)
2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[S-377-83 Filed 3-15-83; 3:54 pm]

BILLING CODE 6210-01-M

10

NUCLEAR REGULATORY COMMISSION.

DATE: Week of March 14, 1983 (revised) and Week of March 21, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Monday, March 14:*

10:00 a.m.:
Discussion of Procedures for Hearing on NFS-Erwin (Closed—Exemptions 1 and 10) (As Announced)

2:00 p.m.:
Briefing on Interim Independent Design Verification Program (Public Meeting) (Time and Date Change)

Tuesday, March 15:

10:00 a.m.:
Discussion/Possible Vote on Contested Issues in Palo Verde Full Power Proceeding (Closed—Exemption 10) (Time Change)

3:00 p.m.:
Briefing on Salem (Public Meeting) (Postponed from March 11)

Wednesday, March 16:

10:00 a.m.:
Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 and 6) (As Announced)

Thursday, March 17:

4:00 p.m.:
Affirmation/Discussion and Vote (Public Meeting)
a. Regulations to Implement Pub. L. 97-415 (As Announced)
b. Review of ALAB-968 (In the Matter of Metropolitan Edison Company) (New Item)

Friday, March 18:

9:30 a.m.:
Briefing on Nuclear Waste Management Act (Public Meeting) (New Item)

Thursday, March 24:

10:00 a.m.:
Discussion of Notice and Standing in Materials Licensing Cases (Public Meeting)

2:00 p.m.:
Briefing by Ad Hoc Committee on Regulatory Reform—Administrative Proposals (Public Meeting)

3:30 p.m.:
Affirmation/Discussion and Vote (Public Meeting)
a. San Onofre Memorandum and Order Re Arrangements for Medical Services (Postponed from March 10)
b. 10 CFR Part 60—Disposal of High Level Radioactive Wastes in Geologic Repositories

Friday, March 25:

9:30 a.m.:
Hearing on NFS-Erwin (Public Meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,
Office of the Secretary.
March 10, 1983.
[S-369-83 Filed 3-15-83; 8:45 am]
BILLING CODE 7590-01-M

11

RAILROAD RETIREMENT BOARD

TIME AND DATE: 10 a.m., March 24, 1983.

PLACE: Board's meeting room, 8th floor, headquarters building, 844 Rush Street, Chicago, Illinois 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public.

(1) Employer status of Burlington Northern (Manitoba) Limited.
(2) Appeal of Southern Pacific Transportation Company.
(3) Bureau of Audit and Investigation—independence of the internal auditor.
(4) Audit priorities.
(5) Proposed revisions to Board Orders 75-1 and 75-6.
(6) Field office hours.
(7) Unemployment benefits—14-day registration cycle.
(8) Publication in **Federal Register** of agency schedule for awarding SES bonuses.
(9) Recommendation for special achievement award—Topeka, Kansas base point and Kansas City, Missouri district office.
(10) Furnishing copies of internal audit reports to Senate Committee on Labor and Human Resources.
(11) Taskforce report on disability earnings limitation.
(12) Parts 216-237 of Regulations on Annuity Eligibility, Applications and Evidence.
(13) Part 218 of RRA Regulations on Annuity Beginning and Ending Dates.
(14) Proposed disability regulations (Part 220).
(15) Proposed regulation under Section 22 of the Railroad Retirement Act of 1974.
(16) Supplemental budget request.
(17) Litigation case (*Denberg* v. *Railroad Retirement Board*).
(18) Appeal from referee's denial of claim for spouse's annuity, Mrs. Mary E. Schweitzer and whether Mr. Ronald C. Schweitzer can appeal the beginning date of his annuity.

Portion closed to the public:

(A) Appeal from referee's denial of disabled widow's annuity; Sarah Kayda.
(B) Appeal from referee's denial of disability annuity, Samuel D. Cox.
(C) Intra-board personnel matters.

CONTACT PERSON FOR MORE INFORMATION: Beatrice Ezerski, COM No. 312-751-4920; FTS. No. 387-4920.

[S-370-83 Filed 3-15-83; 10:15 am]
BILLING CODE 7905-01-M

federal register

Thursday
March 17, 1983

Part II

Department of Transportation

Federal Aviation Administration

Location and Size of Registration Marks on Rotorcraft

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 45

[Docket No. 17528; Amdt. No. 45-15]

Location and Size of Registration Marks on Rotorcraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment requires the display of registration marks, N-numbers, at least 12 inches high, or as high as practicable, on rotorcraft sides in place of the dual markings that consist of an N-number at least 20 inches high on the bottom surface and an N-number at least 2 inches high on each of the fuselage side surfaces near the cabin. The rule will provide economic relief, maintain ease of positive identification, and standardize identification marking of aircraft. To avoid undue cost of compliance to rotorcraft owners and manufacturers, a rotorcraft displaying the dual 20-inch bottom surface and small side surface markings before the effective date of the amendment and a rotorcraft manufactured after April 18, 1983, but before December 31, 1983, will be allowed to continue the display of those marks until the rotorcraft is repainted or the marks are restored, repainted, or changed.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph J. Gwiazdowski, Aircraft Manufacturing Division (AWS-204), Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426-8361.

SUPPLEMENTARY INFORMATION:

Background

This amendment, which establishes new requirements for the location and size of N-numbers on rotorcraft, is adopted for essentially the reasons outlined in Notice of Proposed Rulemaking (NPRM) No. 82-6 (47 FR 14128: April 2, 1982). That action responded to the Robinson Helicopter Company, Torrance California petition for rulemaking to delete N-numbers from the bottom surface of rotorcraft and to the Bell Helicopter Textron, Fort Worth, Texas, petition for exemption from § 45.29(b)(3)(i) to avoid the existing burden of compliance when attaching equipment that interferes with the display of 20-inch N-numbers on the bottom of a rotorcraft.

Also, as part of the FAA Rotorcraft Regulatory Review Program, a similar proposal was made in December 1979 on behalf of the Helicopter Association International (HAI) and the Aerospace Industries Association (AIA) to eliminate the 20-inch bottom surface markings on rotorcraft. The proposal reflected the Sikorsky Aircraft petition of February 22, 1977, for exemption from § 45.27, which contended that bottom surface marks should not be required on rotorcraft for the same reasons the marks are not required on the underwing surfaces of fixed-wing aircraft. Since the trend in rotorcraft design has resulted in fuselage shapes approaching those of airplanes, the markings should be similar to facilitate identification. It was noted also that the elimination of the requirement for bottom markings would reduce the cost of rotorcraft marking, a savings which would be passed on the rotorcraft owners.

Because of these concerns, the FAA is adopting only side fuselage N-numbers 12 inches high in place of the dual N-numbers consisting of 20-inch bottom surface marks and the small (2- to 6-inch) side fuselage marks.

Interested persons were given an opportunity to participate in the making of the rule, and due consideration was given to all information submitted. Except as discussed in this preamble, the revisions adopted by this amendment and the reasons for them are the same as those in NPRM No. 82-6.

Need for Amendments

Costly underwing marking requirements imposed on fixed-wing airplanes were eliminated in 1961 by Amendment 1-4 to Civil Air Regulation Part 1. The bottom surface marking requirements for rotorcraft identification were not changed at that time because they suited the early commercial rotorcraft configurations. Those configurations usually had been adopted from military rotorcraft that had no need for the vertical tail surfaces or other design considerations applicable to small fixed-wing aircraft. Because the low-speed and stability design of these rotorcraft necessitated tail configurations having exposed metal tubular construction, there remained insufficient display area for adequate identification markings.

The new rotorcraft configurations, which have been designed for faster flight and more stability than the early designs, now have compact, low-drag fuselage and tail surfaces that closely resemble those of fixed-wing aircraft. This enables the marking requirements to be standardized.

The concerns of the aviation community regarding visual identification that resulted in the display of larger side fuselage N-numbers on fixed-wing aircraft also apply to rotorcraft. Citizens, law enforcement agencies, and the Department of Defense have complained that aircraft displaying small marks cannot be positively identified because the marks are too small to see; consequently, appropriate action cannot be taken against violators of regulations, particularly low-flying aircraft that cause hazardous conditions and excessive noise in the community.

FAA field offices also stressed the need to standardize aircraft markings and improve the ability to positively identify rotorcraft. Agreement has been expressed regarding the elimination of the large 20-inch bottom surface marks, and adoption of the 12-inch side fuselage numbers has been recommended to provide for positive aircraft identification.

In view of the foregoing, the FAA has determined that it is in the public interest to change the identification requirements on rotorcraft from the display of dual markings now required to standard 12-inch-high fuselage side marks only.

Discussion of Comments

Twenty-eight commenters, who represent the views of rotorcraft manufacturers, associations, and individual owners, submitted responses to NPRM No. 82-6. Generally, the comments favor the elimination of the 20-inch-high bottom surface marks; however, the majority note as unacceptable the requirement to display 12-inch-high N-numbers on the fuselage sides. About 20 commenters object to 12-inch N-numbers because of aesthetics, cost, or insufficient space or question the need for the change at this time. Some commenters recommend withdrawal of the proposed action or the optional use of 12-inch N-numbers in lieu of the dual markings.

Rotorcraft Aesthetics

Approximately 14 commenters object that 12-inch N-numbers would adversely affect the aesthetics of rotorcraft. The FAA recognizes that this may be true in some cases; however, rotorcraft manufacturers and owners, in most cases, could modify the paint scheme to minimize any adverse effect on aesthetics. The effect of the 12-inch N-number requirement would be no greater on rotorcraft than on fixed-wing aircraft. Furthermore, the FAA must give prime consideration to the factors most

affecting the public interest and safety such as positive aircraft identification.

Cost of Compliance

Eleven commenters object to the cost that would be imposed by the proposed 12-inch N-numbers and contend that the FAA evaluation does not reflect the additional costs required to redesign the paint schemes around the proposed large numbers.

The FAA evaluation, as noted in NPRM 82-6, primarily reflected the difference in the costs of applying the dual marks now required as compared to applying only the 12-inch side fuselage marks proposed. The FAA agrees with the commenters that the additional costs may be incurred by those rotorcraft operators desiring to modify paint schemes to accommodate the 12-inch N-numbers. Accordingly, the FAA conducted an additional survey of fixed-base operators (FBO's) before issuing this final rule. These costs are included in the final regulatory evaluation.

Further, to avoid any undue cost burden on rotorcraft owners and manufacturers, the rule, as adopted, allows rotorcraft displaying the dual marks before the effective date of the amendment and new rotorcraft manufactured after April 18, 1983, but before December 31, 1983, to display those marks until the rotorcraft is repainted or the N-numbers are restored, repainted, or changed. It is apparent that many failed to note that the amendment would relieve the marking burden on manufacturers and owners by extending the time period for compliance in this manner.

Lack of Space

Approximately 12 commenters contend that many small rotorcraft models have insufficient space to display full-size 12-inch N-numbers.

The FAA recognizes that certain rotorcraft configurations may lack sufficient space to display full-size N-numbers. However, when a rotorcraft to be marked in accordance with § 45.27(a) lacks sufficient space to display full-size marks on either the cabin, fuselage, boom, or tail, then § 45.29(f) allows marks as large as practicable to be displayed on both sides of the largest outside surfaces of the cabin, fuselage, boom, or tail side surfaces.

Alternatives

Some commenters recommend that the present dual-marking requirements be retained. In those cases where attached equipments would obscure the bottom-surface marks, the commenters recommend that the proposed marking requirements could be made optional or handled by the exemption process. The FAA does not consider this a viable alternative since it would perpetuate the use of the ineffective dual markings.

Additionally, FAA experience indicates that those marks are of limited value for aircraft identification. The large bottom surface marks and the small side surface marks were found to be of little value in air-to-air identification. The bottom surface marks may, in some instances, serve as a means of identifying violators of noise abatement programs. However, those marks are of little value unless the aircraft is flying at an appropriate altitude, attitude, and speed; the observer is situated directly below the flight path; and favorable light and weather conditions prevail.

Further, the FAA agrees that retaining the dual-marking requirements would impose an undue economic burden on rotorcraft owners, particularly those who attach equipment that would obscure the bottom surface marks. In those cases, numbers as large as practicable would have to be displayed; however, should the equipment be removed, 20-inch marks would have to be displayed, as required.

Accordingly, the only viable solution to reconcile the identification and marking problems on rotorcraft is to eliminate the ineffective dual marks and adopt the 12-inch side surface marks. The effectiveness of 12-inch marks has been confirmed under actual operating conditions on fixed-wing aircraft and recommended by the DOD and enforcement agencies to enhance rotorcraft identification.

Regulatory Evaluation

The FAA conducted a detailed regulatory evaluation, which is included in the regulatory docket.

The FAA first determined the number of rotorcraft that would be impacted during the 10-year period starting from 1983, the assumed earliest year that the rule change could take effect. Based on a review of the *Census of U.S. Civil Aircraft* for calendar years 1970–1980, an annual increase factor of 10 percent was applied to determine the forecast number of new rotorcraft for the period 1983–1992. The FAA's analysis indicates that these new rotorcraft and existing rotorcraft (manufactured before 1983) require repainting and thus new registration marks, on the average, every 5 years.

The FAA conducted a new survey of FBO's, which is in addition to the survey conducted for the NPRM No. 82-6. Conversations with the FBO's revealed that by rescinding the current registration marking requirement (standard fuselage bottom and side), the average 1982 dollar cost savings to rotorcraft manufacturers and owners is $444. The proposed larger side markings would cost an average $220. Additionally, certain rotorcraft manufacturers and owners will incur costs to modify or develop new paint schemes because larger side marks may not coincide aesthetically with existing paint schemes. Based on conversations with the FBO's, the average weighted distributed cost to modify paint schemes per rotorcraft is $196. Modification of paint schemes is a one-time cost and applies only to the initial painting of rotorcraft manufactured after the effective date of the rule and the first repainting of existing rotorcraft that occurs after the effective date of the rule. Furthermore, the FAA does not agree that larger side markings will result in a loss of business because customers would not be able to readily identify rotorcraft with modified or new paint schemes as suggested by two commenters to NPRM No. 82-6. Based on conversations with the FBO's, the FAA has determined that these manufacturers and owners in most cases should be able to work out a modified paint scheme to minimize the amount of change from the current design.

To determine the benefits and cost of the proposal over the period 1983–1992, FAA inflated the unit dollar values for the current and proposed registration mark requirements and aesthetic-related costs to 1983 values, multiplied the unit costs by the affected number of rotorcraft for each year, and discounted the totals to 1983.

Based on the above methodology, the discounted value of the expected benefits over the period 1983 to 1992 is approximately $14.0 million, whereas the discounted value of the costs over the same period is approximately $11.2 million, for a benefit/cost ratio of 1.25.

The actual cost savings may be larger than determined above because under current regulations owners of rotorcraft who install or remove kits or parts that mount on the bottom of the rotorcraft often have to replace the marks on the fuselage bottom to maintain compliance. Therefore, owners of such rotorcraft would receive benefits from the elimination of the bottom marking requirement since the rotorcraft would not need to be marked each time such kits are installed and removed. These rotorcraft are still included, however, in the estimates of those that will have to be repainted with new marks every 5 years. Additionally, larger side marks

may make rotorcraft easier to identify and aid in law enforcement by not only helping to identify alleged violators but also acting as a deterrent to potential violators.

Regulatory Flexibility Analysis and Determinations

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure, among other things, that small entities are not disproportionately affected by Government regulations. The RFA requires agencies to review rules which may have a "significant economic impact on a substantial number of small entities."

As detailed in the preceding review, this rule provides a small net benefit to rotorcraft manufacturers and owners. Therefore, the FAA has determined that the rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 14 CFR Part 45

Nationality, Air safety, Safety, Aviation safety, Air transporation, Transportation, Airplanes, Helicopters, and Rotorcraft.

Adoption of the Amendment

Accordingly, Part 45 of the Federal Aviation Regulations (14 CFR Part 45) is amended as follows, effective April 18, 1983:

PART 45—IDENTIFICATION AND REGISTRATION MARKING

1. By revising § 45.27(a) to read as follows:

§ 45.27 Location of marks; nonfixed-wing aircraft.

(a) *Rotorcraft.* Each operator of a rotorcraft shall display on that rotorcraft horizontally on both surfaces of the cabin, fuselage, boom, or tail the marks required by § 45.23.

* * * * *

2. By revising § 45.29 (b)(3) and (f) to read as follows:

§ 45.29 Size of marks.

* * * * *

(b) * * *

(3) Rotorcraft, must be at least 12 inches high, except that rotorcraft displaying before April 18, 1983, marks required by § 45.29(b)(3) in effect on April 17, 1983, and rotorcraft manufactured on or after April 18, 1983, but before December 31, 1983, may display those marks until the aircraft is repainted or the marks are repainted, restored, or changed.

* * * * *

(f) If either one of the surfaces authorized for displaying required marks under § 45.25 is large enough for display of marks meeting the size requirements of this section and the other is not, full-size marks shall be placed on the larger surface. If neither surface is large enough for full-size marks, marks as large as practicable shall be displayed on the larger of the two surfaces. If any surface authorized to be marked by § 45.27 is not large enough for full-size marks, marks as large as practicable shall be placed on the largest of the authorized surfaces.

* * * * *

(Secs. 307(c), 313(a), 501, and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(c), 1354(a), 1401, and 1421(a)); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Note.—This amendment will have a net beneficial cost impact because it will reduce the economic burden on rotorcraft owners and manufacturers. Specifically, the elimination of the costly 20-inch bottom surface marks will more than offset the increase of the fuselage side marks to 12 inches. Further, rotorcraft displaying bottom surface marks before the effective date will be allowed to display those marks until the rotorcraft is repainted or the marks are repainted, restored, or changed. The FAA has determined this document does not involve requirements that will result in any significant burden on owners or manufacturers. Accordingly, it has been determined that this final rule is not major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For these reasons and because this rule will only result in a small economic benefit to individual rotorcraft owners, I certify that, under the criteria of the Regulatory Flexibility Act, this rule will not have a significant economic impact on a substantial number of small entities.

A copy of the regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

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

J. Lynn Helms,

Administrator.

[FR Doc. 83-6730 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
March 17, 1983

Part III

Department of Health and Human Services

Office of Human Development Services

Availability of Financial Assistance; Centers for Runaway and Homeless Youth

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13.623]

Administration for Children, Youth and Families; Runaway and Homeless Youth Program; Availability of Financial Assistance

AGENCY: Office of Human Development Services, HHS.

ACTION: Announcement of availability of financial assistance—centers for runaway and homeless youth.

SUMMARY: The Administration for Children, Youth and Families (ACYF), Youth Development Bureau (YDB), announces the availability of Fiscal Year 1983 funds for Runaway and Homeless Youth Center Program Grants. These Grants are authorized by the Runaway and Homeless Youth Act, 42 U.S.C. 5701 et seq. This Act was enacted by Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93–415), as amended by the Juvenile Justice Amendments of 1977 (Pub. L. 95–115), and the Juvenile Justice Amendments of 1980 (Pub. L. 96–509).

DATE: The closing date for receipt of applications is May 16, 1983.

A. Scope of This Announcement

This Program Announcement describes the application process for the Center Grants Program to be awarded during Fiscal Year 1983. Competition for other grant awards in this and other ACYF program areas will be announced separately in the **Federal Register.**

B. Program Purpose

The purpose of the National Runaway and Homeless Youth Program is to provide financial assistance to establish or strengthen community-based centers designed to address the needs (e.g., outreach, detached youth work, temporary shelter, counseling, family counseling and aftercare services) for runaway and homeless youth and their families. Additional purposes of this program are to provide financial assistance to establish new programs in unserved communities, and to strengthen many of the existing centers.

Programs receiving funding under the Runaway and Homeless Youth Act are required to be knowledgeable of and to adhere to the requirements of 45 Code of Federal Regulations (CFR), Part 1351, Runaway and Homeless Youth Program, and other applicable Federal regulations (copies of the regulations pertaining to this program are included in the application kit available at the respective regional offices shown at the end of this Program Announcement). Applicants must develop their application in accordance with those regulations and the supplementary instructions which are also included in the kit. Under this Program Announcement, State agencies should pay particular attention to Section D, wherein their participation is urged.

C. Program Goals and Objectives

The program goals and objectives are to assist Runaway and Homeless Youth Centers to: (a) Alleviate the problems of runaway and homeless youth; (b) reunite youth with their families and to encourage the resolution of intrafamily problems through counseling and other services; (c) strengthen family relationships and to encourage stable living conditions for youth; and (d) help youth decide upon a future course of action.

The centers funded under this program are required to provide outreach, temporary shelter, counseling, family counseling and aftercare services which address the immediate needs of youth while they are away from home, and to provide individual and family counseling and other assistance needed to resolve intrafamily problems, and to strengthen family relationships. Additionally, both directly and through linkages with other social services agencies, the centers are required to furnish other assistance such as health, education, legal, and employment services geared to the needs of the individual clients and families served.

A special emphasis will be placed on strengthening approximately 100 existing grant programs. The 42 grantees who are being awarded non-competitive continuation basic center grants and the grantees who are awarded competing continuation basic center grants will be eligible to apply for additional funds to strengthen their programs. Strengthening priorities shall include the development/improvement of outreach components; the development/improvement of aftercare services and the improvement of administrative management capabilities.

D. Eligible Applicants

States, localities, private nonprofit agencies, and coordinated networks of such agencies are eligible to apply for a Runaway and Homeless Youth Center grant unless they are part of the law enforcement structure or the juvenile justice system. States are defined to include any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territories of the Pacific Islands, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. (See 42 U.S.C. 5603(7) as amended by Sec. 5(c) of Pub. L. 96–509). Indian tribes and Indian organizations which are not Federally recognized are eligible to apply for grants as private nonprofit agencies. Federally recognized Indian tribes are eligible to apply for grants as local units of government.

A coordinated network of agencies is an association of two or more private nonprofit, public or any combination of such agencies providing services to runaway or homeless youth and their families.

To stimulate the interactions between State agencies and private nonprofit agencies, and coordinated networks of such agencies serving runaway and homeless youth, States are encouraged to apply.

E. Available Funds

The Administration for Children, Youth and Families expects to award approximately $17,000,000 in grants to an estimated 201 centers for runaway and homeless youth in Fiscal Year 1983. Of that amount, an estimated $2,200,000 will be available for the 42 non-competing continuations that were funded for the first time in Fiscal Year 1981 for a four-year project period. It is anticipated that approximately $3,000,000 will be available to fund about 35 new programs in unserved communities that did not receive funding under the Runaway and Homeless Youth Act, Title III, Pub. L. 96–509, during the previous center grants competition held in Fiscal Year 1981. An estimated $8,000,000 will be used to competitively fund up to 124 center grants whose project periods end in Fiscal Year 1983. Further, it is expected that $3,800,000 will be available for strengthening approximately 100 of the 166 center grantees currently funded (which includes the 42 non-competing continuations).

It is anticipated that the project period (and budget period) for the new center grants in unserved communities will be one-time grants and will be from 12 to 17 months. It is expected that these awards will range from $80,000 to $100,000.

The project period (and budget period) for the 124 current grantees competitively applying for Title III funds will be for 12 months. These awards will range from $10,000 to $100,000 for the project period.

Grants to strengthen approximately 100 currently funded centers (i.e., of the existing 166 grantees) will be for one

time and will be for a comparable project period (and budget period) of 12 months. These awards will be in addition to the basic center award and will range from $10,000 to $50,000.

The number of grants awarded within each State will depend upon the State's allocation and the number of acceptable applications. The dollar amounts given in this announcement are subject to change depending on the number of applications received within each State. Also, all applicants under this announcement will compete with other applicants in the State in which their services will be provided.

Under Section 313 of this Act, as amended (42 U.S.C. 5713), DHHS gives priority in considering grant applications to organizations which have a demonstrated experience in the provision of services to runaway and homeless youth and their families and to organizations requesting grants of less than $150,000. In negotiating the final budgets for successful applicants, consideration will be given to the need expressed in the application which identifies the number of runaway or homeless youth in the community in which the center will be located; the existing availability of services designed to meet the immediate needs of runaway and homeless youth and their families; and the range and types of services to be provided under the proposed project within the requirements of the Act, as shown in criterion number three, Section H, of this announcement.

The project period will be for twelve months for currently funded Title III grantees. In the event that agencies within any State jurisdiction either submit applications which fail to meet the minimum criteria for funding, or agencies within the respective State jurisdictions do not submit applications, the Department of Health and Human Services will reallocate, at the discretion of the Secretary, any unused funds for one-time efforts pursuant to Sec. 311 of Pub. L. 96-509.

The following table indicates the Fiscal Year 1983 allocations for each State jurisdiction.

RUNAWAY AND HOMELESS YOUTH CENTERS ALLOCATIONS BY STATE

[Total 57 States—Fiscal Year 1983]

Alabama	$299,200
Alaska	39,100
Arizona	199,750
Arkansas	170,000
American Samoa	3,400
California	1,688,100
Colorado	212,330
Connecticut	217,600
Delaware	44,200
District of Columbia	44,200
Florida	595,000
Georgia	408,000
Guam	15,300
Hawaii	73,100

RUNAWAY AND HOMELESS YOUTH CENTERS ALLOCATIONS BY STATE—Continued

[Total 57 States—Fiscal Year 1983]

Idaho	76,200
Illinois	858,500
Indiana	425,000
Iowa	217,600
Kansas	171,700
Kentucky	277,100
Louisiana	343,400
Maine	85,000
Maryland	304,300
Massachusetts	402,900
Michigan	725,900
Minnesota	309,400
Mississippi	214,200
Missouri	357,000
Montana	62,900
Nebraska	119,500
Nevada	54,400
New Hampshire	68,000
New Jersey	530,400
New Mexico	107,100
New York	1,276,160
North Carolina	428,400
North Dakota	51,000
Northern Marianas	1,700
Ohio	819,400
Oklahoma	215,900
Oregon	185,300
Pennsylvania	826,200
Puerto Rico	343,400
Rhode Island	64,600
South Carolina	239,190
South Dakota	54,400
Tennessee	331,500
Texas	1,086,300
Trust Territories	17,000
Utah	134,300
Vermont	37,400
Virginia	382,500
Virgin Islands	10,200
Washington	290,700
West Virginia	142,800
Wisconsin	357,000
Wyoming	37,400

F. Grantee Share of the Project

Section 316(a) provides for 90 percent of the costs of operating a center for runaway and homeless youth. The non-Federal portion may be for grantee incurred costs or in-kind contributions (including the facility, equipment or services) and must be project-related and allowable under the cost principles as provided in 45 CFR, Part 74, the Department's regulation on the Administration of Grants.

G. The Application Process

1. Basic Center Grants

All new applicants and applicants for competing continuation grants must clearly identify on the application form that they are applying for a basic center grant.

2. Strengthening Center Grants

All currently funded grantees are eligible to apply for funds to strengthen their centers. Since separate review criteria will be applied, the application and review process will be as follows:

- The grantees who are applying for competitive continuation grants and who wish to compete for funds to strengthen their programs should clearly state in their application that they are also applying for funds to strengthen their program. This will entail a separate budget and narrative breakout detailing the amount of funds required and how they will be used.
- The 42 grantees who are being awarded non-competitive continuation grants and who wish to compete for funds to strengthen their program, are required to submit a separate competitive application for these funds.

3. Information To Be Made Available—Submission of Applications

Information about the availability of Fiscal Year 1983 funds to support centers for runaway and homeless youth will be made available to the public through this announcement and to the extent feasible, through notices to appropriate public and private nonprofit organizations in each State. Agencies and organizations interested in applying for funds may request application kits from the cognizant ACYF regional offices (see addresses for the regional offices at the end of this announcement).

In order to be considered for a Runaway and Homeless Youth Center Grant, an application must be submitted on the forms and in the manner required by the Administration for Children, Youth and Families.

The application must be executed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award. Applications must be prepared in accordance with the guidance provided in the announcement and the instructions in the application kit.

One signed original and two copies of the grant application, including all attachments, are required. ACYF encourages the submission of an additional five copies to facilitate the review panel process. Completed applications, including all copies, must be sent to the Director, Office of Fiscal Operations in the applicant's region. (Addresses for the Regional Offices of Fiscal Operations will be available from the ACYF regional offices.)

4. A-95 Notification Process

All applications, except those from federally recognized Indian tribes, are subject to the Project Notification and Review Procedures required by OMB Circular A-95, Part I. This circular requires applicants to notify State and Areawide A-95 Clearinghouses of the intention to apply for a grant and, if requested by a clearinghouse, to submit a copy of the application. Some State and area clearinghouses provide their own forms on which such information is to be submitted.

Applicants should immediately contact the appropriate State clearinghouse for information on the A-95 requirements. Applicants which are federally recognized Indian tribes are not subject to the requirements of the Project Notification and Review Procedures. Such applicants may voluntarily participate in this system and are encouraged to do so.

Instructions for meeting these requirements and the names and addresses of State and areawide clearinghouses will be provided in the application kit.

5. Application Consideration

All applications which are complete and conform to the requirements of this program announcement will be subject to a competitive review and evaluation process. This review will be conducted at the HHS/HDS regional office level by persons knowledgeable in the areas of youth development and/or human services programs who are outside and independent of the Administration for Children, Youth and Families. The consideration of applications by the competitive review panel may also take into account the comments of appropriate specialists inside and outside the Federal Government. The results of the competitive review will be reported to the ACYF Regional Program Director who will make the final selection of the successful applicants. Organizations whose applications have been disapproved will be notified in writing of that decision.

Successful applicants will be notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, the non-Federal share to be provided, and the total project period for which support is provided.

6. Priority for Funding

Section 313 of the Runaway and Homeless Youth Act requires that priority for funding be given to organizations with demonstrated experience in dealing with runaway and homeless youth, or organizations requesting grants with budgets of less than $150,000. As specified in 45 CFR 1351.12—"Past experience means that a major activity of the agency has been the provision of temporary shelter, counseling, and referral services to runaway or otherwise homeless youth and their families, either directly or through linkages established with other community agencies."

H. Criteria for Review of Applications

Part I. Criteria for All Center Grant Awards

New and competing continuation applications for financial assistance will be reviewed and evaluated against the following criteria:

1. The reasonableness of the proposed budget with a breakdown of costs, and whether a center grant request is less than $150,000 ..... (5 points)
2. The extent to which the applicant has demonstrated the ability to access other resources which can strengthen support for the existing or proposed center's activities to remain a viable organization at the expiration of the Federal funding period..... (20 points)
3. The extent to which the applicant documented the need for services for runaway and homeless youth, and proposed service areas (e.g., particular communities, districts, neighborhoods, etc.) on the basis of a comprehensive community needs assessment, and the extent to which the selection of these areas is based on the incidence of runaway and homeless youth:... (Information to be provided by the applicant should include data on the incidence of runaway and homeless youth in the geographic area to be served, and an analysis of other resources and services available in the community to serve this target population, a discussion of the benefits to the community of a runaway and homeless youth center program, and a description of the precise location of the center)..... (20 points)
4. The potential of the applicant to establish a center which can achieve the goals and requirements of this grant program as set forth in the Runaway and Homeless Youth Act, the Administrative Requirements (45 CFR 1351), and the Program Performance Standards..... (35 points)
5. The extent to which the applicant organization has demonstrated prior experience in planning, organizing and/or providing information, temporary shelter, counseling, and referral services to runaway and homeless youth and their families..... (15 points)
6. The capacity of the applicant to provide a statement of assurance that they will comply with the program requirements provided in the Code of Federal Regulations, Title 45, Part 1351 ..... (5 points)

Part II. Strengthening Centers

Competing applications for financial assistance intended to strengthen the operation and the programs of centers for runaway and homeless youth will be reviewed and evaluated against the following criteria.

1. The extent to which the applicant documents the need for additional funds to strengthen on a one time basis one or more of the following center activities: management and operations; outreach services; or aftercare services. The applicant must specifically describe the proposed activities to be undertaken, the ability of the center to achieve the proposed objectives, and how the expected outcomes would significantly strengthen the center's capacity to address the goals of the Runaway and Homeless Youth Program..... (30 points)
2. The reliability and soundness of the applicant's proposed activities and the approaches to be utilized in improving program management and operations, outreach or aftercare services..... (20 points)
3. The potential replicability of the center's proposed activities in terms of suitability for use in other community-based centers serving runaway and homeless youth and their families and specific quantifiable outcomes or products, if applicable, to be achieved/developed..... (20 points)
4. The capability and qualifications of proposed staff, or organizations that would be involved and the adequacy of the applicant's facilities and/or staff to achieve the proposed objectives..... (15 points)
5. A reasonable proposed budget, including a justification of projected costs, and the ability of the applicant to complete all proposed activities within the estimated timeframes ..... (15 points)

Closing Date for Receipt of Applications

The closing date for the receipt of applications for activities identified under this announcement is May 16, 1983. Application kits are available from the appropriate Regional Program Director listed at the end of this program announcement. Applications may be mailed or hand delivered to the regional HDS Office of Fiscal Operations at their respective addresses as shown in the application kit.

Applications received after the closing date at 5:00 p.m. will be considered ineligible and will not be reviewed and evaluated. An application will be considered to be received on time if:

- The application was sent by registered or certified mail no later than the closing date, as evidenced by a U.S. Postal Service dated postmark, unless it arrives too late to be considered by the independent review panel. Applicants should be aware that not all post offices provide a dated postmark. Applicants are advised to check with their post office to determine this.
- The application is received on or before the closing date by the respective regional HDS Office of Fiscal Operations at their respective address as shown in the application kit. In establishing the date of receipt, consideration will be given to documentary evidence of receipt maintained by HHS.

Availability of Application Forms

Application packages which contain the prescribed application forms and information for the applicant may be obtained by writing to the appropriate Regional Program Director in the HHS region in which the program will be located. The addresses of the regional offices are listed below:

Region I, Mr. Richard Stirling, Regional Program Director, Office of Human Development Services, John F. Kennedy Federal Building, Room 2011, Boston, Massachusetts 02203 (VT, CT, ME, NH, RI, MA): Attention: Ms. Susan Selya (617-233-6450);

Region II, Mr. Dennis Coughlin, Acting Regional Program Director, Office of Human Development Services, 26 Federal Plaza, Room 4149, New York, New York 10278 (NY, NJ, PR, VI): Attention: Ms. Estelle Haferling (212-264-1329);

Region III, Mr. Alvin Pearis, Regional Program Director, Office of Human Development Services, 3535 Market Street, P.O. Box 13716, Philadelpia, Pennsylvania 19101 (DE, DC, MD, VA, WV, PA): Attention: Ms. Mary Williams (215-596-0391);

Region IV, Mr. John Jordan, Regional Program Director, Office of Human Development Services, 101 Marietta Towers suite 903, Atlanta, Georgia 30323 (AL, FL. GA, KY, MS, NC, SC, TN): Attention: Mr. James Shelton (404-221-2128);

Region V, Mr. German White, Regional Program Director, Office of Human Development Services, 300 South Wacker Drive, Chicago, Illinois 6066 (IL, IN, MN, OH, WI, MI): Attention: Ms. Katie Williams (312-353-6514);

Region VI, Mr. Tommy Sullivan, Regional Program Director, Office of Human Development Services, 1200 Main Tower, 20th Floor, Dallas, Texas 75202 (LA, NM, OK, TX, AR): Attention: Mr. Jerry Mabe (214-767-6596);

Region VII, Mr. Hilton Baines, Regional Program Director, Office of Human Development Services, Federal Office Building, Room 384, 601 East 12th Street, Kansas City, Missouri 64106 (IA, KS, MO, NE): Attention: Mr. Robert Mead (816-374-7342);

Region VIII, Mr. David Chapa, Regional Program Director, Office of Human Development Services, 1961 Stout Street, Federal Office Bldg., Ninth Floor, Denver, Colorado 80294 (CO, MT, ND, SD, UT, WY): Attention: Mr. Juan Cordova (303-837-3106);

Region IX, Mr. Roy Fleischer, Regional Program Director, Office of Human Development Services, 50 United Nations Plaza, San Francisco, California 94102 (AZ, CA, HI, NV, GU, AS, TT): Attention: Chief, Children's Bureau (415-556-6153); or

Region X, Mr. Frank Jones, Regional Program Director, Office of Human Development Services, 2901 Third Avenue, Mail Stop 503, Seattle, Washington 98121 (AK, ID, OR, WA): Attention: Mr. Ronald Mowry (206-442-0838).

(Catalog of Federal Domestic Assistance Program Number 13.623, Runaway and Homeless Youth Program)

Dated: March 4, 1983.

Keith A. Moon,

Acting Commissioner, Administration for Children, Youth and Families.

Approved: February 11, 1983.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 83-6977 Filed 3-16-83; 8:45 am]

BILLING CODE 4130-01-M

Reader Aids

Federal Register

Vol. 48, No. 53

Thursday, March 17, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual	523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

8425-8802 1
8803-8984 2
8985-9208 3
9209-9502 4
9503-9632 7
9633-9828 8
9829-10034 9
10035-10290 10
10291-10604 11
10605-10800 14
10801-11100 15
11101-11246 16
11247-11398 17

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
February 2, 1925 (Revoked by PLO 6356) 9262
5024 9831
5025 9833
5026 9835
5027 9837
5028 9839
5029 10035
5030 10605
5031 11101
5032 11247

Executive Orders:
June 8, 1926 (Revoked in part by PLO 6360) 9010
July 25, 1941 (Revoked in part by PLO 6353) 9007
March 27, 1943 (Revoked in part by PLO 6353) 9007
April 7, 1944 (Revoked in part by PLO 6353) 9007
September 14, 1945 (Revoked in part by PLO 6353) 9007
July 3, 1946 (Revoked in part by PLO 6353) 9007
12409 9829

5 CFR

900 ..... 9209, 10801
1201 8425

Proposed Rules:
960 9278

7 CFR

29 10291
51 10801
52 8985
58 10607
210 10291
272 9212
273 9212
274 9212
729 9214
770 9232
905 10804
906 8985
907 ..... 8987, 10037, 10609, 11249
910 ..... 8803, 9235, 10292
932 9633
967 10805
981 11249
984 10806
1030 9636
1032 11251
1040 11252
1065 10610
1136 8425
1430 11253
1701 ..... 8426, 10807
1809 10293
1944 8987
1945 10293
1951 10293

Proposed Rules:
227 10848
319 10286
810 ..... 9280, 9282, 11276
907 11276
908 11276
944 9657
1013 10848
1033 10371
1106 9658
1910 9016
1944 9016

8 CFR

214 10296
235 9503
238 ..... 8988, 10611

Proposed Rules:
103 8820
109 8820

9 CFR

97 ..... 8803, 10808
112 9505
113 9505
201 8804

Proposed Rules:
317 9284
318 ..... 9284, 10065
319 9284
381 8820

10 CFR

430 9202

Proposed Rules:
140 9284
205 11123
625 11125

11 CFR

110 8809
114 9236

12 CFR

1 8427
5 8428
8 9637
29 9506
217 11255
303 9841
308 9514
509a 9842

543 ... 10612
544 ... 8429
552 ... 8431, 10612
561 ... 8431
563 ... 8429, 8431
563b ... 8429
615 ... 10037
Proposed Rules:
3 ... 9659
6 ... 9659
7 ... 9659, 10068
32 ... 9659
204 ... 10796
207 ... 8466
221 ... 8470
304 ... 10371
307 ... 10371
308 ... 10371
333 ... 10371
337 ... 10371
339 ... 10371
344 ... 10371
563 ... 8475, 8480, 9870, 10684
563c ... 10684
563g ... 10684
571 ... 8480
700 ... 11130

13 CFR

101 ... 9638
Proposed Rules:
108 ... 9530
121 ... 9529

14 CFR

21 ... 8988
39 ... 8989, 8990, 9515, 9516, 11390 10623–10626
71 ... 8991, 8992, 9517, 10038, 10039, 10627
75 ... 10040
97 ... 9518
204 ... 10297
385 ... 10628
389 ... 8434, 10628
1215 ... 9845
Proposed Rules:
39 ... 10692
71 ... 9022, 9531, 9532, 10072, 10693, 11285–11288
73 ... 9023
75 ... 11288
205 ... 10073
294 ... 10073
298 ... 10073
320 ... 8824

15 CFR

Ch. V ... 9849
325 ... 10596
806 ... 8993
Proposed Rules:
920 ... 8484
921 ... 8484
923 ... 8484
928 ... 8484
930 ... 8484
931 ... 8484
932 ... 8484
933 ... 8484
939 ... 9286

16 CFR

13 ... 8995, 8997, 9638, 10809, 10810, 11103
232 ... 11104
436 ... 10040
Proposed Rules:
3 ... 9289
4 ... 9289
13 ... 9023
429 ... 9032, 9033
1145 ... 9034
1500 ... 11289
1513 ... 11289

17 CFR

1 ... 8434, 8435
145 ... 9849
190 ... 8716
210 ... 9520, 11104
211 ... 10043
230 ... 10297
231 ... 10045, 11104
239 ... 10297
240 ... 10628, 11104
241 ... 11104
274 ... 10297
279 ... 9521
Proposed Rules:
33 ... 10857
229 ... 9536
230 ... 9536
239 ... 9536
240 ... 9536
249 ... 9536
270 ... 8485, 9532

18 CFR

34 ... 9849
154 ... 9242
250 ... 9851
270 ... 9242
271 ... 8437, 8438
273 ... 9242
282 ... 8999
284 ... 9242
340 ... 9242
711 ... 10250
713 ... 10250
714 ... 10250
716 ... 10250
1304 ... 9638
Proposed Rules:
27 ... 11299
271 ... 9290–9298, 9659–9663
1311 ... 9496

19 CFR

19 ... 9853
201 ... 9242
210 ... 9242
211 ... 9242
Proposed Rules:
4 ... 11032
6 ... 11032
7 ... 11032
10 ... 11032
11 ... 11032
12 ... 11032
18 ... 11032
19 ... 11032
22 ... 11032
24 ... 10077, 11032
54 ... 11032
101 ... 11032
112 ... 11032
113 ... 10077, 11032
114 ... 11032
123 ... 11032
125 ... 11032
127 ... 11032
132 ... 11032
133 ... 11032
134 ... 11032
141 ... 11032
142 ... 11032
144 ... 11032
145 ... 11032
146 ... 11032
147 ... 11032
148 ... 11032
151 ... 11032
162 ... 11032
172 ... 11032
174 ... 11032

20 CFR

626 ... 11076
627 ... 11076
628 ... 11076
629 ... 11076
630 ... 11076
631 ... 11076
632 ... 11076
633 ... 11076
634 ... 11076
635 ... 11076
636 ... 11076
637 ... 11076
638 ... 11076
Proposed Rules:
404 ... 10694
635 ... 9444

21 CFR

5 ... 8439, 8442, 9639
74 ... 10811
81 ... 8443, 10811
82 ... 10811
100 ... 10811
101 ... 10811
109 ... 10811
133 ... 9245
145 ... 10812
155 ... 10812
172 ... 10811, 10814
176 ... 9245
178 ... 8444, 9245
182 ... 10301
184 ... 10301
193 ... 11113
520 ... 9246, 10301
522 ... 10302
529 ... 9639
555 ... 10302
558 ... 9640, 10815
561 ... 11113
1308 ... 10642, 10644
Proposed Rules:
133 ... 8492, 9299
170 ... 9299
172 ... 9299, 10373
181 ... 9299
182 ... 10373
184 ... 9300, 10373
348 ... 10373
357 ... 9300
500 ... 10373
573 ... 9299
1030 ... 10373

22 CFR

41 ... 10055
201 ... 10056

23 CFR

Ch. I ... 10057
140 ... 9000

24 CFR

10 ... 10057
15 ... 10057
50 ... 10058
115 ... 10058
200 ... 10058
201 ... 10058
235 ... 10058
300 ... 10059
570 ... 10059
880 ... 10058
881 ... 10058
888 ... 10058
890 ... 10058
3280 ... 10058
Proposed Rules:
203 ... 9300
205 ... 10858
207 ... 10858
213 ... 10858
221 ... 10858
232 ... 10858
241 ... 10858
242 ... 10858
244 ... 10858

26 CFR

1 ... 10302, 10645, 11256
15b ... 10816
51 ... 10645
301 ... 10060
Proposed Rules:
1 ... 9871, 9886, 10374, 10376, 10702, 10860–10868
48 ... 10718
51 ... 10376
301 ... 9306

27 CFR

4 ... 10309
5 ... 10309
7 ... 10309

28 CFR

0 ... 9522–9524
2 ... 9247

29 CFR

1601 ... 10645
1910 ... 9641, 9738
2619 ... 10819
Proposed Rules:
1928 ... 8493

30 CFR

200 ... 8982
211 ... 8982
221 ... 8982
226 ... 8982
231 ... 8982
270 ... 8982
271 ... 8982
290 ... 8982
715 ... 9788
780 ... 9788
785 ... 9478
816 ... 9486, 9788
817 ... 9486, 9788

843 ... 9199
850 ... 9486
870 ... 10820, 11098
914 ... 9248
916 ... 8445
944 ... 9524
948 ... 8447
Proposed Rules:
37 ... 9475
55 ... 10593
56 ... 10593
57 ... 10593
886 ... 9307, 11131
906 ... 9541
928 ... 10876
931 ... 9541
933 ... 8954
938 ... 9541
944 ... 10719
948 ... 9308
950 ... 9541

31 CFR
240 ... 11261
354 ... 9854

32 CFR
1 ... 9146
2 ... 9146
3 ... 9146
4 ... 9146
5 ... 9146
6 ... 9146
7 ... 9146
8 ... 9146
9 ... 9146
10 ... 9146
11 ... 9146
12 ... 9146
13 ... 9146
14 ... 9146
15 ... 9146
16 ... 9146
17 ... 9146
18 ... 9146
19 ... 9146
20 ... 9146
21 ... 9146
22 ... 9146
23 ... 9146
24 ... 9146
25 ... 9146
26 ... 9146
27 ... 9146
28 ... 9146
29 ... 9146
30 ... 9146
31 ... 9146
32 ... 9146
33 ... 9146
34 ... 9146
35 ... 9146
36 ... 9146
37 ... 9146
38 ... 9146
39 ... 9146
70 ... 9855
199 ... 10309
218 ... 10645
706 ... 9856, 9857
770 ... 9858
803 ... 10061
2400 ... 10820

33 CFR
64 ... 11266
66 ... 11266
100 ... 9002, 11268
110 ... 11268, 11269
117 ... 11269
165 ... 9003
207 ... 10061, 11115
Proposed Rules:
100 ... 9542, 10080, 11300
110 ... 11301
401 ... 9037

34 CFR
Proposed Rules:
263 ... 10280

35 CFR
103 ... 9003, 9253
113 ... 9003
119 ... 9003
123 ... 9003

36 CFR
Proposed Rules:
14 ... 9665

38 CFR
Proposed Rules:
21 ... 9309

39 CFR
111 ... 10649
Proposed Rules:
10 ... 9543

40 CFR
2 ... 11270
30 ... 9642
52 ... 8810, 8811, 9256, 9257, 9642, 9859, 9860, 10062 10650, 10828–10834, 11115, 11116, 11271
62 ... 10316, 10651, 11116
65 ... 11118
81 ... 9259, 9526, 10834, 10836
180 ... 8812, 8813, 9004, 9643, 9862, 9863, 11119, 11120
Proposed Rules:
52 ... 9665, 10081, 11092, 11093
65 ... 11131, 11132
81 ... 8497
86 ... 9666
122 ... 8825
123 ... 8825, 9667, 10721, 11301
158 ... 11302
180 ... 9886–9888, 11132–11134
261 ... 10877
264 ... 8825
300 ... 9311
469 ... 10012

41 CFR
Ch. 101 ... 9822
1-3 ... 9005
1-7 ... 9005
1-15 ... 9005
15-1 ... 8814
101-41 ... 10316
Proposed Rules:
101-11 ... 8498

42 CFR
32 ... 10317
36 ... 11220
51b ... 10318
65 ... 10318
124 ... 11121
405 ... 8902
Proposed Rules:
85 ... 10377
85a ... 10377
431 ... 10378
433 ... 9038
435 ... 10378
440 ... 10378
441 ... 10378
447 ... 10378

43 CFR
3800 ... 8814
4700 ... 9260
Public Land Orders:
1967 (Revoked by PLO 6354) ... 9008
6353 ... 9007
6354 ... 9008
6355 ... 9008
6356 ... 9262
6357 ... 9008
6358 ... 9009
6359 ... 9009
6360 ... 9010
6361 ... 9643
6362 ... 9864
6363 ... 10319
6364 ... 10652
Proposed Rules:
2 ... 10382
2560 ... 9047
3460 ... 8501
3710 ... 8825
3720 ... 8825
3730 ... 8825
3740 ... 8825
3800 ... 8825
3810 ... 8825
3820 ... 8825
3830 ... 8825
3840 ... 8825
3850 ... 8825
3860 ... 8825
3870 ... 8825

44 CFR
2 ... 10836
64 ... 8451, 9263, 9527, 10842
65 ... 9264, 10652, 10654
67 ... 9644, 10655
70 ... 9265, 10675–10682
360 ... 9646
Proposed Rules:
67 ... 10877
205 ... 11136

45 CFR
46 ... 9266, 9814
84 ... 9630
96 ... 9270
1397 ... 8453
Proposed Rules:
77 ... 9668
1321 ... 8964
1328 ... 8964

46 CFR
536 ... 9646
Proposed Rules:
542 ... 9543
543 ... 9543
544 ... 9543

47 CFR
0 ... 9271
1 ... 8455, 9271
22 ... 9274
31 ... 10843
43 ... 10843
69 ... 10319
73 ... 8456, 9010, 9864, 10844
74 ... 9010
81 ... 9275, 10845
83 ... 8460, 9275, 10845
90 ... 8455, 9271
95 ... 8455
Proposed Rules:
2 ... 9890
15 ... 9889
22 ... 9048
25 ... 10024
73 ... 8503–8513, 9049, 10082, 10888–10895, 11302
76 ... 10082
81 ... 9890
83 ... 9890

49 CFR
Ch. X ... 9012, 9648, 10846
171 ... 10218
172 ... 10218
173 ... 10063, 10218
174 ... 10218
175 ... 10218
176 ... 10218
177 ... 10218
178 ... 10218
195 ... 9013
387 ... 9014
670 ... 11272
1033 ... 8816
1039 ... 9276, 9648
1135 ... 9528
1151 ... 9649
1190 ... 10369
1191 ... 10369
1192 ... 10369
1201 ... 9015
1207 ... 9015
1241 ... 9015
1300 ... 9648
1301 ... 9648
1307 ... 10063
1331 ... 9867
Proposed Rules:
Ch. X ... 9672
192 ... 10092, 10721
571 ... 10096, 10097, 11303
1310 ... 11136

50 CFR
611 ... 9655, 10846
642 ... 11122
656 ... 9655
663 ... 8819
671 ... 10846, 11274
675 ... 10846
Proposed Rules:
13 ... 9544
17 ... 8514, 8814, 9544, 9893, 10896
20 ... 10101
21 ... 9544
23 ... 9545
285 ... 9547
611 ... 10383
630 ... 8826, 11304
658 ... 10104
661 ... 11138

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	

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing March 16, 1983