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Monday
July 25, 1983

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Economic Regulatory Administration
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Rules and Regulations

Federal Register
Vol. 48, No. 143
Monday, July 25, 1983

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 83-015]

Reservation Fees for Quarantine of Animals and Birds

Correction

In FR Doc. 83-16812 beginning on page 28426 in the issue of Wednesday, June 22, 1983, make the following correction:

In § 92.4, page 28428, middle column, in footnote 5, sixth line, the reference to "Title 43" should have been to "Title 42".

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

Suspension of Exemption Permitting Use of Glass Enamel and Glass Enamel Frit Containing Small Amounts of Uranium

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; suspension.

SUMMARY: The Nuclear Regulatory Commission (NRC) is suspending its regulations that provide for an exemption from licensing requirements applicable to the possession and use of source material. The suspended exemption covers glass enamel and glass enamel frit containing small amounts of source material. The NRC plans to reevaluate the exempt use of glass enamel and glass enamel frit containing uranium on consumer products such as cloisonne jewelry. The suspension is intended to prohibit further increase in the circulation of cloisonne jewelry containing uranium until the NRC completes its final action following the reevaluation.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Anthony N. Tse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301-443-5825).

SUPPLEMENTARY INFORMATION: On January 25, 1983 the New York State Department of Health announced that it had found some pieces of cloisonne jewelry to be radioactive. The radiation was a result of the uranium used to produce golden-yellow and beige colors in the brightly colored glass enamel of the jewelry. Available information indicates that all of the cloisonne jewelry found to contain uranium has been imported. There is no known manufacturer in the United States.

The addition of various uranium salts to glass enamel dates back at least to the early part of this century. Uranium salts are used in only a few enamels to obtain certain colors.

The use of uranium in glass enamel or glass enamel frit is permitted under the NRC's regulations in 10 CFR Part 40. On November 17, 1964, the NRC's predecessor, the Atomic Energy Commission (AEC), published a final rule (29 FR 15363) that exempted from licensing requirements the receipt, possession, use, transfer or import of source material contained in glass enamel and glass enamel frit containing not more than 10 percent by weight of source material. In promulgating that rule, the AEC recognized the long-standing use of uranium to produce colors in glass enamel and stated that "By reason of the low amount of radiation from glass enamel and glass enamel frit and the short period of time a person would use or be near such material, resultant external radiation exposure to the user would be only a small fraction of the limits recommended by the Federal Radiation Council or the International Commission on Radiological Protection."

However, the AEC's evaluation may not have considered the use of uranium frit in jewelry worn next to the skin. A person might wear a piece of cloisonne jewelry, such as a pendant suspended from a neck chain, in contact with his or her skin for relatively long periods of time. Distribution of the cloisonne jewelry may also be on a wider scale than the AEC anticipated for products using frit.

After the announcement by the State of New York, other States and the NRC examined thousands of pieces of jewelry. A radiological analysis of the cloisonne jewelry was performed by the Department of Energy's Radiological and Environmental Sciences Laboratory located in Idaho Falls, Idaho. Based on this analysis and other information from NRC's Regional Offices and the States, the NRC has conducted a radiological assessment of the use of cloisonne jewelry by consumers. Among the conclusions of this assessment were: (1) About 10 percent of the cloisonne jewelry is radioactive as a result of the uranium content in the glass enamel; (2) measurements performed for the NRC of pieces containing uranium in the enamels indicated that uranium content was in the range of 3 to 7 percent by weight; (3) the radiation dose rate at contact with the surface of the jewelry enamel was measured to range from 3 to 7 millirems per hour (primarily beta radiation) but the dose rate decreases rapidly with distance from the surface of the jewelry; (4) there was no removable radioactivity detected on any sample; and (5) the risk to individuals wearing the jewelry is within acceptable boundaries.

A piece of cloisonne jewelry worn with the radioactive enameled surface in contact with the skin for 520 hours per year (10 hours/week, 52 weeks/year) would deliver a dose of about 2,000 to 4,000 millirems to a small area of skin in a year. This corresponds to a skin cancer incidence risk of 2 to 4 in a million. The risk of death from these skin cancers is much lower than the incidence of skin cancer. When the radioactive enameled surface of the jewelry is not in direct contact with the skin, the dose to a small area of skin from wearing the jewelry 520 hours, would be less than 25 millirems.

Although the use of cloisonne jewelry containing uranium does not constitute an immediate or significant health hazard, the NRC believes the use of the jewelry could constitute an unnecessary exposure to radiation. This view is based on the principle that there should not be any man-made radiation exposure without the expectation of benefit resulting from the exposure. Further, the NRC and AEC policy on the

"Use of Byproduct Material and Source Material—Products Intended for Use by General Public" (30 FR 3462, March 16, 1965) considers that the use of radioactive material in toys, novelties, and adornments may be of marginal benefit. On April 24, 1969, the AEC denied a petition for rulemaking requesting that cufflinks made from depleted uranium be exempt from licensing requirements (34 FR 6870). In denying the petition, the AEC stated that the use of depleted uranium in adornments such as cufflinks would result in a small increase of radiation exposure among the general public without commensurate benefit. Therefore, the NRC plans to reevaluate the exemption that permits the use of uranium in glass enamel and the use of the glass enamel on an end product such as jewelry.

During the period of reevaluation, the NRC believes it prudent to prohibit further increase in the circulation of cloisonne jewelry containing uranium. Therefore, the NRC is suspending the exemption in 10 CFR 40.13(c)(2)(iii) pertaining to glass enamel and glass enamel frit. The suspension will be terminated at the completion of the final NRC action following the reevaluation of the exemption or on June 30, 1985, whichever comes first.

Except as noted below, after the effective date of the suspension: (1) Manufacturers may not commercially distribute materials covered under 10 CFR 40.13(c)(2)(iii) pertaining to glass enamel and glass enamel frit to persons not licensed to possess radioactive material, and (2) importers may not import for commercial distribution glass enamel, glass enamel frit covered in the suspended paragraph, or products containing enamel such as cloisonne jewelry (10 CFR 110.11), except for products ordered for importation before the suspension date.

However, this suspension does not apply to persons who receive, possess, use or transfer radioactive glass enamel and glass enamel frit, or products containing these items imported or ordered for importation into the United States, or initially distributed by manufacturers in the United States, before the effective date of the suspension. Therefore, persons who possess these items imported or ordered for importation, or initially distributed by such manufacturers before the effective date of the suspension will continue to be exempt from licensing requirements, and may possess, sell and transfer these items without a license.

It should be noted that the NRC's jurisdiction extends only to items to which uranium or thorium have been added. Pieces of cloisonne jewelry that do not contain uranium or thorium may be imported and distributed in the normal course of business.

The suspension is necessary to prohibit further importation of cloisonne jewelry containing uranium into the U.S. for commercial distribution, thus avoiding additional exposure to the public pending the NRC's reevaluation of the exemption. Because this action must be taken expeditiously to be fully effective, the NRC has found that good cause exists for omitting notice of proposed rulemaking and public procedure thereon as impracticable and contary to the public interest and has found good cause for making the amendment effective upon publication in the **Federal Register** without the customary 30-day notice.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Regulatory Analysis

The NRC has prepared a regulatory analysis on this final regulation. The analysis examines the costs and benefits of alternatives considered by the NRC. The analysis indicated that the economic impact, including impact to small entities, of this suspension is very small. The analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, D.C. Single copies of the analysis may be obtained from Dr. Anthony N. Tse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301–443–5825).

List of Subjects in 10 CFR Part 40

Government contracts, Hazardous materials—transportation, Nuclear materials, Penalty, Reporting requirements, Source material, Uranium.

The authority citation for this document is: Sec. 161b., Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); Sec. 201, Pub. L. 93–438, 88 Stat. 1242, as amended (42 U.S.C. 5841).

PART 40—[AMENDED]

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended and 5 U.S.C. 552 and 553, the following amendment to 10 CFR Part 40 is published as a document subject to codification.

§ 40.13 [Amended]

1. In § 40.13, footnote 1 to paragraph (c)(5)(ii) is redesignated as footnote 2.

2. In § 40.13, a new footnote 1 is added to paragraph (c)(2)(iii) to read as follows:

[1] The exemption in § 40.13(c)(2)(iii) pertaining to glass enamel and glass enamel frit is suspended on July 25, 1983 until the completion of the final Commission action following reevaluation of the exemption or June 30, 1985, whichever comes first. Persons who receive, possess, use or transfer glass enamel or glass enamel frit covered under this exemption or products containing these enamels imported or ordered for importation into the United States, or initially distributed by manufacturers in the United States, before July 25, 1983 are not subject to this suspension.

Dated at Washington, D.C., this 19th day of July, 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-20038 Filed 7-22-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Part 311

Handicap Amendment to Civil Rights Requirements on EDA Assisted Projects

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends EDA's Civil Rights regulations to include final rules promulgated by the Department of Commerce (DOC) at 15 CFR Part 8b ("DOC rule or "DOC regulation(s)"). The DOC rule establishes procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal Financial assistance from the DOC. This DOC rule was designed to implement the requirements of Executive Order 12250 and of Section 504 of the Rehabilitation Act of 1973, as amended, which provides, in pertinent part, that "no otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance * * *". EDA amends its regulation to assure conformity in EDA programs with the DOC rule.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT: David Lasky, Supervisory Equal

Opportunity Officer, U.S. Department of Commerce, Economic Development Administration, Room 7327, Washington, D.C. 20230, (202) 377-5575.

SUPPLEMENTARY INFORMATION: On November 24, 1982, EDA published [47 FR 52976] an interim rule regarding its Civil Rights regulation at 13 CFR Part 311 to include recent DOC regulations. Comments were received, to be described below, resulting in certain changes to this amendment.

EDA published the amendment in interim form and allowed interested persons 60 days to comment. The comments received included questions, inter alia, as to why Subpart C of the DOC regulation of April 23, 1982, at 15 CFR Part 8b [47 FR 17744] was excluded, and why there was no formal notice and comment procedure. These matters were addressed in the November 24, 1982, Federal Register publication [47 FR 52976]. In this final rule, Subpart C of the DOC rule has been included. Such inclusion is to assure conformity with 15 CFR Part 8b Subsection C. In addition, in its interim rule, EDA inadvertantly omitted necessary references to the applicability of the DOC regulation at 15 CFR Part 8b Subpart E. Such references are included in the final rule. Subpart D, which deals with nondiscrimination in post-secondary education programs and activities, is not included in the EDA rule. Subpart D applies only to programs operated within DOC by NBS and NOAA.

In accordance with section 3(c)(3) of Executive Order No. 12291, this rule was submitted to the Director of the Office of Management and Budget. There was no need for a regulatory impact analysis. (This was consistent with OMB procedures for the DOC rule.)

In addition, there were no separate requirements concerning reporting or recordkeeping provisions pursuant to the Paperwork Reduction Act of 1980 (Pub. L. 96-511). (The OMB procedures for the DOC rule cover this matter). The OMB clearance number for the DOC rule is 0605-0006.

It has been determined by the General Counsel of DOC that the DOC regulation will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 13 CFR Part 311

Civil rights, Sex discrimination.

Accordingly, EDA amends 13 CFR Part 311 as follows:

PART 311—CIVIL RIGHTS REQUIREMENTS ON EDA ASSISTED PROJECTS

1. 13 CFR 311.1 is amended by adding paragraph (a)(4) and revising paragraphs (b) and (c) to read as follows:

§ 311.1 Introduction

(a) * * *

(4) The Department of Commerce (DOC) has promulgated a regulation prohibiting discrimination against the handicapped in Federally assisted programs operated by DOC. This regulation, published at 15 CFR Part 8b, Subpart A—General Provisions (§ 8b.1-8b.10); Subpart B—Employment Practices (§§ 8b.11-8b.15); Subpart C—Program Accessibility (§§ 8b.16-8b.18) and Subpart E—Procedures (§§ 8b.26), applies to EDA Applicants and Recipients. Recipients are EDA Grantees, Borrowers and "Other Parties".

(b) In order to enforce the nondiscrimination provisions listed in paragraphs (a)(1)-(3) of this section, EDA imposes certain requirements, described below, on applicants, grantees, borrowers, and certain beneficiaries of its programs which are called "other parties". Title 15 CFR 8.3 defines "other parties" as those who enjoy "direct or substantial participation in any program such as a contractor, subcontractor, provider of employment, or user of facilities or services provided under any program." While construction contractors and subcontractors are technically "other parties" under the Title VI jurisdiction of EDA, these regulations do not apply to them since civil rights review, monitoring, and enforcement for them are, under Executive Order 11246, the responsibilities of the Department of Labor.

(c) Failure of a grantee, borrower, or "other party", except as provided for pursuant to the provisions of 15 CFR Part 8b, Subparts A, B and C, which call for enforcement in accordance with Subpart E, to comply with requirements of this part, may result in sanctions or other legal action.

2. 13 CFR 311.3 is amended by adding paragraph (d) to read as follows:

§ 311.3 Requirements for Applicants, Grantees, Borrowers, and "Other Parties".

* * * * *

(d) Applicants for and recipients of EDA financial assistance shall meet all the requirements set forth in 15 CFR Part 8b, Subparts A, B, C, and E.

Authority: (Sec. 701, Pub. L. 89-136, 79 Stat. 570) (42 U.S.C. 3211); Sec. 1-105, Executive Order 12185; Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended)

Dated: July 12, 1983.

Carlos C. Campbell,

Assistant Secretary for Economic Development.

[FR Doc. 83-19940 Filed 7-22-83; 8:45 am]

BILLING CODE 3510-24-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-ANE-12; Amdt. 39-4676]

Airworthiness Directives; Avco Lycoming Model LTS101-600A-2 Gas Turbine Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive which requires installation of Avco Lycoming Overspeed Limiter, P/N 4-301-235-04, on Avco Lycoming Model LTS101-600A-2 Gas Turbine Engines. The airworthiness directive is needed to prevent overspeed conditions which could result in engine failure.

DATES: Effective July 25, 1983.

The Director of the Federal Register approves the incorporation by reference of certain publications in 14 CFR 39.13 effective on July 25, 1983.

Comments on the rule must be received on or before September 23, 1983.

Compliance schedule—As prescribed in the body of the airworthiness directive.

ADDRESS: The applicable service bulletin may be obtained from Avco Lycoming, Williamsport Division, Williamsport, Pennsylvania 17701.

A copy of the service bulletin is contained in the Rules Docket, Office of Regional Counsel, ANE-7, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Ted Pas, General Aviation Engine Section, ANE-142, Engine Certification Branch, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7347.

SUPPLEMENTARY INFORMATION: The FAA has determined that the location of the

power turbine governor system does not provide adequate engine overspeed protection from failures in the lengthy gear train (four gear assemblies) used to transmit power turbine speed input to the power turbine governor unit. Power turbine overspeed to failure has occurred as a result of a power train output gear failure. Since this condition is likely to exist or develop on other engines of the same type design, an airworthiness directive is being issued which requires installation of Avco Lycoming Overspeed Limiter, P/N 4-301-235-04, on the gearbox alternator pad on Avco Lycoming Model LTS101-600A-2 Gas Turbine Engines. This will provide a direct speed input to the limiter, outside of the power output gear train.

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

Request for Comments on the Rule

Although this action which involves requirements affecting immediate flight safety is in the form of a final rule and thus was not preceded by notice and public comment, comments are now invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule. Send comments to Office of Regional Counsel, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803.

List of Subjects in 14 CFR Part 39

Engines, Propellers, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

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

Avco Lycoming: Applies to Avco Lycoming Model LTS101-600A-2 engines, all Serial Numbers prior to but not including LE 43559.

Compliance is required as indicated unless already accomplished.

To prevent possible engine failure due to overspeed, accomplish the following:

Install Overspeed Limiter, P/N 4-301-235-04, per instructions provided in Avco Lycoming Service Bulletin No. LTS101A-73-0043, dated March 21, 1983, or equivalent method approved by the Manager, Engine Certification Branch, ANE-140, 12 New England Executive Park, Burlington, Massachusetts 01803. Compliance required as follows:

A. Prior to 1,200 hours total time in service for engines with 1,000 or less hours total time in service on the effective date of this airworthiness directive, or

B. Within the next 200 hours time in service for engines with more than 1,000 hours total time in service on the effective date of this airworthiness directive, or

C. Before August 1, 1984, regardless of engine total time in service.

Note.—Refer to the pertinent operations and maintenance manuals for operational check procedures and requirements.

Avco Lycoming Service Bulletin No. LTS101A-73-0043, dated March 21, 1983, identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Avco Lycoming, Williamsport Division, Williamsport, Pennsylvania 17701. This document also may be examined at the Office of Regional Counsel, ANE-7, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment becomes effective July 25, 1983.

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

Note.—The FAA has determined that this regulation involves 422 aircraft. Hardware is to be supplied by Avco Lycoming at no cost. Approximately 1 man-hour per aircraft is required for compliance. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final 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."**

Note.—The incorporation by reference provisions of this document were approved by the Director of the **Federal Register** on July 25, 1983. The referenced bulletin is available at the Federal Register Office.

Issued in Burlington, Massachusetts, on June 17, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-19048 Filed 7-22-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-NM-61-AD; Amdt. 39-4689]

Airworthiness Directives; Avions Marcel Dassault-Breguet Aviation Falcon 10 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to certain Avion Marcel Dassault-Breguet Aviation Falcon 10 airplanes which requires the installation of stops for the mobile door latches on the passenger entry door. It is possible when the door is closed that one of the latches will not properly engage. This could result in the door opening during flight.

EFFECTIVE DATE: August 1, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The French Direction Generale de L'Aviation Civile (DGAC) has classified Avion Marcel Dassault-Breguet Aviation Service Bulletin AMD-BA F10 0190 as mandatory. This service bulletin requires the addition of stops for the mobile latches on the passenger entry door. The current door latch design makes it possible for the two door latches to be improperly engaged; it is not possible to detect this condition after the door is closed. If both latches are not properly engaged, cabin pressure may be lost. One service incident has been reported where a door opened during flight because the latches were not properly engaged. To prevent this from happening, the DGAC, which is the civil aviation authority for France, is requiring the installation of stops for the mobile latches to ensure that the door mechanism locks properly.

This airplane model is manufactured in France and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation

Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is being issued which requires the above described modification.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Avions Marcel Dassault-Breguet Aviation: Applies to Falcon 10 aircraft serial numbers 1 through 153 inclusive. Compliance required within sixty days after the effective date of this AD. To prevent possible malfunction of the passenger door mobile latches and the door opening in flight, accomplish the following, unless already accompliahed:

1. Install the stops for the passenger door mobile latches in accordance with paragraph 2. Accomplishment Instructions, of Avions Marcel Dassault-Breguet Aviation Service Bulletin F10 0190 dated October 24, 1979.

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

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

This amendment becomes effective August 1, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on July 12, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-19955 Filed 7-22-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-NM-87-AD; Amdt. 39-4690]

Airworthiness Directives; British Aerospace H.S. 748 Series 2A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to British Aerospace H.S. 748 series 2A airplanes which requires inspection on the sealed relays in the propeller control circuit for proper insulation resistance and modification of the wiring connections to the relays on British Aerospace Model H.S. 748 series 2A airplanes. This inspection is necessary to prevent autofeathering of the second propeller following the manual feathering of the first propeller. Autofeathering of the second propeller would result in total loss of engine power in flight

EFFECTIVE DATE: August 1, 1983.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The United Kingdom Civil Aviation Authority (CAA) has classified British Aerospace, Inc., H.S. 748 Service Bulletin 61/31 as mandatory. This service bulletin requires the inspection of the sealed relays, type 7CZ105648/1 or 7CZ105648/2 for proper electrical insulation and changes to the wiring connections at the relays in the propeller control circuit on British Aerospace Model H.S. 748 series 2A airplanes. It has been reported that internal shorting can occur in the sealed relays and that incorrect wiring connections to the relays may exist in the propeller control circuit which could cause the other propeller to autofeather following manual feathering of the first propeller. To prevent this from occurring, the CAA is requiring the inspection and modification, if necessary, as mentioned above.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, the FAA has determined that an AD is necessary which requires the previously mentioned inspections and wiring changes.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

British Aerospace: Applies to H.S. 748 Series 2A airplanes certified in all categories. Compliance is required as indicated. To assure that propeller control circuit relays have proper resistance levels for the internal insulation and to correct the wiring connections to the propeller control circuit and thereby prevent multiple propeller feathering, accomplish the following, unless already accomplished:

1. Within 100 hours time in service after the effective date of this AD, and prior to each installation of a replacement relay, conduct an insulation resistance check of relays 34 and 35, type 7CZ105648/1 or 7CZ205648/2 in the propeller control circuit in accordance with paragraph 2.A or 2.B, as apprpriate, Accomplishment Instructions of British Aerospace H.S. 748 Aircraft Service Bulletin 61/31 dated January 1980. Replace any relay with less then 50 megohms resistance. Reconnect the wiring to relays 34 and 35 in

accordance with paragraph 2.C of the service bulletin and conduct the propeller auto feathering check in accordance with paragraph 2.D of the service bulletin.

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

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

This amendment becomes effective August 1, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on July, 12, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-19956 Filed 7-22-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-56-AD; Amdt. 39-4688]

Airworthiness Directives; Canadair Model CL-600-1A11 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to Canadair Model CL-600-1A11 series airplanes which requires repetitive inspection of the windshield and side windows for cracks, and replacement as necessary. It also requires modifications to strengthen the window frame structure. Cracks in windshields and side windows have been reported which have the potential of leading to decompression of the aircraft during flight.

EFFECTIVE DATE: July 28, 1983.

ADDRESSES: The service bulletins specified in this AD may be obtained upon request to Canadair Ltd., Commercial Aircraft Technical Services, Box 6087, Station A, Montreal, Quebec H3C 3G9, Canada or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountian Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Canadian Department of Transport (DOT) has classified Canadair Service Bulletins 600-0147 and 600-0225 as mandatory. Cracks in windshields and side windows have been reported in six airplanes. The cracks started at bolt holes in the area of the side post-to-window attachments.

Also, during the manufacturer's test program, fatigue cracking of the frame doubler fitting at the windshield center post attachment to the lower sill was experienced. Service Bulletin 600-0147 prescribes repetitive inspections of the windshield and windows and recommends the installation of two reinforcing "T" plates at the upper side window to windshield attachment areas. Service Bulletin 600-0225 prescribes the installation of two reinforcing "T" plates at the lower side window to windshield attachment areas.

This airplane model is manufactured in Canada and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, the FAA has determined that an AD is necessary which requires the actions mentioned above.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Canadair: Applies to model CL-600-1A11 airplanes certificated in all categories. To prevent decompression of the aircraft, within the next 100 hours time in service after the effective date of this AD, accomplish the following, unless previously accomplished:

A. For airplanes with serial numbers listed in Canadair Service Bulletin 600-0147, Revision 2, dated September 24, 1982, modify and inspect the windshield and side window glazing in accordance with the Accomplishment Instructions of this service bulletin.

B. If cracks are detected replace the affected glazing prior to further flight except as noted in paragraph E., below.

C. For airplanes with serial numbers listed in Canadair Service Bulletin 600-0225, Revision 1, dated September 24, 1982, modify in accordance with the Accomplishment Instructions of this service bulletin.

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

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

This amendment becomes effective July 28, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on July 8, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-19953 Filed 7-22-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-61-AD; Amdt. 39-4693]

Airworthiness Directives; Fairchild Models SA227-AC and SA227-AT Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD 83-12-01, applicable to Fairchild Models SA227-AC and SA227-AT airplanes and codifies the corresponding emergency AD letter dated June 13, 1983, into the Federal Register. This AD requires initial and repetitive inspections of the lower wing skin panels adjacent to the inspection door at Wing Station (W.S.) 187.0 for cracks and incorporation of a doubler on any cracked skin panels found. Reports of skin cracks in this area have been received, which is undetected, could result in fuel leakage and compromise structural integrity of the wing. This action will preclude these conditions.

DATES: Effective August 1, 1983, to all persons except those to whom it has already been made effective by priority letter from the FAA dated June 13, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Fairchild Service Bulletin 57-002 dated June 6, 1983, applicable to this AD may be obtained from Fairchild Aircraft Corporation, P.O. Box 32486, San Antonio, Texas 78284. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Dragset, Airplane Certification Branch, ASW-150, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; Telephone (817) 877-2075.

SUPPLEMENTARY INFORMATION: As a result of reports of fatigue cracks in the lower wing skin panels adjacent to the inspection door at W.S. 187.0., Fairchild Aircraft Corporation issued Service Bulletin 57-002 dated June 6, 1983, applicable to Models SA227-AC and SA227-AT airplanes which prescribed inspections of this area for cracks. If cracks were found, incorporation of a doubler per paragraph IIB of the Bulletin was recommended. The cracks, if permitted to progress, could result in fuel leakage and compromise the structural integrity of the wing in this area.

The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design, thereby necessitating the AD. It was also determined that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by priority mail letter dated June 13, 1983. The AD became effective immediately as to these individuals upon receipt of that letter and is identified as AD 83-12-01. Since the unsafe condition described herein may still exist on other Fairchild Models SA227-AC and SA227-AT airplanes, the AD is being published in the Federal Register as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification. Because a situation still exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to the public interest. Since this action corrects a condition which may presently exist and could result in an aircraft accident, good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Fairchild: Applies to Models SA227-AC (S/Ns 415, 416, 420 through 554) and SA227-AT (S/Ns 423 through 554) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To improve the fatigue life of the lower wing skin panel adjacent to the inspection door at W.S. 187.0, accomplish the following:

(a) Within the next 10 hours time-in-service after the effective date of this AD on airplanes having 1000 hours of more time-in-service or prior to the accumulation of 1010 hours time-in-service on those airplanes having less than 1000 hours time-in-service and within each 50 hours time-in-service thereafter, dye penetrant inspect the lower wing skin panel in the area of W.S. 187.0 in accordance with Fairchild Service Bulletin 57-002 dated June 6, 1983, paragraph IIA.

(b) If a crack is found, prior to further flight, install a P/N 27K31013-001 LH/-002RH doubler in accordance with paragraph IIB of this Service Bulletin.

(c) The inspection required by paragraph (a) of this AD are not required when the P/N 27K31013-001 LH/-002RH doublers are installed.

(d) An equivalent means of compliance with this Ad may be used if approved by the Manager, Airplane Certification Branch, ASW-150, Federal Aviation Administration, Southwest Regional Office, P.O. Box 1689 Fort Worth, Texas 76101; Telephone 817-624-5156.

(e) Airplanes may be flown in accordance with FAR 21.197 to a location where inspections and/or modifications required by this AD may be accomplished.

This amendment becomes effective on August 1, 1983, to all persons except those to whom it has already been made effective by priority letter from the FAA dated June 13, 1983, and is identified as AD 83-12-01.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket at the location identified under the caption "ADDRESSES."

Issued in Kansas City, Missouri, on July 15, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-19954 Filed 7-22-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-ANE-28; Amdt. 39-4664]

Airworthiness Directives; Schempp-Hirth GmbH and Company KG, Model "Standard Cirrus" Sailplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires installation of new ball joints in the air brake drive lever every 500 hours time in service on Schempp-Hirth Model "Standard Cirrus" sailplanes. The AD is needed to prevent fatigue failure of the ball joints which could result in sailplane excessive airspeed and structural damage.

EFFECTIVE DATE: August 24, 1983. The Director of the Federal Register approves the incorporation by reference of certain publications in 14 CFR 39.13 effective on August 24, 1983.

Compliance schedule—As prescribed in body of the AD.

ADDRESSES: The applicable technical note may be obtained from Schempp-Hirth GmbH and Company KG, Krenbenstrasse 25, 7312 Kirchheim-Teck, Federal Republic of Germany.

A copy of the technical note is contained in the Rules Docket at the Office of Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone 513.38.30; or Edward W. Maila, ANE-152, Boston Aircraft Certification Branch, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7329.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring periodic replacement of air brake drive lever ball joints on Schempp-Hirth model "Standard Cirrus" sailplanes was published in the **Federal Register** on August 30, 1982 (47 FR 38148). The proposal was prompted by the manufacturer's report of several occurrences of fatigue fracture of the subject ball joints. Failure of either of the two ball joints renders the air brakes inoperable, which may lead to excessive air speed and structural damage.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. Accordingly, the proposal is adopted without change.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of the Amendment

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

Schempp-Hirth GmbH and Company KG.
Applies to Model "Standard Cirrus" sailplanes, certificated in any category.

Compliance is required within the next 100 hours time in service or within 120 days, whichever occurs first, after the effective date of this AD, unless already accomplished within the last 400 hours time in service, and thereafter at intervals not to exceed 500 hours time in service from the last replacement.

To prevent fatigue fracture of the air brake drive lever ball joints, remove the two ball joints in the air brake drive lever in the fuselage and install new ball joints, P/N MS 961-150-150, in accordance with Schempp-Hirth Technical Note No. 278-23 (LBA-approved), dated January 11, 1979, or an FAA-approved equivalent.

An equivalent means of compliance may be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, or the Manager, Boston Aircraft Certification Branch, ANE-150, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

The Schempp-Hirth GmbH and Company KG Technical Note number 278-23 dated January 11, 1979, identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Schempp-Hirth GmbH and Company KG, Krenbenstrasse 25, 7312 Kirchheim-Teck, Federal Republic of Germany. These documents also may be examined at the Office of Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment becomes effective on August 24, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89))

Note.—The FAA has determined that this regulation only involves 83 aircraft with an estimated cost of $115 per aircraft each 500 hours time in service. Therefore, I certify that this action (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); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under criteria of the Regulatory Flexibility Act.

Note.—The incorporation by reference provisions of this document were approved by the Director of the Federal Register on August 24, 1983. The referenced Bulletin is available at the Federal Register Office.

Issued in Burlington, Massachusetts, on June 2, 1983.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 83-19945 Filed 7-22-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-AGL-1]

Alteration of Transition Area and Control Zone; Yankton, SD; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action is to correct the description of the Yankton, South Dakota, control zone. A final rule was published in the **Federal Register** dated May 31, 1983 (48 FR 24035), to alter both the transition area and the part-time control zone at Yankton, South Dakota. When the control zone definition was initially altered, a portion of the description was inadvertently omitted. The purpose of this amendment is to correct the published final rule. Since this action is editorial in nature, further notice and public procedure are not necessary. The effective date of this correction coincides with the effective date of the original amendment. The complete description of the altered control zone is presented in the text of this amendment.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas, Control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are further amended, effective 0901 Gmt, August 4, 1983, as follows:

Yankton, SD—Control Zone Revised

Following the description add: This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

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

Issued in Des Plaines, Illinois, on June 27, 1983.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 83-19951 Filed 7-22-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5c

[T.D. 7897]

Temporary Income Tax Regulations Under the Economic Recovery Tax Act of 1981; Dividend Reinvestment in Stock of Public Utilities

Correction

In FR Doc. 83-17704 beginning on page 30102 in the issue of Thursday, June 30, 1983, make the following correction:

On page 30102, middle column, the caption *"Quality Common Stock"* should have read *"Qualified Common Stock"*.

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; USS Portsmouth

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USS Portsmouth (SSN 707) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval submarine; and (2) has found that USS Portsmouth (SSN 707) is a member of the SSN 688 class of ships, exemptions for which have previously been granted under 72 COLREGS, Rule 38. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: July 7, 1983.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332. Telephone Number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Portsmouth (SSN 707) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(c) requiring that the sternlight show an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel; Annex I, Section 2(a)(i) pertaining to the height of the masthead light; 72 COLREGS, Annex I, Section 2(k) pertaining to the height and relative positions of the anchor lights; 72 COLREGS, Annex I, Section 3(b) pertaining to the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements. Notice is also provided to the effect that USS Portsmouth (SSN 707) is a member of the SSN 688 class of ships for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of section 706.3 are equally applicable to USS Portsmouth (SSN 707). Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Three of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by inserting the following entry:

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Sidelights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Sidelights, distance inboard of ship's sides in meters; § 3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward Anchor light, height above hull in meters; § 2(k), Annex I	Anchor lights, relationship of aft light to forward light in meters; § 2(k), Annex I
•	•	•	•	•	•	•		
USS Portsmouth	SSN 707			209'	4.2	6.1	3.5	1.7 below.

2. Table One of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by insertion of the following entry:

Vessels	Number	Distance in meters of forward masthead light below minimum required height, section 2(a)(i) annex I
* * * * *		
USS Portsmouth	SSN 707	3.5

(Executive Order 11964; 33 U.S.C. 1605)

Dated: July 7, 1983.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 83-19962 Filed 7-22-83; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; USS Halyburton

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USS Halyburton (FFG 40) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval frigate; and (2) has found that USS Halyburton (FFG 40) is a member of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: July 7, 1983.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332. Telephone Number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Halyburton (FFG 40) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arc of visibility of its forward masthead light; Annex I, Section 2(a)(i), regarding the height above the hull of its forward masthead light; and Annex I, Section 3(b), regarding the horizontal relationship of its sidelights to its forward masthead light, without interfering with its special function as a Navy frigate. The Secretary of the Navy has also certified that the above-mentioned light is located in closest possible compliance with the applicable 72 COLREGS requirements. Notice is also provided to the effect that USS Halyburton (FFG 40) is a member of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to this ship. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table One of § 706.2 is amended as follows to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height, § 2(a)(i) annex I
* * * * * *		
USS Halyburton	FFG 40	1.6

2. Table Four of § 706.2 is amended by adding to the existing paragraph 8 the following vessel for which navigational light certifications are herewith issued by the Secretary of the Navy.

USS Halyburton (FFG 40)

3. Table Four of § 706.2 is amended by adding to the existing paragraph 9 the following vessel for which navigational light certifications are herewith issued by the Secretary of the Navy:

Vessel	Number	Distance of sidelights foward of masthead lights in meters
* * * * *		
USS Halyburton	FFG 40	2.75

(Executive Order 11964; 33 U.S.C. 1605)

Dated: July 7, 1983.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 83-19960 Filed 7-22-83; 8:45 am]

BILLING CODE 3810-AE-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM83-8; Order No. 515]

Rules of Practice and Procedure

July 20, 1983.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: The Postal Rate Commission, pursuant to 39 U.S.C. 303(b) and 3603, has decided to make a number of changes in its rules of practice and procedure governing appeals from Postal Service decisions to close or consolidate post offices. In general, these amendments are designed to streamline and clarify various portions of the appeal process. The Commission has decided to institute six changes: The adoption of an optional form for participants' use in framing their arguments; the deletion of the requirement for petitions to include a copy of the Postal Service's Final Determination; a clarification that the Commission does not expect to hold oral argument except in unusual circumstances; a clarification that petitions of appeal are to be received by the Commission within the 30 days statutorily allowed for appeals; the extension by 5 days of the amount of time for intervention (and also extending by 5 days other affected dates in the procedural schedule); and a five-

day increase of time for the Postal Service to file answering briefs.

EFFECTIVE DATE: This rule will become effective on August 15, 1983.

ADDRESSES: Correspondence relating to this Notice of Rulemaking should be sent to Secretary of the Commission, Postal Rate Commission, 2000 L Street, NW., Suite 500, Washington, D.C. 20268 (telephone: 202/254–3880).

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 2000 L Street, NW., Suite 500, Washington, D.C. 20268 (202/254–3824).

SUPPLEMENTARY INFORMATION: On May 27, 1983, the Commission published a Notice of Proposed Rulemaking [1] describing five proposed changes in the rules of practice and procedure governing appeals from Postal Service determinations to close or consolidate post offices. Comments were due by July 18, 1983. The Postal Service, the only respondent, filed comments on July 7, 1983.

The Postal Service's comments addressed only the Commission's proposal to extend by five days the time for filing petitions to intervene and the dates in the procedural schedule that would be affected. In the Notice of Proposed Rulemaking, the Commission said that the date for appellant's brief or "Participant Statement" would be 35 days after the initial petition of appeal was filed. In its comments, the Postal Service proposes that the time for the filing of its answering brief be extended, from 15 to 20 days, after the date for appellant's brief or "Participant Statement." The Postal Service states that the procedural schedules would be difficult unless it is given the additional five days to file its answering brief.

The Commission believes that the Postal Service's request is reasonable. Granting this request should not have an adverse effect on the Commission's ability to met it statutory 120-day deadline for issuing decisions in these cases. Accordingly, the Commission has included the changes necessary to implement the additional change in this Final Rule.

Impact of proposed changes. Pursuant to Executive Order 12291, the Commission finds that the proposed rule changes do not constitute a "major rule." The changes deal with procedural matters and it is not anticipate that they could result in an appreciable change in the costs of participating in these cases. Nor will the changes have any adverse effects on competition, employment or the other factors listed in E.O. 12291.

[1] 48 FR 23849–52.

The above analysis that the proposed rule changes do not constitute a major rule for purposes of E.O. 12291, applies with equal force to the Regulatory Flexibility Act. In the notice of proposed rulemaking the Commission stated that it would welcome comments as to whether the rule could have a significant economic impact on a substantial number of small entities, as well as suggestions as to how to minimize any such impact. The Commission received no comments addressing this issue.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure.

PART 3001—RULES OF PRACTICE AND PROCEDURE

Subpart H—Administrative Practice and Procedure

For the reasons set out above, the Commission has decided to amend its rules of procedure applicable to appeals from Postal Service decisions to close or consolidate post offices (39 CFR 3001.110–3001.116) as set forth below:

1. Section 3001.111 is revised as follows:

§ 3001.111 Initiation of review proceedings.

(a) *Petition for review.* Review of a determination of the Postal Service to close or consolidate a post office shall be obtained by filing a petition for review with the Secretary of this Commission. Such petition must be received by the Commission within 30 days after the Service has made available to persons served by that post office the written determination to close or consolidate required by 39 U.S.C. 404(b) (3) through (4). The petition shall specify the parties seeking review, all of whom must be persons served by the post office proposed to be closed or consolidated and shall identify the Postal Service as respondent. The Commission encourages parties seeking review to attach a copy of the Postal Service written determination, as the appeal process is thereby expedited. If two or more persons are entitled to petition for review of the same determination and their interests are such as to make joinder practicable, they may file a joint petition for review and may thereafter proceed as a single petitioner.

(b) *Intervention.* A person served by the post office to be closed or consolidated pursuant to the Postal Service written determination under review who desires to intervene in the proceeding, or any other interested person, or any counsel, agent or other person authorized or recognized by the Postal Service as such interested person's representative or the representation of such interested person's recognized group, such as Postmasters, shall file with the Secretary of the Commission and serve upon all parties a petition for leave to intervene in a form prescribed by § 3001.20. The petition shall contain a concise statement of the interest of the moving party and the grounds upon which intervention is sought. A petition for leave to intervene shall be filed within 25 days of the date on which the petition for review is filed. The provisions of § 3001.20 (c) through (f) of Subpart A of this part shall apply to petitions for leave to intervene in review proceedings.

2. Redesignate present § 3001.115 (a), (b), (c), and (d) to become § 3001.115 (b), (c), (d), and (e) respectively. Add a new paragraph (a) and revise the redesignated paragraphs (c), (d), (e), and the first sentence of paragraph (b) to read as follows:

§ 3001.115 Participant statement or brief.

(a) *Participant statement.* Upon the filing of the petition for review of a decision to close or consolidate a post office, the Secretary shall furnish the petitioner with a copy of PRC Form 61, a form designed to permit the appellant to make a concise statement of his or her arguments in support of the petition and the instructions regarding its use. In addition to eliciting this information, the instructions for Form 61 shall provide: (1) Notification that, if the appellant prefers, he or she may file a brief as described in paragraph (b) of this section presenting the arguments, in lieu of completing PRC Form 61; (2) a concise explanation of the purpose of the form; and (3) notification that the completed form, or a brief as described in paragraph (b) of this section, in lieu thereof, must be filed with the Commission not more than 35 days following the date of filing of the petition (which date shall be set forth, as it appears in the Commission's records).

(b) *Appellant's initial brief.* The initial brief of the appellant shall be filed with the Secretary of the Commission and served on all paties 35 days after the filing of the petition for review of a decision to close or consolidate a post office. * * *

(c) *Answering brief of the Postal Service.* The answering brief of the Postal Service shall be filed 20 days after the date designated for filing of the appellant's brief and shall follow the

format detailed in paragraph (b) of this section.

(d) *Reply by appellant.* The appellant may file a written response to the brief of the Postal Service 15 days after the date designated for filing of that brief, which shall be strictly limited in content to reply to arguments made by the Postal Service. If presented as a brief, such reply brief shall conform to the format detailed in paragraph (b) of this section.

(e) *Intervenor statements or briefs.* An intervenor shall file its brief within the time allowed for initial and reply, or answering, briefs, as appropriate. The Secretary shall furnish to each intervenor a copy of PRC Form 61 as soon as intervenor status is granted. If the intervenor chooses to file a brief, the brief shall follow the format detailed in paragraph (b) of this section.

3. Redesignate § 3001.116 to become § 3001.117 and add a new § 3001.116 to read as follows:

§ 3001.116 Oral Argument.

Oral argument will be held in these appeal cases only when a party has made a showing that, owing to unusual circumstances, oral argument is a necessary addition to the written filings. Any request for oral argument shall be filed within 7 days of the date on which reply briefs are due. If a request for oral argument is granted, it will be held at the Postal Rate Commission's offices at 2000 L Street NW., Suite 500, Washington, D.C. 20268.

By the Commission.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 83-20009 Filed 7-22-83; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 2380-8; FL-008]

Approval and Promulgation of Implementation Plans; Florida: Miscellaneous Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Florida Department of Environmental Regulation (FDER) has made miscellaneous amendments to Chapter 17-2 of the Florida Administrative Code. The major purpose of these amendments was to clarify existing provisions or correct technical inaccuracies. EPA today announces its approval of this revision in the Florida plan.

EFFECTIVE DATE: This action will be effective on September 23, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

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

Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street NE., Atlanta, Georgia 30365

Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005

Florida Department of Environmental Regulation, Bureau of Air Quality Management, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Gilbert, Air Management Branch, EPA Region IV at the above address and telephone number 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: The Florida Environmental Regulation Commission began a hearing on certain miscellaneous amendments to Florida Administrative Code Chapter 17-2 on August 25, 1982. This hearing was continued until October 20, 1982, when the Florida Environmental Regulation Commission approved these amendments to Chapter 17-2. These amendments were subsequently adopted by the Florida Department of Environmental Regulation through filing with the Secretary of State on November 5, 1982. The miscellaneous amendments to Chapter 17-2 became effective on November 25, 1982.

The major purpose of all but one of these amendments was to clarify existing provisions or correct technical inaccuracies. The one change that did not perform a clarification or technical correction delegated certain authority regarding minor particulate sources to district managers.

Rule 17-2.700(3), Stationary Point Source Emission Test Procedures, Exemptions and Approval of Appropriate Procedures and Requirements, was amended by the addition of (d). This delegates to district managers the authority to allow minor particulate sources equipped with baghouses to demonstrate compliance with particulate emission limiting standards by substituting a visible emissions test for a particulate emissions test. The source must demonstrate compliance with a visible emission limit of 5% opacity. The substitution of the alternative visible emissions limit of 5% opacity for the mass particulate emission limiting standard must be specified in the permit issued to the source. If the Department has reason to believe that the mass particulate emissions limit is not being met, then it must require the source to perform a mass particulate test pursuant to Rule 17-2.700, Table 1.

Since the source-specific compliance waivers would be included in a source's permit without submittal to EPA as a SIP revision, the individual waivers would not be effective as part of the federally approved SIP. However, this situation should not unduly affect implementation of the waiver provision by the State, because EPA will only require testing when there is substantial reason for believing that a mass violation exists.

Rule 17-2.100(39), Definitions, Commence Construction, was modified by the addition of language which had been inadvertently omitted from the existing definition of "Commence Construction". The rule was modified by adding a phrase which states that the owner of a source must have all pre-construction permits and approvals required by air pollution laws and regulations which are part of the SIP. This is in addition to the current requirement that the owner have all pre-construction permits and approvals required by Federal air pollution control laws and regulations which are part of the SIP.

Rule 17-2.100(75) was changed by the addition of (a) "Class II Hardboard Paneling Finish". The purpose of this amendment was to define a term which is utilized in conjunction with the VOC RACT Rules. The addition of this definition makes Chapter 17-2 consistent with the existing federal regulations.

Rule 17-2.100(165) was amended to reflect the latest edition of the reference document "Evaporation Loss from External Floating Roof Tanks", 1980, which is specified in the definition of "True Vapor Pressure". The original reference document was "Evaporation Loss from Floating Roof Tanks", 1962.

Rule 17-2.500, Table 500-3, was changed to correct a technical error in the existing rule. This change makes it clear that the de minimus impact for nitrogen dioxide is based on an annual average concentration, rather than a 24-hour average as originally indicated in the table.

Rule 17-2.600(3)(b) was modified by correcting three typographical errors which had no significant impact on this rule for existing phosphate processing facilities.

Rule 17-2.630, Best Available Control Technology (BACT), was revised by correcting an error in the rule format. The correction consisted of renumbering "(a) Determination" to "(1) Determination".

Rule 17-2.650(1)(b)1. was amended to correct an erroneous cross reference and to clarify the provision which specifies the means for determining the size of service stations affected by the VOC RACT rules. The specified cross reference 17-2.41 (a non-existent Section of Chapter 17-2) was changed to 17-2.410. 17-2.650(1)(b)1.a. was changed to allow service stations to use the highest volume of gasoline received during the third quarter of any year subsequent to 1979 that was reported to the Department of Revenue for determining the size of the affected facility. This change also allows any station which did not operate during the third quarter of any year subsequent to 1979 (as well as the third quarter of 1979) or which did not report the volume received to the Department of Revenue to use any other quarterly equivalent rate. This change to 17-2.650(1)(b)1.a. will provide a more consistent basis for determining the size of affected service stations.

Rule 17-2.650(1)(f)11.b(iii)(B) was modified to remove redundant language and clarify the requirement that vapor laden gasoline tank trucks must be refilled at facilities employing RACT for VOC emissions.

Rule 17-2.650(1)(f)18.b.(i) (E) and (F) were revised to correct a technical error and require the timely repair of perceptible leaks. The technical error was corrected by changing the requirement that all perchloroethylene dry cleaning cartridges be drained for 24 hours in the filter housing before discarding and be dried without VOC emissions to the atmosphere. This change now requires that all cartridges be drained in the filter housing for at least 24 hours before discarding or that all drained cartridges be dried without VOC emissions to the atmosphere. The rule now requires that all perceptible leaks of VOC's be repaired within 3 working days or, if replacement parts are required, that parts be ordered within 3 working days.

Rule 17-2.650(2)(c)12.b. was amended to clarify the original intent of the RACT particulate emission limitations for miscellaneous manufacturing process operations. The emission limiting standard required the owner to use either an air pollution control device with an efficiency of 98%, or limit emissions to 0.03 gr/dscf, and visible emissions to less that 5% opacity. As previously stated, it was confusing and seemed to require the owner to comply with the most restrictive option. The rule has now been amended to reflect the original intent which was to require compliance with the least restrictive option.

Rule 17-2.660(2)(a) specifies the Standards of Performance for New Stationary Sources (40 CFR 60) which have been adopted by reference. This rule was amended to change an incorrect citation for Subpart Z of 40 CFR Part 60. The referenced Section of 40 CFR 60 was changed from 60.250 to 60.260.

Rule 17-2.700(1)(d)1.b.(i) was modified to correct the confusion in the evaluation of visible emissions from batch, cyclical, and other operations, that are normally completed within less than the required observation period. The confusion resulted from the requirement for the observer to verify the discharge of no visible emission during the balance of the observation period. This was corrected by requiring the observer to verify that no emissions visible to the human eye are discharged during the balance of the observation period.

Rule 17-2.700(1)(d)1.b.(ii) was revised to correct a cite which had been inadvertently overlooked in the 1981 reformat of Chapter 17-2. The cite was changed from 17-2.700(2)(c) correctly referencing the Waiver of Compliance Test Requirement rule.

Rule 17-2.700(6)(a)3.b. was amended to correct the format of Equations 3-1A and 3-1. These equations were changed by modifying them to show the appropriate mathematical operations and their hierarchy.

Rule 17-2.700(4)(c)5.1., 17-2.700(6)(a)6.b.(i), 17-2.700(6)(a)5.b.(i)(C), and 17-2.700(6)(a)5.b.(i)(I) were clarified by the insertion of referenced diagrams which had been inadvertently omitted during the 1981 reformat of Chapter 17-2. The diagrams which have been inserted are Figures 4-1, 5-1, 5-2, and 5-3.

Rule 17-2.710(1)(a)4. was revised to correct an error in the format of the rule. The correcion was made by changing 17-2.710(1)(a)(4) to 17-2.710(1)(a)4.

Action. EPA is today approving the Florida plan concerning miscellaneous amendments to Chapter 17-2. This is done without prior proposal because the changes in the regulations will have limited impact on air quality and no comments are anticipated.

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

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 23, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

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

List of Subjects in 40 CFR Part 52

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

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: July 13, 1983.

William D. Ruckelshaus,

Administrator.

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

PART 52—[AMENDED]

Subpart K—Florida

In § 52.520, is amended by adding paragraph (c)(50) as follows:

§ 52.520 Identification of plan.

* * * * *

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

(50) Miscellaneous amendents to Chapter 17-2, submitted on December 23, 1982, by the Florida Department of Environmental Regulation.

[FR Doc. 83-19574 Filed 7-22-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 66

National Research Service Awards; Correction

AGENCY: Public Health Service, HHS.

ACTION: Final rule, correction.

SUMMARY: This document corrects a final rule for the National Research Service Awards that appeared at page 24879 in the **Federal Register** of Friday, June 3, 1983 (48 FR 24879). This action is necessary to correct typographical errors and to include the latest citation for the Guidelines for Research Involving Recombinant DNA Molecules.

FOR FURTHER INFORMATION CONTACT: Lowell D. Peart, NIH Regulations Officer, National Institutes of Health, Building 31, Room 3B03, 9000 Rockville Pike, Bethesda, Maryland 20205, (301) 496–4606.

Accordingly, the following corrections are made:

§ 66.110 [Corrected]

1. On page 24882, column 2, in § 66.110(c):

$$\text{"A} = \text{O}\frac{(t-s)}{(t)} -$$

is corrected to read

$$\text{"A} = \text{Ø}\frac{(t-s)}{(t)} .\text{"}$$

In line 8 " 'O' is the sum" is corrected to read " 'Ø' is the sum.

2. On page 24882, column 2, § 66.110(c), four lines up from paragraph (d), "S" is corrected to read "s."

§ 66.111 [Corrected]

3. On page 24882, column 2, § 66.111(a), line 1: "Secratary" is corrected to read "Secretary."

4. On page 24882, column 2, § 66.111(a), line 6 "§ 66.110(b)" is corrected to read "§ 66.110(d)."

§ 66.112 and 66.207 [Corrected]

5. On page 24883, column 1, § 66.112 and on page 24884, column 1, § 66.207: "45 CFR Part 90" is corrected to read "45 CFR Part 91."

6. On page 24883, column 1, § 66.112, "46 FR 34462," and page 24884, column 1, § 66.207: "47 FR 17180" are both corrected to read "48 FR 24556."

§ 66.202 [Corrected]

7. On page 24883, column 1, § 66.202, line 2: "Subpart" is corrected to read "subpart."

§ 66.205 [Corrected]

8. On page 24883, column 2, § 66.205(a)(1): "Part" is corrected to read "part."

Dated: July 15, 1983.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 83-19988 Filed 7-22-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6434

[CA-3]

California; Powersite Restoration No. 724 Revoking Powersite Reserve No. 555 and Partially Revoking Powersite Reserve Nos. 58, 150 and 557 and Powersite Cancellation No. 199 Revoking Powersite Classification No. 98

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially and totally revokes certain Executive and Secretarial orders which withdrew lands for powersite purposes. The lands affected total 1,117.61 acres of public, national forest, and privately owned lands. This action opens 385.25 acres of public and 432.36 acres of national forest lands to surface entry. Fifty acres are privately owned; 40.00 acres remain segregated from the public land laws and the mining laws by licensed Federal Power Project No. 1390; and 210.00 acres remain withdrawn from the public land laws generally under the authority of the Act of March 4, 1931.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

SUPPLEMENTARY INFORMATION: By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and Section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818, and pursuant to the determination of the Federal Energy Regulatory Commission in DA–1111 California, it is ordered as follows:

1. The Executive Orders of July 2, 1910, September 12, 1910, September 21, 1916, October 17, 1916, and Secretarial Orders of November 13, 1909, and May 13, 1925, creating Powersite Reserves Numbered 58, 150, 555 and 557 and Powersite Classification No. 98 are hereby cancelled and revoked insofar as they affect the following described lands:

Mount Diablo Meridian

Powersite Reserve No. 58

T. 8 N., R. 23 E.,
Sec. 28, Lot 1, SW¼NE¼, SE¼NW¼, W½SE¼;
Sec. 33, Lot 5, SE¼NE¼.
T. 2 N., R. 25 E.,
Sec. 13, S½NE¼SW¼NE¼, S½SW¼NE¼, N½NE¼NW¼, SW¼NE¼NW¼, NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, S½SE¼SE¼NW¼, NE¼SW¼, SE¼NW¼NW¼.

Powersite Reserve No. 150

T. 5 N., R. 25 E.,
Sec. 21, SE¼NE¼.

Powersite Reserve No. 555

T. 5 N., R. 25 E.,
Sec. 17, NW¼NE¼.

Powersite Reserve No. 557

T. 8 N., R. 23 E.,
Sec. 28, Lots 2, 3 and 4;
Sec. 33, Lots 2, 3 and W½SW¼.

Powersite Classification No. 98

T. 6 N., R. 25 E.,
Sec. 4, Lot 2.
T. 7 N., R. 25 E.,
Sec. 31, Lots 33, 51 and 52

The area aggregates approximately 1,117.61 acres in Mono County, California.

2. Of the lands described in paragraph 1, the surface estate of the S½NE¼SW¼NE¼, SW¼SW¼NE¼, S½SE¼SE¼NW¼, N½NE¼SW¼, SE¼NW¼SW¼ Sec. 13, T. 2 N., R. 25 E., M.D. Mer., has been conveyed from the United States pursuant to the Act of June 23, 1936 (49 Stat. 1892). Therefore, unless and until appropriate regulations are issued, the lands will not be opened to location under the United States mining laws (30 U.S.C. Ch. 2) or to applications and offers under the mineral leasing laws. The NW¼NW¼ Sec. 13, T. 2 N., R. 25 E., M.D. Mer., remains segregated from the public land laws and the mining laws by licensed Federal Power Project No. 1390. It has been and will continue to be open to the filing of applications and offers under the mineral leasing laws.

3. At 10:00 a.m. on August 23, 1983, the following described national forest lands which lie within the Toiyabe

National Forest shall be open to such disposition as may by law be made of national forest lands. The effect of this order is to revoke Powersite Reserve Nos. 58 and 557 and Powersite Classification No. 98 insofar as they pertain to these lands.

Mount Diablo Meridian

T. 8 N., R. 23 E.,
Sec. 33, Lots 2, 3 and 5, and W½SW¼, SE¼NE¼.
T. 6 N., R. 25 E.,
Sec. 4, Lot 2.
T. 7 N., R. 25 E.,
Sec. 31, Lots 33, 51 and 52.

The area aggregates approximately 432.36 acres.

4. Of the lands listed in paragraph 1, the following lands remain withdrawn from the public land laws generally for the protection of the watershed supplying water to the City of Los Angeles under the authority of the Act of March 4, 1931 (46 Stat. 1530). The effect of this order is to revoke Powersite Reserve No. 58 insofar as it pertains to these lands.

Mount Diablo Meridian

T. 2 N., R. 25 E.,
Sec. 12, N½SE¼, N½S½SE¼;
Sec. 13, SE¼SW¼NE¼, N½NE¼NW¼, SW¼NE¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, S½NE¼SW¼

The area aggregates approximately 210.00 acres.

5. Of the lands described in paragraph 1, the following lands are vacant public lands. The effect of this order is to revoke Powersite Reserve Nos. 58, 150, and 555 insofar as they pertain to these lands.

Mount Diablo Meridian

T. 8 N., R. 23 E.,
Sec. 28, Lots 1, 2, 3 and 4, and SW¼NE¼, SE¼NW¼, W½SE¼.
T. 5 N., R. 25 E.,
Sec. 17, NW¼NE¼;
Sec. 21, SE¼NE¼.

The area aggregates approximately 385.25 acres.

6. The State of California has waived its preference right of application for highway rights-of-way or material sites as provided by Section 24 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

7. At 10:00 a.m. on August 23, 1983, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on August 23, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

8. All of the lands described in paragraphs 3, 4 and 5 have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 30 U.S.C. 621).

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
July 18, 1983.
[FR Doc 83-20061 Filed 7-22-83; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6435

[I-18209]

Idaho; Power Site Cancellation No. 351; Partial Revocation of Geological Survey Order of July 26, 1948

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a Geological Survey order as to 160 acres of land withdrawn for Power Site Classification No. 390. This action will restore the land to surface entry. It has been and remains open to mining and mineral leasing.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, Idaho State Office, 208-334-1735.

SUPPLEMENTARY INFORMATION:

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-619-IDAHO, it is ordered as follows:

1. The Geological Survey Order of July 26, 1948, which withdrew lands for Power Site Classification No. 390, is hereby revoked insofar as it affects the following described lands:

Boise, Meridian, Idaho

T. 8 S., R. 13 E.,
Sec. 11, NE¼.

The area described contains 160 acres in Twin Falls County.

2. The State of Idaho has waived its preference right for highway right-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 9 a.m. on August 23, 1983, the land shall be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on August 23, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The land has been and remains open to location and entry under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). It has been and remains open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operation, Idaho State Office, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
July 18, 1983.
[FR Doc. 83-20062 Filed 7-22-83; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6436

[I-011668; I-15305]

Idaho; Partial Revocation and Modification of the Secretarial Order of May 17, 1918, and Public Land Order No. 3398 of May 18, 1964

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order and a public land order as to 260 acres of public land withdrawn for stock driveway purposes. This order also establishes a 20-year term for the remaining acreage withdrawn by the two orders referenced above. The 260 acres were conveyed out of Federal ownership without mineral reservation and will not be restored to surface entry, mining or mineral leasing. As such, this revocation is for record clearing only. Additionally, this action provides for continual use of the remaining 62,199.62 acres for stock driveway purposes. They remain closed to surface entry, but open to mining and mineral leasing.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, Idaho State Office, 208-334-1735.

SUPPLEMENTARY INFORMATION:

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and

Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of May 17, 1918, and Public Land Order No. 3398 of May 18, 1964, which withdrew lands for stock driveway purposes, are hereby revoked insofar as they affect the following described lands:

Boise Meridian, Idaho

(I-011668)

T. 6 N., R. 4 W.,
Sec. 26, N½SE¼NE¼.

(I-15305)

T. 10 N., R. 1 E.,
Sec. 29, NE¼SW¼.
T. 11 N., R. 1 E.,
Sec. 5, SW¼NE¼, SE¼NW¼;
Sec. 20, SW¼NE¼.
T. 9 N., R. 1 W.,
Sec. 22, SW¼NE¼;
Sec. 23, NW¼SW¼.

The area described contains approximately 260 acres in Washington, Gem and Payette Counties.

2. The lands described in Paragraph 1 have been conveyed from Federal ownership and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

3. The Secretarial Order of May 17, 1918, and Public Land Order No. 3398 of May 18, 1964, which withdrew the lands described below are hereby modified to expire 20 years from the effective date of this order.

Boise Meridian, Idaho

All public lands withdrawn by the above referenced orders and located within the following described townships, except those described in Paragraph 1:

T. 5 N., R. 1 E.
T. 5 N., Rs. 1, 2, and 3 W.
T. 6 N., Rs. 1, 2, 3, 4, and 5 W.
Tps. 7, 8, 9, 14, 15, and 16 N., R. 3 W.
Tps. 8, 9, 10, 11, 12, and 13 N. R. 1 E.
Tps. 9, 10, and 11 N., R. 1 W.
T. 9 N., R. 2 W.
T. 14 N., Rs. 4, and 5 W.
T. 13 N., Rs. 5, and 6 W.

The area described contains 62,199.62 acres of public land in Washington, Gem and Payette Counties. The specific legal subdivisions of each township involved are available, for public examination, in the Bureau of Land Management's State and District Offices in Boise, Idaho.

4. Pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), this withdrawal, except as provided in Paragraph 1, will be reviewed within 20 years from the effective date of this order and, if appropriate, at subsequent 20-year intervals to ensure that the lands are still being used for the purposes for which they were originally withdrawn.

Except as provided in Paragraph 1, the lands have been and remain closed to operation of the public land laws generally, but open to location and entry under the United States mining laws, and applications and offers under the mineral leasing laws.

Inquiries concerning the land should be directed to the Chief of Lands and Minerals Operations, Idaho State Office, Federal Building, Box 042, 550 W. Fort Street, Boise, Idaho 83724.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 18, 1983.

[FR Doc. 83-20063 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6437

[OR-35947]

Oregon; Revocation of Public Land Order No. 322

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 1,791.93 acres of land for classification in aid of legislation. The land has been conveyed out of Federal ownership and will not be restored to surface entry, mining or mineral leasing. Thus, the effect of this order is record clearing only.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 322 of July 3, 1946, which withdrew the following described land for classification in aid of legislation, is hereby revoked:

Willamette Meridian

T. 8 S., R. 1 E.,
Sec. 13, SE¼NE¼ and E½SE¼;
Sec. 25;
Sec. 35, N½NE¼NE¼ and N½S½ NE¼NE¼.
T. 8 S., R. 2 E.,
Sec. 17, NW¼SW¼ and S½SW¼;
Sec. 19, lots 3 and 4, and NE¼;
Sec. 29, W½;
Sec. 31, lots 1 and 2, NE¼, and E½NW¼.

The areas described aggregate 1,791.93 acres in Marion County.

2. The land has been conveyed from Federal ownership without reservations and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 18, 1983.

[FR Doc. 83-20064 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6438

[AA-8916, AA-2862, J-011800, AA-3104, AA-367]

Partial Revocation of Withdrawal Orders; Classification of Lands for Selection by the State of Alaska

AGENCY: Bureau of Land Management, Interior

ACTION: Public land order.

SUMMARY: The purpose of this order is to partially revoke certain withdrawal orders and to classify and open approximately 257 acres of land to selection by the State of Alaska, if such lands are otherwise available.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT:

Beaumont C. McClure, Washington, D.C., (202) 343-6511,
or
Robert W. Faithful, IV, Alaska State Office, (907) 271-5768.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Subsection 204(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1701, 1714(a)), and by Subsection 17(d)(1) of the Alaska Native Claims Settlement Act of December 8, 1971 (43 U.S.C. 1601, 1616(d)(1)), it is ordered as follows:

1. Public Land Order No. 175 of September 29, 1943, as amended by Public Land Order No. 723 of May 24, 1951, which withdrew lands for use by the Department of the Army in connection with the Alaska Communications System, is hereby revoked as to the following described lands:

Lena Point (AA-8916)

Lot 1A of U.S. Survey No. 3808, Alaska, situated at Lena Point about seventeen miles northwesterly of Juneau, Alaska.

Containing 29.98 acres.

2. Excutive Order No. 5419 of August 5, 1930, as amended, which transferred lands to the War Department for use as a radio station, is hereby revoked as to the following described lands:

Ketchikan ACS Annex No. 1 (AA–2862)

Lot 2B of U.S. Survey No. 1627, Alaska, situated at Mountain Point on Revillagigedo Island.

Containing 4.03 acres.

3. Public Land Order No. 2258 of February 1, 1961, which withdrew lands for use by the U.S. Coast Guard for administrative site purposes, is hereby revoked as to the following described lands:

Juneau ERS Site (J–011800)

Tracts B, C, and D of U.S. Survey No. 3263, Alaska, situated on Glacier Highway approximately 5 miles northwest of Juneau, Alaska.

Containing 26.98 acres.

4. Bureau of Land Management Order (Misc. 51589) of May 9, 1955, as amended, which withdrew lands for use by the Civil Aeronautics Administration (now the Federal Aviation Administration) for maintenance of air navigation facilities, is hereby revoked as to the following described lands:

Copper River Meridian

Gustavus Airport (AA–3104)

T. 40 S., R. 59 E.,
Sec. 18, Lot 6.

Containing 35.65 acres.

T. 39 S., R. 59 E.,
Sec. 31, those portions of the following described lands lying outside the Glacier Bay National Monument: SE¼SW¼ NW¼, SE¼NW¼, NE¼SW¼, NE¼NW¼SW¼, E½SE¼SW¼, W½SE¼.

Containing approximately 156 acres.

The tracts described aggregate approximately 191.65 acres.

5. Executive Order No. 1919½ of April 21, 1914, as amended, which withdrew lands for townsite purposes, is hereby revoked as to the following described lands:

Talkeetna Railroad Townsite (AA–367)

Block 1, Lots 1–4; Block 13, lots 15–21; Block 14, Lots 1–14; Block 21; all within U.S. Survey No. 1260, Alaska, Talkeetna Townsite.

Containing four acres, more or less.

6. Subject to valid existing rights, the above described lands are hereby made available for selection by the State of Alaska under either the provisions of the Alaska Statehood Act of July 7, 1958 (72 Stat. 399 et seq.; 48 U.S.C. prec. § 21) or Subsection 906(b) of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2371, 2437–2438). Under the provisions of Subsection 6(g) of the Alaska Statehood Act, the State of Alaska is provided a preferred right of selection for the lands herein described until 10:00 a.m., Alaska Daylight Saving time, on October 17, 1983. After that time and date, those lands not selected by the State, as identified in paragraphs 1 and 2 of this order, will immediately become subject to Public Land Order No. 5187 and those lands, as identified in paragraphs 3, 4 and 5 of this order, will immediately become subject to all the terms and conditions of Public Land Order No. 5180 of March 9, 1972, as amended, and Public Land Order No. 6092 of November 20, 1981.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

July 18, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 18, 1983.

[FR Doc. 83–19994 Filed 7–22–83; 8:45 am]

BILLING CODE 4310–84–M

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43 CFR Public Order 6439

[AA–9206]

Alaska; Revocation of Public Land Order No. 5549

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order totally revokes a withdrawal of 46,080 acres of national forest lands. Of this acreage, 3,190 acres was conveyed to Shee Atika, Inc. The remaining 42,890 acres remain closed to operation of the general land laws, including mining and mineral leasing.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT:

John J. Rumps, Washington, D.C., (202) 343–6486,
or
Robert W. Faithful, IV, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5549 of November 21, 1975, which withdrew lands for selection by Shee Atika, Inc., under Sec. 14(h)(3) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1613(h)(3), is hereby revoked.

The lands affected by this order was described as follows:

Tongass National Forest

Copper River Meridian

T. 51 S., R. 69 E.,
Sec. 7, all;
Sec. 8, S½N½, S½;
Sec. 9, SW¼NW¼, SW¼, W½SE¼;
Sec. 15, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 16, NW¼NE¼, S½NE¼, NW¼, S½;
Secs. 17 and 18, all;
Sec. 19, NW¼NE¼, NE¼NW¼;
Sec. 25, W½;
Sec. 26, all;
Sec. 27, S½SW¼, SE¼SE¼;
Sec. 31, S½;
Sec. 32, NE¼NE¼, S½N½, S½;
Secs. 33 and 34, all;
Sec. 35, NE¼, W½;
Sec. 36, N½NW¼.

T. 52 S., R. 68 E.,
U.S.S. 2410, lots 1 thru 8;
U.S.S. 2411, lots 9 thru 15;
U.S.S. 2412, less patented lots 16, 21, 23;
U.S.S. 2413, less patented lot 28;
Sec. 1, S½NE¼, S½;
Sec. 2, NW¼NW¼, S½NW¼, S½ (fractional);
Secs. 3 thru 7 (fractional);
Sec. 8, all;
Secs. 9 thru 12 (fractional);
Sec. 13, N½ (fractional), N½S½;
Secs. 14 and 15 (fractional);
Sec. 16, N½N½, SE¼NE¼, SE¼SE¼;
Sec. 18, N½, NE¼SW¼ (fractional), NW¼SE¼;
Sec. 22, N½NE¼;
Sec. 23, NW¼NW¼;
Sec. 24, S½N½, N½S½.

T. 52 S., R. 69 E.,
Sec. 2, W½, S½SE¼;
Secs. 3, 4, 5 (fractional);
Sec. 6, all;
Secs. 7 and 8 (fractional);
Sec. 9, N½NE¼, NW¼ (fractional), W½SW¼;
Sec. 10, N½N½;
Sec. 11, N½N½, SE¼NE¼;
Sec. 12, W½E½, NW¼, N½SW¼, SE¼SW¼;
Sec. 16, NW¼NW¼, S½NW¼, SW¼, S½SE¼;
Secs. 17 and 18 (fractional);
Sec. 19, N½ (fractional), N½SW¼, SE¼SW¼, SE¼;
Secs. 20 and 21 (fractional);
Sec. 22, NW¼NW¼, S½N½, S½ (fractional);
Sec. 23, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 26, NW¼NW¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
Secs. 27, 28, and 29 (fractional);
Sec. 30, NE¼, E½NW¼;
Sec. 32, NE¼, NE¼NW¼;
Sec. 33, all;
Sec. 34, N½NE¼; NE¼NW¼;
Sec. 35, N½N½ SW¼NE¼, SE¼NW¼, W½SE¼, SE¼SE¼.

(Katlian Bay)

T. 53 S., R. 69 E.,
Sec. 1, lot 1, E½NE¼.

T. 53 S., R. 70 E.,
Sec. 6, lots 1 thru 4, N½, N½SW¼, NW¼Se¼.

(Kuiu Island)

T. 58 S., R. 71 E.,
Sec. 4, S½NE¼, SW¼, S½SE¼;
Sec. 5, S½NE¼, NW¼, S½;
Sec. 6, E½ E½W½;

Sec. 7, E½E½;
Secs. 8, 9, and 10, all;
Secs. 11 and 12 (fractional);
Sec. 14, all;
Sec. 15, E½, N½NW¼;
Sec. 16, NE¼NE¼, W½E½, W½;
Sec. 17, all;
Sec. 20, SE¼SE¼;
Sec. 21, N½NW¼, NE¼NW¼, S½S½;
Sec. 22, SW¼NE¼, NW¼NW¼, S½NW¼, NE¼SW¼, S½SW¼, SE¼;
Secs. 27, and 28, all;
Sec. 29, E½;
Sec. 33, E½, NW¼;
Sec. 34, all.

T. 58 S., R. 72 E.,
Sec. 17, SW¼;
Sec. 18, S½;
Sec. 19, all;
Sec. 20, S½NE¼, NW¼, S½;
Secs. 29, 30, 31, all;
Sec. 32, N½, SW¼.

T. 59 S., R. 71 E.,
Sec. 4, SW¼;
Sec. 5, S½;
Sec. 8, N½;
Sec. 9, all;
Sec. 16, E½, N½NW¼;
Sec. 21, NE¼;
Sec. 22, all;
Sec. 26, S½N½, S½;
Sec. 27, E½, E½W½, NW¼NW¼;
Sec. 34, E½, E½W½, SW¼SW¼;
Sec. 35, W½, W½E½.

T. 60 S., R. 71 E.,
Sec. 2, W½NE¼, E½NW¼, NW¼NW¼, E½SW¼, SE¼;
Sec. 3, N½.

The areas described aggregated approximately 42,890 acres.

2. The lands shall remain subject to administration by the Secretary of Agriculture under applicable laws and regulations as part of the Tongass National Forest and the Admiralty Island National Monument as established in Sec. 503(b) of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2399). Accordingly, the lands remain closed to operation of the general public land laws, including mining and mineral leasing.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 18, 1983.

[FR Doc. 83-19996 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6440

[AA-2793, AA-47421, A-051615]

Partial and Total Revocation of Three Public Land Orders for Selection of Lands by the State of Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: The purpose of this order is to partially revoke Public Land Order Nos. 829 and 1127 and totally revoke Public Land Order No. 2921 to accommodate selection of approximately 1,596 acres of national forest lands by the State of Alaska, if such lands are otherwise available.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT:
Beaumont C. McClure, Washington, D.C., (202) 343-6511,
or
Robert W. Faithful, IV, Alaska State Office, (907) 271-5768.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Subsection 204(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, 1714(a)), it is ordered as follows:

1. Public Land Order No. 829, dated May 16, 1952, as amended, which withdrew lands adjacent to or within Tongass of Chugach National Forests for use by the Forest Service, Department of Agriculture, as administrative sites, recreation areas, or for other public purposes is hereby revoked as to the following described lands;

Seware Meridian

Chugach National Forest

a. Quartz Creek Public Recreaction Area — (AA-2793).

Tps. 4 and 5 N., Rs. 2 and 3 W., All of Quartz Creek Public Recreation Area (1,359.2 acres) EXCEPT Quartz Creek Campground (94.55 acres), Quartz Creek Trailer Dump Station (8.6 acres), and Crescent Creek Campground (53 acres).

(Quartz Creek Campground, Quartz Creek Trailer Dump Station and Crescent Creek Campground are more fully described as follows:

Quartz Creek Campground: Beginning at a point in Sec. 36, T. 5 N., R. 3 W., at Corner No. 1 located in the centerline of the Quartz Creek Road, approximately 2.88 chains easterly of Mile Post 46 of the Quartz Creek Road; thence S. 11°W., along a line identical in part with the westerly boundaries of Lots 36 and 1 of Forest Service survey for the East Quartz Creek Group, approximately 26.51 chains, to Corner No. 2, a meander corner, at the line of mean-high water of Kenai Lake; thence with meanders along the line of mean-high water of the northerly shore of Kenai Lake, southwesterly and northwesterly (across the mouth of Quartz Creek) approximately 76.10 chains distance to Corner No. 3, a meander corner, at the line of mean-high water on the northeasterly shore of Kenai Lake, located southwesterly of Corner No. 1, a 4x4 inch post, of Lot 1 of Forest Service survey for the West Quartz Creek Group; thence N. 79°E., approximately 6.96 chains, along a line identical in part with line 1-4 of Lot 1 of the West Quartz Creek Group to the centerline of Quartz Creek Road; thence southeasterly along the approximate centerline of Quartz Creek Road approximately 49.59 chains to the point of beginning.

Containing approximately 94.55 acres.

Quartz Creek Trailer Dump Station: Beginning at a point in Sec. 36, T. 5 N., R. 3 W., at Corner No. 1, located in the centerline of Quartz Creek Road, approximately 6.07 chains southeasterly of the most westerly campground road; thence N. 43°E., approximately 1.97 chains to Corner No. 2; thence S. 78°E., approximately 5 chains to Corner No. 3; thence S. 44°E., 5.76 chains to Corner No. 4; thence S. 88°E., approximately 7.20 chains to Corner No. 5, in the centerline of State Trooper Road; thence S. 3°W., approximately 1.44 chains along the approximate center of State Trooper Road to Corner No. 6, in the centerline of Quartz Creek Road; thence westerly along the centerline of Quartz Creek Road, approximately 21.05 chains, to the point of beginning.

Containing approximately 8.6 acres.

Crescent Creek Campground: Beginning at a point on mean-high water line, Kenai Lake, which bears S. 62°W. from station 450 + 00 of Kenai River Highway (now Sterling Highway) as shown on Bureau of Public Roads Plans for Proposed Section 5 B-2, approximate latitulde 60°29'N., longitude 149°44'W., map of which is on file with the Bureau of Land Management; thence N. 62°44'E., 115.00 chains; thence N. 29°00' E., 46.00 chains; thence S. 61°00'E., 3.30 chains to the True Point of Beginning located in Sec. 19, T. 5 N., R. 2 W.; thence S. 61°00' E., 39.00 chains intersecting with Forest Service Road #0961.1; thence southwesterly along the centerline of Forest Service Road #0961.1 to its intersection with Cresecent Creek; thence northwesterly along Crescent Creek to its intersection with Quartz Creek; thence northerly along Quartz Creek to the point of beginning.

Containing approximately 53 acres.

That portion of the Quartz Creek Public Recreation Area in Public Land Order No. 829 revoked herein aggregates approximately 1,203.05 acres of Chugach National Forest lands.

b. Lower Trail Lake Public Recreation Area (AA-2793).

Beginning at Corner No. 5 and M.C., H.E.S. No. 197, on the southerly shore of Lower Trail Lake thence northeasterly, 38.00 chains, approximately, along the southerly shore of Lower Trail Lake to the most easterly point in a cove; south 35.00 chains; west 32.00 chains, to the east right-of-way line of the Alaska Railroad, 100 feet from the centerline thereof; northerly, 24.00 chains, along the east right-of-way line of the Alaska Railroad, to the point of beginning.

Containing approximately 96.00 acres.

c. Johnson Pass Trailhead (AA-2793).

A tract of land 5.00 chains in width, on the north right-of-way line, parallel to and 50 feet from the center line of the highway and 9.09 chains in length between Station 182 and Station 188, approximate latitude 60°30'N., longitude 149°26'W.

Containing approximately 4.54 acres.

d. Public Service Site #1 (AA-2793).

A tract of land lying northeast of and adjacent to the right-of-way of the Seward-Anchorage highway, which is 50 feet from and parallel to the centerline thereof.

between Station 60 and Station 70, and extending to the southwest shore of Upper Trail Lake, said tract being opposite lots G and H, U.S. Survey No. 2529, approximate latitude 60°30'N., longitude 149°21'W.

Containing approximately 9.92 acres.

e. Public Service Site #2 (AA–2793).

A tract of land lying north of and adjacent to the right-of-way of the Seward-Anchorage highway, which is 50 feet from and parallel to the centerline thereof, between Station 82 and Station 89, and extending to the southwest shore of Upper Trail Lake, said tract being approximately 18 chains westerly of U.S. Survey No. 2529, approximate latitude 60°30'N., longitude 149°22'W.

Containing approximately 3.18 acres.

Copper River Meridian

Tongass National Forest

f. Mendenhall Lake Scenic and Winter Sports Area (AA–2793).

T. 40 S., R. 66 E.,

Sec. 18, lands within U.S. Survey No. 2385, addition to Tongass National Forest Survey, more particularly described as follows:

Beginning at monument number 5 of U.S. Survey No. 2385, which is common to Corner No. 6, U.S. Survey No. 2080, being the True Point of Beginning; thence following existing surveyed lines S. 36°03'W., 3.25 chains to Corner No. 6, U.S. Survey No. 2385, which is common to Corner No. 7, U.S. Survey No. 2080; thence S. 58°W., 2.5 chains to Meander Corner No. 1, U.S. Survey No. 2080, thence along an unsurveyed line meandering northerly along the left bank of the Mendenhall River approximately 30 chains to a point on the northern boundary of the Mendenhall Loop Road right-of-way, which is 60 feet from the centerline of the Mendenhall Loop Road; thence along the right-of-way boundary of the Mendenhall Loop Road S. 36°45'E., approximately 24 chains to a point on the 4–5 line of U.S. Survey No. 2385; thence following an existing survey line west, approximately 10.3 chains to Corner No. 5, U.S. Survey No. 2385, which is common to Corner No. 6, U.S. Survey No. 2080, and is the True Point of Beginning.

Containing approximately 24 acres.

g. Edna Bay Public Booming and Rafting Grounds (AA–2793).

T. 68 S., R. 76 E.,

Sec. 34, lots 1, 2, and 3.

Containing 76.86 acres.

2. Public Land Order No. 1127, dated April 15, 1955, as amended, which withdrew lands within the Chugach National Forest for use by the Forest Service for administrative and public service sites and highway purposes, is hereby revoked as to the following described lands:

Seward Meridian

Snug Harbor Road Withdrawal (AA–47421)

T. 5 N., R. 3 W.,

Secs. 34 and 35, all of the withdrawal north of the township line between T. 4 N., and T. 5 N., to the southern boundary of U.S. Survey No. 5105.

Containing approximately 170 acres.

3. Public Land Order No. 2921, dated January 30, 1963, which withdrew the following described lands within the Chugach National Forest for use by the Forest Service as a recreation area, is hereby revoked in its entirety.

Seward Meridian

Lawing Public Recreation Area (A–051615)

Beginning at a point on the left bank of Ptarmigan Creek, from which U.S.L.M. 608 bears approximately N. 86°15'W., approximately 9.75 chains, and the centerline of the Alaska Railroad bears easterly 1.52 chains at right angles to said centerline, thence southerly parallel to and 1.52 chains westerly of the centerline of the said Alaska Railroad approximately 21.00 chains to Corner No. 2, U.S. Survey No. 608; thence northwesterly along the east shore of Kenai Lake approximately § 23.90 chains to the left bank of Ptarmigan Creek; thence easterly along the left bank of Ptarmigan Creek approximately 9.50 chains to the point of beginning.

Containing 8.6 acres, more or less.

4. Subject to valid existing rights, the above described lands are hereby made available for selection by the State of Alaska under the provisions of the Alaska Statehood Act (72 Stat. 339; 48 U.S.C. prec. § 21). Under the provisions of Subsection 6(g) of the Alaska Statehood Act, the State of Alaska is provided a preferred right of selection for the lands herein described until 10:00 a.m., Alaska Daylight Saving Time, on October 17, 1983. After that time and date, those lands not selected by the State of Alaska shall be open to such forms of disposition as may by law be made of national forest lands, including mineral location and entry under the United States mining laws, subject to valid existing rights and the requirements of applicable regulations. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The lands in paragraph 1 have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 18, 1983.

[FR Doc. 83–19995 Filed 7–22–83; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6441

[F–012881; F–014349]

Alaska; Partial Revocation of Public Land Order No. 1345, as Amended; Revocation of Public Land Order No. 1639; Classification of Lands for Conveyance to Cook Inlet Region, Inc.

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes Public Land Order No. 1345, as amended, revokes Public Land Order No. 1639 in its entirety, and classifies 484.02 acres of land withdrawn under Public Land Order 5187 for conveyance to Cook Inlet Region, Inc., under the Alaska Native Claims Settlement Act.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT:

John J. Rumps, Washington, D.C., (202) 343–6486

or

Robert W. Faithful IV, Alaska State Office, (907) 271–5768

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior, by Sec. 17(d)(1) of the Alaska Native Claims Settlement Act (ANCSA), 85 Stat. 688, 708 (43 U.S.C. 1616(d)(1)), and pursuant to Sec. 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751 (43 U.S.C. 1714), it is ordered as follows:

1. Public Land Order No. 1345 of October 16, 1956, as amended by Public Land Order No. 1523 of October 8, 1957, which withdrew lands for use of the Department of the Army for military purposes, is hereby revoked in part, as to the lands described below:

Fairbanks Meridian

T. 4 S., R. 4 E.,

Sec. 28, W½SW¼SW¼SE¼, and SE¼SW¼SW¼SE¼;

Sec. 29, lots 2, 3, N½SW¼SW¼, N½S½SW¼SW¼, SE¼SW¼, and S½SE¼;

Sec. 32, N½NE¼;

Sec. 33, NW¼NW¼NE¼, W½SW¼NW¼NE¼, W½W½SW¼NE¼, N½NE¼NW¼, SE¼NE¼NW¼, N½NW¼NW¼, S½S½NW¼, and N½N½N½SW¼.

Aggregating approximately 379.93 acres.

2. Public Land Order No. 1639 of May 22, 1958, which withdrew lands for use of the Department of the Army for military purposes, is hereby revoked, as to the lands described below:

Fairbanks Meridian

T. 4 S., R. 4 E.,
Sec. 28, SW¼SW¼, S½NW¼SE¼SW¼, and S½SE¼SW¼;
Sec. 29, lot 6, S½NW¼SW¼, and S½N½NW¼SW¼.

Aggregating approximately 104.09 acres.

3. Subject to valid existing rights, the lands described in paragraphs 1 and 2 are hereby classified as suitable for conveyance to Cook Inlet Region, Inc., in accordance with paragraph 1.C.(2) of the "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" as clarified August 31, 1976, and Section 12(b)(6) of the Act of January 2, 1976 (89 Stat. 1151).

4. Under Public Land Order No. 5187, the lands described in paragraphs 1 and 2 remain withdrawn from all forms of appropriation under the public land laws, including selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181–287.

5. Prior to any conveyance of the lands described in paragraphs 1 and 2, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181–287, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
July 18, 1983.
[FR Doc. 83-19098 Filed 7-22-83; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6442

[AR-030950]

Arizona; Revocation of Public Land Order No. 2744

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order in its entirety which withdrew 23,026.52 acres of national forest and adjacent federally owned minerals under private surface for the protection of a seismological installation. This action will restore 21,951.52 acres to such forms of disposition as may by law be made of national forest lands, including location and entry under the mining laws. The balance of 1,075 acres, which are private lands with all minerals reserved to the United States, will also be opened to mining. All lands affected by this order have been and will remain open to mineral leasing.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, (602) 261–4774.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 2744 of August 7, 1962, which withdrew lands for use by the Air Force for the protection of a seismological installation is hereby revoked as to the following described lands:

Gila and Salt River Meridian, Arizona

Tonto National Forest

T. 11 N., R. 10 E., unsurveyed,
Secs. 1, 2, 11 to 14, incl., 23 to 26, incl. 35, 36.
T. 11 N., R. 11 E., unsurveyed,
Secs. 3 to 10, incl., 15 to 22, incl. 27 to 34, incl.

The areas described aggregate 23,026.52 acres of which 21,951.52 are forest lands and 1,075 are private lands in Gila County.

2. At 10 a.m. on August 23, 1983, the Federal lands shall be open to such forms of disposition as may by law be made of national forest lands including mineral location and entry under the United States mining laws, subject to the provisions of existing withdrawals and the requirements of applicable law. Appropriations of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

3. At 10 a.m. on August 23, 1983, the private lands described in paragraph 1 will also be open to mining location.

All the lands affected by this order have been and will remain open to mineral leasing.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
July 18, 1983.
[FR Doc. 83-20085 Filed 7-22-83; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6443

[CA 2398]

California; Transfer of Jurisdiction; Addition to Tahoe National Forest; Partial Revocation of Executive Order No. 4203 of April 14, 1925

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws and reserves as a part of, and adds to, the Tahoe National Forest 104.13 acres of public land. Executive Order No. 4203 which withdrew these lands in aid of classification is hereby revoked. The lands remain open to mining and mineral leasing.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–468–4431.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of February 20, 1925, 43 Stat. 952–954; and by virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described tracts of public land are hereby transferred to the administrative jurisdiction of the Secretary of Agriculture as an addition to the Tahoe National Forest and as such shall be subject to all laws and regulations applicable thereto:

Mount Diablo Meridian

T. 17 N., R. 11 E.,
Sec. 30, lot 5;
Sec. 31, lot 44 (Mineral Survey C–10);
Sec. 32, lot 44 (Mineral Survey C–10).

The area described aggregates 104.13 acres in Nevada County.

2. Executive Order No. 4203 of April 14, 1925, which withdrew lands in aid of

classification, is hereby revoked insofar as it affects any of the above-described lands.

The lands have been and continue to be open to the mining and mineral leasing laws.

Inquires concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 18, 1983.

[FR Doc. 83-20066 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6444

[C-28316]

Colorado; Revocation of Executive Order 5846; Transfer of Administrative Jurisdiction to the National Park Service

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Executive Order No. 5846 and transfers jurisdiction of 240 acres of public land to the National Park Service as mandated by Pub. L. 96-560. The land will remain closed to all forms of entry.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-837-2535.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and as mandated by Section 111(c) of Pub. L. 96-560, 94 Stat. 3272, it is ordered as follows:

1. Executive Order No. 5846, dated May 2, 1932, as amended by Public Land Order No. 1278, of March, 1956, which withdrew the following lands for classification, is hereby revoked in its entirety:

Sixth Principal Meridian

T. 5 N., R. 73 W.,
Sec. 23, W½NW¼, SE¼NW¼.
T. 3 N., R. 75 W.,
Sec. 4, lots 5, 6, and 7.

The land described aggregates approximately 240.00 acres in Grand and Larimer Counties.

2. The land remains closed to operation of the Public Land Laws, including the United States mining and mineral leasing laws.

3. Administrative jurisdiction over the land described above is hereby transfered to the National Park Service, to be managed as part of Rocky Mountain National Park.

Inquiries concerning these lands should be directed to the State Director, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

July 18, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-20067 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6445

[I-19056]

Idaho; Powersite Cancellation No. 365 Partial Revocation of Powersite Classification No. 197

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial Order insofar as it affects 37.92 acres of land withdrawn for power development purposes. The lands will be restored to surface entry. They have been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho State Office, 208-334-1735.

SUPPLEMENTARY INFORMATION: By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination of the Federal Energy Regulatory Commission in DA-640-Idaho, it is ordered as follows:

1. The Secretarial Order of December 14, 1927, which created Powersite Classification No. 197, is hereby revoked insofar at it affects the following described lands:

Boise Meridian

T. 56 N., R. 2 E.,
Sec. 20, lot 5.

The area described contains 37.92 acres in Bonner County.

2. The State of Idaho has waived its rights to select lands for highway right-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 9:00 a.m. on August 23, 1983, the above described public lands will be opened to operation of the public lands laws generally, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable laws. All valid applications received at or prior to 9:00 a.m. on August 23, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been and will remain open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the public lands should be addressed to the Chief, Branch of Lands and Minerals, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 18, 1983.

[FR Doc. 83-20068 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6446

[CA 11991]

California; Partial Revocation of Public Land Order No. 548

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This action partially revokes a public land order which withdrew 240 acres of land for the Corps of Engineers Lake Isabella Dam and Reservoir Project. This action restores 195.80 acres to surface entry, mining and mineral leasing. An additional 28.82 acres will be restored to mining and mineral leasing only, since the surface estate was patented under the Act of December 29, 1916. Approximately 15 acres of privately owned land will not be affected by this order.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald Morrison, California State Office, 916-484-4431.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 548 dated January 26, 1949, is hereby revoked insofar as it affects the following described lands:

Mount Diablo Meridian

T. 25 S., R. 33 E.,
Sec. 33, W½NW¼ (now described as: Lots 3, 6, 10 and that part of MS 199, 154, 1328 lying within W½NW¼).
T. 26 S., R. 33 E.,
Sec. 29, NE¼.

The areas described, including both public and nonpublic land, aggregate 240 acres in Kern County.

2. At 10:00 on August 23, 1983, the following described lands shall be open to operation under the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on August 23, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing:

Mount Diablo Meridian

T. 25 S., R. 33 E.,
Sec. 33, lot 3.
T. 26 S., R. 33 E.,
Sec. 29, NE¼.

3. Of the lands described in paragraph 1, the surface estate of lot 10, sec. 33, T. 25 S., R. 33 E, has been conveyed from United States ownership pursuant to the Act of December 29, 1916, and is not affected by this action.

4. At 10:00 a.m. on August 23, 1983, the lands described in paragraphs 2 and 3 will be open to location and entry under the United States mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

5. At 10:00 a.m. on August 23, 1983, the lands described in paragraphs 2 and 3 will be open to applications and offers under the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. on August 23, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

6. The patented lands in Lot 6 and Mineral Surveys Nos. 154, 199 and 1328 are no longer in Federal ownership and will not be affected by this action.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
July 18, 1983.

[FR Doc. 83-20069 Filed 7-22-83; 8:45 am]
BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1201

[Docket No. 36988]

Alternative Methods of Accounting for Railroad Track Structures; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rule; correction.

SUMMARY: At 48 FR 7182, February 18, 1983, the Commission revised its accounting regulations for tract assets. The rule changed the method of accounting for track structure from retirement-replacement-betterment (RRB) to ratable depreciation accounting. That notice contained an error in the numbering of new definitions added in the appendix to the notice. This notice corrects that error.

FOR FURTHER INFORMATION CONTACT: Brian Holmes, (202) 275-7448.

SUPPLEMENTARY INFORMATION: The notice appearing at 48 FR 7181 is corrected as follows:

1. Amendatory instruction 1, which appears at 48 FR 7183, first column, is corrected as follows:

1. New definitions 34, 35 and 36 are added to read as follows:

2. The numbers of the new definitions added in amendment 1 are corrected to read "34", "35", and "36".

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-19978 Filed 7-22-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

[Docket No. 30719-136]

High Seas Salmon Fishery Off Alaska

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

ACTION: Rule-related notice; closure.

SUMMARY: NOAA issues this notice of closure of the Southeast Alaska commercial salmon fishery to any salmon fishing in the fishery conservation zone beginning at 11:59 p.m., July 20, 1983, Pacific Daylight Time. The closure is necessary to conserve chinook salmon stocks that contribute to the Alaska, Oregon, and Washington salmon fisheries and is intended to promote the escapement of chinook salmon to the river systems of Oregon and Washington to spawn.

DATES: This notice is effective 11:59 p.m., Pacific Daylight Time, July 20, 1983 and will remain in effect until 11:59 p.m. PDT, September 20, 1983. This notice of closure was filed for public inspection with the Office of the Federal Register on July 20, 1983 at 4:46 p.m. Public comments on this notice of closure are invited until August 19, 1983.

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

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Regional Plan Coordinator, NMFS), 907-586-7229.

SUPPLEMENTARY INFORMATION: Salmon fishing in the 3-200 mile fishery conservation zone (FCZ) off Alaska is managed under the Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude (FMP), developed and amended by the North Pacific Fishery Management Council (Council) and implemented by NOAA through regulations appearing at 50 CFR Part 674 (46 FR 33041, June 26, 1981; 46 FR 57299, November 23, 1981). Section 674.23 describes procedures to adjust seasons and areas through field order. Section 674.23 was amended on April 22, 1983, (48 FR 17358) to require the Secretary to prohibit fishing for any or all species of salmon in all or part of the FCZ if this is necessary to prevent the total harvest of chinook salmon for the year from exceeding either the maximum amount of the chinook salmon optimum yield (OY) range, or any amount within that OY range that the Secretary finds necessary for the conservation of chinook salmon. The chinook salmon OY range is 243,000-272,000 fish. This authority has been delegated to the Director, Alaska Region, National Marine Fisheries Service (Regional Director).

The Council has recommended to the Regional Director that the 1983 harvest guideline for Southeast Alaska chinook salmon commercial fisheries be 255,500 fish, the same as in 1982. The Council

further recommended that the fishery be managed, to the extent possible, with the goal of delaying achievement of the chinook salmon harvest guideline until after the majority of the coho salmon catch has occurred, thereby avoiding a lengthy end-of-season closure for chinook salmon while fishermen continue to harvest coho salmon. The chinook salmon season was terminated in 1982 on July 29, near the peak of the coho salmon fishery, because the 255,500 chinook salmon harvest guideline had been reached.

The Regional Director concurred with the Council that the chinook salmon harvest guideline for 1983 should be 255,500 fish and that its achievement should be delayed. Consequently, the Regional Director, in conjunction with an Alaska Department of Fish and Game (ADF&G) closure in State territorial waters, closed the Southeast Alaska commercial salmon fishery in the FCZ at 12:00 midnight PDT, June 8, 1983 (48 FR 27080, June 13, 1983). In his closure announcement, the Regional Director indicated that he would examine the catch and effort data from the May 15 through June 8 fishing period and that he would reopen the fishery on a date justified by these data. Accordingly, the Regional Director, after consulting with ADF&G, reopened the fishery in the FCZ on July 1, 1983, (48 FR 31046, July 6, 1983), simultaneously with the reopening of State waters.

Subsequent analysis of the chinook salmon catches through the June 8 closure date indicated that 151,000 fish had been taken. This number includes 30,000 fish taken in the winter fishery, 101,000 taken during the May 15–June 8 opening, and 20,000 fish projected to be taken in the net fishery.

When the fishery reopened on July 1, significant effort was immediately applied; about 548 boats were counted on July 1 and 3 by ADF&G, which conducted aerial surveys. This large amount of effort is attributed to the fishermen's desire to make up for time lost during the 22-day closure and also to good fishing weather.

Chinook salmon catches proved to be high and remained so from July 1 to July 16, during which period about 91,000 fish were estimated to have been taken, resulting in an estimated total 1983 catch of 242,000 fish through July 16. Average fishing time during this period among the fleet was 15.0 hours per day, compared to 13.6 hours in 1982, and the average catch per boat was 14 fish per day compared to 6.6 fish in 1982.

Although the catch rate has slowed, the Regional Director has determined that the 255,500 harvest level that he and the Council have determined to be necessary for the conservation and management of chinook salmon will have been achieved by July 20 and that the fishery must be closed at that time. The Regional Director, therefore, prohibits further commercial salmon fishing in the FCZ during 1983 as of that time.

Although this prohibition is directed at fishing for chinook, further fishing in the FCZ off Southeast Alaska for any salmon species is prohibited in order to facilitate enforcement of the chinook closure and also to prevent the inevitable hooking mortality of incidentally-caught chinook salmon that would have to be discarded. The 0–3 mile territorial sea remains open at this time to salmon fishing until closed by the ADF&G. The Regional Director recognizes that by prohibiting further salmon fishing in the FCZ, effort will shift to the 0–3 mile territorial sea, and some chinook salmon will be caught beyond the guideline harvest level until ADF&G implements its closure. He has concluded, nevertheless, that closure of the FCZ, even without State cooperation in its territorial waters, will increase the numbers of chinook salmon returning to spawning streams in Oregon and Washington, and will reduce the total amount by which the harvest level decided upon by the Council and the Regional Director is exceeded.

The FCZ will not reopen this fishing season to commercial fishing for any salmon species. Following a closure by ADF&G of the 0–3 mile territorial sea to further fishing for chinook salmon, ADF&G may announce its management intent with respect to continuation of the coho salmon fishery in State territorial waters.

This closure does not apply to those portions of the FCZ within the Alexander Archipelago that are completey surrounded by Alaska territorial waters, and are thus under State management authority under § 306 of the Magnuson Fishery Conservation and Management Act. This closure does apply to all other areas of the FCZ.

This closure will not be effective prior to filing of this notice for public inspection with the Office of the Federal Register and publicizing of the closure for 48 hours through ADF&G procedures, under 50 CFR 674.23(b)(2). Under 50 CFR 674.23(b)(3), public comments on this notice of closure may be submitted to the Regional Director at the address stated above for 30 days following the effective date. During the 30-day comment period, the 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 the NMFS Alaska Regional Office, Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska. 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 notice's continued effect, modifying it, or rescinding it, unless it has already expired.

Other matters

The Regional Director has determined that the chinook salmon resource harvested in Southeast Alaska will be subject to harm due to overharvest 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 674.23, and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 674

Administrative practice and procedure, Fish, Fisheries, Fishing, Reporting requirement.

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

Dated: July 20, 1983.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 83-20042 Filed 7-20-83; 4:48 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 143
Monday, July 25, 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.

GENERAL ACCOUNTING OFFICE

DEPARTMENT OF JUSTICE

4 CFR Parts 101, 102, 103, 104 and 105

[Order No. 1023-83]

Federal Claims Collection; Extension of Comment Period

AGENCIES: General Accounting Office and Department of Justice.

ACTION: Extension of comment period.

SUMMARY: This change extends from July 25, 1983 to August 25, 1983, the period for submitting comments on the proposed amendments to the Federal Claims Collection Standards published at 48 FR 23249, May 24, 1983. This extension is being granted in response to requests and inquiries received from interested parties who indicated that additional time was necessary in order for them to respond.

DATE: Comments on FR Doc. 83-13977 will be considered if they are received by August 25, 1983.

FOR FURTHER INFORMATION CONTACT: Chris Farley, Jr., U.S. General Accounting Office, Accounting and Financial Management Division, Claims Group, (202) 275-8145.

Charles A. Bowsher,
Comptroller General of the United States.
July 18, 1983.

William French Smith,
Attorney General of the United States.
July 20, 1983.

[FR Doc. 83-20010 Filed 7-22-83; 8:45 am]
BILLING CODE 1610-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-38-AD]

Airworthiness Directives; British Aerospace Corporation Model BAC 1-11,200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an airworthiness directive (AD) that would require replacement of certain spring discs in the nose wheel landing gear after a specified number of landings on the British Aerospace BAC 1-11,200 and 400 series airplanes. The AD is required to prevent a possible collapse of the nose wheel landing gear.

DATE: Comments must be received no later than September 12, 1983.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041 or may also be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-NM-38-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

AD 66-24-03 (31 FR 12921, October 4, 1966) requires specific service life limits for certain Belleville spring washers used in the nose landing gear up/down lock jack on BAC 1-11,200 and 400 series airplanes to prevent fatigue failures of the springs. The AD is based on BAC Alert Service Bulletin 32-A-PM2437. Fatigue failures and laboratory evaluation of second generation Belleville spring washers prompted the manufacturer to issue Alert Service Bulletin 32-A-PM5191 which prescribes replacement of the Belleville spring system with a coil spring system and establishes reduced service life for certain second generation Belleville spring washers. Issue Nos. 2 and 3 of Service Bulletin 32-A-PM5191 further reduced the service life limits of the affected Belleville spring washers. Issue No. 4 of the service bulletin permits an extension of the service life limits specified by Issue No. 3 when a sleeving modification, 32-PM5786 is incorporated. Issue No. 5 of Service Bulletin 32-A-PM5191 provided a replacement Belleville spring washer with a service life equivalent to earlier generation spring washers. The FAA is proposing an AD which would specify life limits for the nose landing gear up/down lock jack spring discs that have been introduced by the various issues of Service Bulletin 32-A-PM5191. Repetitive functional testing of these items is also proposed. British Aerospace has developed a revised nose landing gear up/down lock jack which incorporates two helical coil springs in lieu of the existing spring discs (modification 32-PM5191). Incorporation of this new design up/down lock jack provides terminating action for the AD.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would define a life limit for these new parts as well as to require repetitive functional testing of the nose landing gear up/down lock jacks.

It is estimated that 63 U.S. registered airplanes will be affected by this AD, that it will take approximately 5 manhours per airplane to accomplish the required actions, and that the average

labor cost will be $35 per manhour. Repair parts are estimated at $500 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $42,525. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

British Aerospace: Applies to Model BAC 1-11 200 and 400 series airplanes, certificated in all categories. To prevent collapse of nose wheel landing gears accomplish the following, unless previously accomplished:

A. For pre-modification PM5766 up/down lock jacks:

(1) Tonks spring discs—P/N AK43-1283.

(i) Must be replaced prior to the accumulation of 4,000 landings or within 500 landings, after the effective date of this AD, whichever comes later.

(ii) Must be functionally tested in accordance with paragraphs 2.3 and 2.4 of Service Bulletin 32-A-PM 5191, Issue 5, dated May 15, 1981, prior to the accumulation of 4,000 landings or within 100 landings, after the effective date of this AD, whichever comes later.

(2) Terry discs—P/N AB43-2579 and "Spring Master" discs—P/N AB43-2745:

(i) Must be replaced prior to the accumulation of 8,000 landings or within 500 landings, after the effective date of this AD, whichever comes later.

(ii) Must be functionally tested in accordance with paragraphs 2.3 and 2.4 of Service Bulletin 32-A-PM5191 prior to the accumulation of 8,000 landings or within 500 landings, after the effective date of this AD, whichever comes later; and thereafter at intervals not to exceed 500 landings, until replaced in accordance with paragraph A (2)(i), above.

B. For post-modification PM5766 up/down lock jacks:

(1) Tonks spring discs—P/N ak43-1283.

(i) Must be replaced prior to the accumulation of 8,000 landings or within 500 landings, after the effective date of this AD, whichever comes later.

(ii) Must be functionally tested in accordance with paragraphs 2.3 and 2.4 of Service Bulletin 32-A-PM5191 prior to the accumulation of 4,000 landings or within 500 landings, after the effective date of this AD, whichever comes later; and thereafter at intervals not to exceed 500 landings, until replaced in accordance with paragraph B(1)(i), above.

(2) Terry discs P/N AB43-2579 and Spring Master Discs P/N AB43-2745.

(i) Must be replaced prior to the accumulation of 10,000 landings or within 500 landings, after the effective date of this AD, whichever comes later.

(ii) Must be functionally tested in accordance with paragraphs 2.3 and 2.4 of Service Bulletin 32-A-PM5191 prior to the accumulation of 8,000 landings or within 500 landings, after the effective date of this AD, whichever comes later; and thereafter at intervals not to exceed 500 landings, until replaced in accordance with paragraph B(2)(i), above

C. Terminating action for this AD is accomplished by incorporation of helical coil springs into the up/down lock jack, modification 32-PM5191.

D. For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours time in service by the operator's fleet average time from takeoff to landing for the airplane type.

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

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

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C 1655(c)); and 14 CFR 11.85))

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the Criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on July 13, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-19957 Filed 7-22-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ACE-11]

Transition Area—Vinton, Iowa; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Vinton, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Vinton Veterans Memorial Airport, Vinton, Iowa, utilizing a Non-Directional Radio Beacon (NDB) as a navigational aid.

DATES: Comments must be received on or before August 29, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify

the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs 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 Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Vinton, Iowa. To enhance airport usage, an additional instrument approach procedure to the Vinton Veterans Memorial Airport is being established utilizing an NDB as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of the transition area at Vinton, Iowa at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by altering the following transition area:

Vinton, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vinton Veterans Memorial Airpark (latitude 42°13'03"N, longitude 92°01'43"W); within 2½ miles each side of the Vinton NDB 319° bearing extending from the 5-mile radius area to 7 miles northwest of the airport; and within 2 miles each side of the Vinton NDB 103° bearing extending from the 5-mile radius area to 7 miles east of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and § 11.65 of the Federal Aviation Regulations (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; Feburary 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 Kansas City, Missouri, on July 12, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-19982 Filed 7-22-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Fire Island National Seashore, New York; Motor Vehicle Travel on Seashore Lands

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service proposes to revise its regulations governing motor vehicle travel at Fire Island National Seashore, New York. The existing regulation authorizes but does not establish specific limits on vehicle permits, causing uncertainty and inaccessibility for interested and otherwise qualified applicants. The proposed regulation will provide island residents, governments, businesses and recreational users with explicit limits and instructions under which permits may be obtained.

DATES: Written comments, suggestions or objections will be accepted until August 24, 1983.

ADDRESSES: Comments should be directed to: Superintendent, Fire Island National Seashore, 120 Laurel Street, Patchogue, New York 11772.

FOR FURTHER INFORMATION CONTACT: John A. Hauptman, Superintendent, Fire Island National Seashore, Telephone: (516) 289-4810.

SUPPLEMENTARY INFORMATION:

Background

On December 13, 1977 (42 FR 62483), the National Park Service amended 36 CFR 7.20(a), pertaining to motor vehicle use at Fire Island National Seashore, by identifying the off-road routes and generally revising and clarifying the existing regulations. Included within the 1977 revision was a new paragraph (8), which stated "The Superintendent is authorized to limit the total number of permits for motor vehicle travel on Seashore lands, and/or to limit the number of permits issued for each category of eligible applicants. * * *" This authority is based on primary management objectives for the Seashore, *i.e.*, "resource protection, public safety, or visitor enjoyment." To establish limits "the Superintendent shall utilize such factors as the type of use or purpose for which travel is authorized, the availability of other means of transportation, limits established by local jurisdictions, historic patterns of use, multiplicity of existing permits held by individuals, esthetic and scenic values, visitor uses, safety, soil, weather, erosion, terrain, wildlife, vegetation, noise and management capabilities."

With these factors in mind, the park staff prepared a draft "Criteria for Issuance of Permits," which was circulated in September 1980 to community and organization leaders. Based on received comments, the draft was revised and on January 23, 1981, again sent to community leaders and interested organizations. The Superintendent held meetings on Fire Island with local property owner organizations, town and village government staffs, and affected visitor groups. The meetings occurred on July 17 and August 14, 1982. Meeting comments and letters received served as the basis for further revisions to the draft, which now culminates in the publication of this proposed rule.

By setting specific limits on the numbers and/or use of motor vehicle permits at Fire Island National Seashore, the proposed rule seeks to complete the process begun by the 1977 regulation to implement an effective and equitable means of regulating vehicle use on Seashore lands. The National Park Service has withheld the issuance of additional resident permits pending the placement of these limits. In addition to setting limits, however, it should be observed that the process originally described in § 7.20(a)(8) for instituting or adjusting limits on vehicle permits is being amended. Under existing regulations, the Superintendent may set new permit levels by publication of a notice in the **Federal Register**. Permit limits would, thus, not be part of the regulation itself. The proposed rule requires that limitations may be established only by amending 36 CFR 7.20(a)(8), with a full opportunity for public notice and comment prior to the adoption of any final change in the regulation. The level of public interest shown in the course of developing this proposed rule has persauded the National Park Service that this change in the method of setting or altering future limits on vehicle use is warranted.

Consistent with this change in process, the initial limits will be incorporated with 7.20(a)(8) as follows, according to eligible applicant category:

(1) Year-round residents, as defined in 36 CFR 7.20(a)(1)(viii), will be limited to no more than 145 permits.

(2) Part-time residents, as defined in 36 CFR 7.20(a)(1)(ix), will only receive permits if they held such permits as of January 1, 1978.

(3) Holders, or their lessees, of retained rights of use and occupancy on lands acquired by the National Park Service in the so-called "Eight-Mile Zone" will receive permits consistent with the terms by which the right of use and occupancy is retained.

(4) Public utility and service vehicles shall receive not more than 30 permits.

(5) Construction and business vehicles shall be limited to not more than 80 permits at any one time on a first-come, first-served basis.

(6) Municipal employees, working on a full-time basis for any of the two municipal villages or 15 unincorporated towns are eligible to receive permits, not to exceed five per village or community; additional permits may be granted on a case-by-case basis if community need can be documented.

(7) Recreational vehicles are restricted to use of the eastern portion of Fire Island National Seashore between Smith Point and Long Cove, below the toe of the dune; the number of available permits is unlimited.

Where required, no application for a permit will be processed without prior approval from the Towns of Islip or Brookhaven and/or the incorporated Villages of Ocean Beach or Saltaire.

The National Park Service considered the possibility of allowing these permits to be transferrable. During the numerous public meetings held, this issue was raised. The National Park Service found that this choice was deemed not to be a valid alternative because all control would be lost if the permits were allowed to be transferred. Under the proposed permit system, only individuals with particular needs will have access to the island. This is in keeping with the Congressional intent, as interpreted by Federal courts, to limit access in an effort to preserve this delicate barrier island. The Service welcomes comments on this decision and on other alternative regulatory schemes.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding this proposed regulation to the address noted at the beginning of this rulemaking.

Drafting Information

The following persons participated in the writing of this regulation: Donald H. Weir, Fire Island National Seashore, New York; and Arthur E. Eck, Division of Ranger Activities and Protection, Washington, D.C.

Paperwork Reduction Act

The information collection requirements needed to issue permits pursuant to § 7.20(a)(8) will be submitted to the Office of Management and Budget for approval as required under 44 U.S.C. 3501 *et seq.* The collection of this information will not be required until it has been approved by the Office of Management and Budget.

Compliance With Other Laws

The Department of the Interior has determined that this document is not a "major rule" under Executive Order 12291 and certifies that the document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The initial economic effect of this rule is expected to be approximately $40,000 to $50,000 as several full-time residents, now ineligible, qualify for vehicle permits and acquire off-road vehicles for their use. There will be no additional budget or personnel requirements on Federal, State or local governments as permit application procedures and off-road vehicle control measures are already in effect.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332), the Service prepared an Environmental Assessment in 1978, and received extensive public comment, that considers the operation of motor vehicles at Fire Island National Seashore. A copy of the assessment is available at the address noted above.

Authority

Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. § 3).

List of Subjects in 36 CFR Part 7

National parks.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing, it is proposed to amend 36 CFR Part 7 by revising paragraph (a)(8) of § 7.20 to read as follows:

§ 7.20 Fire Island National Seashore.

(a) * * *

(8) *Limitations on numbers of permits.* (i) The Superintendent is authorized to limit the total number of permits for motor vehicle travel on Seashore lands, and/or limit the number of permits issued for each category of eligible applicants listed in paragraph (a)(5) of this section, as he deems necessary for resource protection, public safety, or visitor enjoyment. In establishing or revising such limits, the Superintendent shall utilize such factors as the type of use or purpose for which travel is authorized, the availability of other means of transportation, limits established by local jurisdictions, historic patterns of use, multiplicity of existing permits held by individuals, esthetic and scenic values, visitor uses, safety, soil, weather, erosion, terrain, wildlife, vegetation, noise, and management capabilities. Any change in limitation shall be made by amendment to this paragraph, and shall be preceded by posting of notices or news releases, with no less than 30 days for public comment on the proposed changes.

(ii) No application for a permit will be processed without prior approval from the Towns of Islip or Brookhaven and/or the incorporated Villages of Ocean Beach or Saltaire, as needed.

(iii) Limitations on permits for motor vehicle travel on Seashore lands, according to eligible applicant category, are as follows:

(A) *Year-round residents.* Permits shall be issued to year-round residents as defined in paragraph (a)(1)(viii) of this section, provided the total number of permits does not exceed 145 in this category. Applications from non-property owners to travel to and from residences on Fire Island will only be accepted from those persons who were year-round residents as of January 1, 1978. The one round trip per vehicle per day provision in paragraph (a)(10)(ii) of this section shall be waived for travel for residential purposes (not business) under this permit category. Full-time residents unable to obtain permits due to the limit established, shall be placed on a waiting list which will utilize the date of receipt of their application to determine their position on the list. Permit applications will be mailed by the National Park Service to eligible renewers by December 1, and must be returned no later than January 31 of the permit year. Applications received after the above date will be considered new applicants and placed on the waiting list.

(B) *Part-time residents.* Permits shall be issued only to those part-time residents, as defined in paragraph (a)(1)(ix) of this section, who held such permits as of January 1, 1978. Part-time residents who become year-round residents shall be eligible to apply for

and receive year-round permits in the manner described in paragraph (a)(8)(iii)(A) of this section.

(C) *Holders of retained rights.* Holders, or their lessess, of retained rights of use and occupancy for properties acquired by the National Park Service in the eight-mile area described by the Act, shall be issued permits consistent with the terms under which the right of use and occupancy is retained.

(D) *Public utility and service vehicles.* Public utility vehicles and service vehicles involved in the delivery of heating fuel and/or bottled gas, solid waste disposal, and other essential services as determined by the communities, and approved by the Superintendent, shall be apportioned permits to allow minimal service needs to each community. The number of permits in this category shall not exceed 30.

(E) *Construction and business vehicles.* Builders and contractors involved in construction and/or repairs at Island locations and operators or employees of year-round businesses on the Island, may be permitted access to job site on a 30-day per job basis. Vehicles in this category may remain at job sites and are to be removed upon completion of the job. All transport of supplies, materials, and crews shall be done by use of the nearest available ferry, freight or other over-water transport methods, when water transport is possible. The number of permits in this category shall not exceed 80 and shall be granted on a first-application basis. Those unable to obtain permitted access due to the number limit shall be placed on a waiting list which will utilize the date of receipt of application to determine their position on the list. Full-time construction firms and year-round businesses are eligible for one-year letter permits so long as they remain year-round.

(F) *Municipal employees.* Full time employees of the two municipal villages or of the 15 unincorporated communities identified in the Act are eligible for permits if such employment necessitates Island residence. The number of permits in this category will be limited to no more than five (5) per village or community. Applications beyond this number shall be reviewed, case-by-case, and granted on the basis of documented community need.

(G) *Recreational vehicles.* Recreational vehicles may be authorized for travel from Smith Point to Long Cove as described in paragraph (a)(2)(i) of this section. The landward limit of use in this area is the toe of the dunes. The one round trip per vehicle per day provision in paragraph (a)(10)(ii) of this section shall be waived for recreational travel under this permit category.

* * * * *

Dated: April 6, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-20023 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-70-M

Notices

Federal Register
Vol. 48, No. 143
Monday, July 25, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Land and Resource Management Plan; Eldorado National Forest, El Dorado County, California; Intent to Reevaluate Roadless Areas

The Department of Agriculture, Forest Service issued a national environmental impact statement in January 1979. This environmental impact statement documented the results of an analysis of 62 million acres of roadless and undeveloped land within the 190 million acre National Forest system. The purpose of this Roadless Area Review and Evaluation (RARE II) was to determine which of these roadless areas were more suitable for wilderness than for other National Forest uses.

In California, RARE II analyzed over 6 million acres located in the Forest Service Pacific Southwest Region. Of the total acres analyzed, about 983,000 acres were recommended for wilderness; 2,643,000 acres for further planning for wilderness; and 2,395,000 acres were not considered suitable for wilderness or were designated nonwilderness.

In 1979 the State of California challenged the adequacy of the RARE II Environmental Impact Statement prepared as the basis for making the decisions for the allocation of the roadless land to either wilderness or nonwilderness use. In October 1982, the United States Court of Appeals for the Ninth Circuit affirmed a lower court decision which applied specifically to 46 roadless areas in California. This decision sets binding precedent for all Federal Courts in the Ninth Circuit.

As a result of the October 1982 court decision, all the roadless areas on the National Forests in California that meet the original criteria for the RARE II study will be reevaluated. The reevaluation of the RARE II areas on the Eldorado National Forest will be done as part of the Forest's present land and resource management planning. The areas to be studied are:

Name	Gross acres	Net national forest acres
Salt Springs	758	598
Poison Hole	2,865	2,665
Fawn Lake	1,183	1,183

Detailed information on the roadless areas and the reevaluation process will be distributed to individual and organizaitons on the Forest mailing list and other individuals and organizations requesting a copy. In addition, there will be a public open house held at 7:30 p.m. on Wednesday, August 10, 1983 at the El Dorado County Library, 345 Fair Lane, Placerville, CA to further explain, discuss, and gather information about the roadless areas and the reevaluation process.

Written comments concerning the reevaluation are encouraged. These comments should be directed to Jesse J. Barton, Planning Officer, Eldorado National Forest, 100 Forni Road, Placerville, CA 95667. These comments should be received by September 1, 1983. For further information about the proposed reevaluation contact Jesse J. Barton, Planning Officer, Eldorado National Forest at the above address, or call (916) 622-5061.

Dated: July 7, 1983.

Robert R. Lusk,

Forest Supervisor, Eldorado National Forest.

[FR Doc. 83-20007 Filed 7-22-83; 8:45]

BILLING CODE 3410-11-M

Land Management Plan; Sumter National Forest, Abbeville, Chester, Edgefield, Fairfield, Greenwood, Laurens, McCormick, Newberry, Oconee and Union Counties, South Carolina and Land Management Plan; Francis Marion National Forest, Berkeley and Charleston Counties, South Carolina; Revised Notice of Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969 (Pub. L. 91-190) and the National Forest Management Act of 1976 (Pub. L. 94-588), the Forest Service, Department of Agriculture, is in the process of preparing environmental impact statements and land managements plans for the Sumter and Francis Marion National Forests in South Carolina.

The land management plans will provide for multiple-use and sustained yield of goods and services from the National Forests, will guide all natural resource management activities, and will establish management standards and guidelines.

The first steps involving initial public participation, inventory and analysis of the management situation have been completed. The recent California vs Block court ruling necessitates the re-evaluation of those inventoried roadless areas recommended for wilderness and non-wilderness in RARE II. Regulations are currently being revised (36 CFR 219.17) to allow the roadless area re-evaluation. Public participation in the roadless area re-evaluation permits data collection and analysis activities to proceed pending the final regulations which are soon forthcoming.

Scoping for this portion of the land management planning process will be initiated by sending a tabloid explaining the roadless area re-evaluation to all individuals known to be interested in RARE II and the planning process for the Forests. Comments are invited and will be received until August 25, 1983. Significant issues relating to the roadless area re-evaluation will be identified and included with those issues already identified for each Forest.

Each Forest plan will be selected from a range of alternatives which will include at least:

(1) A "no-change" alternative which represents continuation of present levels of activity.

(2) One or more alternatives which represent levels of activity that will result in elimination of all backlogs of needed treatment for restoration of renewable resources and insure that a major portion of planned intensive multiple-use and sustained yield management procedures are operating on an environmentally sound basis, and

(3) One or more alternatives formulated to resolve the identified major public issues and management concerns.

The draft environmental impact statement for the Sumter National Forest is scheduled for completion by September 1984, with a 3-month review

period, and the final environmental impact statement is scheduled for filing in June 1985.

The draft environmental impact statement for the Francis Marion National Forest is scheduled for completion by June 1984, with a 3-month review period, and the final environmental impact statement is scheduled for filing in March 1985.

Written comments and/or suggestions concerning this Notice of Intent should be sent to Donald W. Eng, Forest Supervisor, Francis Marion and Sumter National Forests, 1835 Strom Thurmond Federal Building, P.O. Box 2227, Columbia, South Carolina 29202.

John E. Alcock, Regional Forester, Southern Region of the Forest Service, is the responsible official for the environmental impact statement and plan.

For further information about the planning process or the environmental impact statements contact David V. Rosdahl, Forest Planner, Francis Marion and Sumter National Forests, 1835 Strom Thurmond Federal Building, P.O. Box 2227, Columbia, South Carolina 29202 (803–765–5222).

Leroy Jones,

Acting Regional Forester.

July 14, 1983.

[FR Doc. 83-20006 Filed 7-22-83; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

National Advisory Council on Rural Development; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–163), notice is hereby given of a meeting of the National Advisory Council on Rural Development. The meeting will be held on August 24 and August 25, 1983, at the Olde Colony Inn and Conference Center, First and North Washington Streets, Alexandria, Virginia 22313. The meetings will begin at 9:00 a.m. each day.

The purpose of the meeting will be to develop preliminary policy options related to rural development issues and to discuss progress in implementing the national rural development strategy and in preparing the annual strategy update.

The meeting will be open to the public as space permits. In order to provide opportunity for the public to comment on the work of the Council, written statements will be received two weeks prior to and two weeks following the meeting. Due to the press of business, however, public participation will be limited to written statements. Views and comments will be addressed in writing, and, when deemed appropriate by the Co-Chair, may be addressed orally at the next meeting of the Council.

Written comments, both prior to and following the meeting, should be addressed to: Mr. Willard (Bill) Phillips, Jr., Director, Office of Rural Development Policy, Room 4128–S, U.S. Department of Agriculture, 12th and Independence, S.W., Washington, D.C. 20250; (202) 382-0044.

Dated: July 8, 1983.

Willard Phillips, Jr.,

Director, Office of Rural Development Policy.

[FR Doc. 83-19990 Filed 7-22-83; 8:45 am]

BILLING CODE 3410-07-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed under Subpart Q of the Board's Procedural Regulations; Week Ended July 15, 1983

SUBPART Q APPLICATIONS

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
July 11, 1983	41587	Aermediterranea—Linee Aeree Mediterranee, S.p.A., c/o August T. Lembo, Esq., Carella, Byrne, Bain & Gilfillan, Gateway I, Newark, New Jersey 07102. Application of Aermediterranea—Linee Aeree Mediterranee, S.p.A. requests the Board pursuant to Section 402 of the Act, and Subpart Q of the Board's Procedural Regulations, for a foreign air carrier permit to operate charger passenger flights between United States points (New York, Chicago, Detroit, and Boston) and Italian points (Rome and Milan) with intermediate stops. Answers may be filed by August 8, 1983.
July 13, 1983	41593	Ryan Aviation Corporation, c/o R. Bruce Keiner, Jr., Esq. Crowell & Moring, 1100 Connecticut Avenue, N.W., Washington, D.C. 20036. Application of Ryan Aviation Corporation requests the Board pursuant to Section 401(d)(3) of the Act, and Part 201 of the Board's Economic Regulations and Subpart Q of the Board's Procedural Regulations, for a certificate of public convenience and necessity to engage in foreign charter air transportation of persons, property, and mail: (a) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Canada, on the other; (b) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Mexico, on the other; (c) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, and any other foreign place located in the Gulf of Mexico or the Caribbean Sea, on the other hand; (d) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in British Honduras, the Canal Zone, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, and in the countries on the continent of South America, on the other hand; (e) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and American Samoa, Guam, Johnson Island, the Marshall Islands, Okinawa, Wake Island, and points in Australasia, Indonesia, and Asia as far west as longitude 70 degrees east via a transpacific routing, on the other hand; (f) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand. Conforming Applications, Motions to Modify Scope and Answers may be filed by August 10, 1983.
July 14, 1983	41595	Pacific Northern Airways, Inc., Gerald C. Ball, President, Suite 2—4040 W. International Airport Road, Anchorage, Alaska 99502. Application of Pacific Northern Airways, Inc. requests the Board pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations for a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property, and mail between the terminal point Adak, Alaska, the intermediate points:

Date filed	Docket No.	Description
		Alfakaket, Ambler, Amchitka, Anaktuvuk Pass, Anchorage, Aniak, Annette Island, Anvik, Arctic Village, Atigun, Atka, Atkasuk (Meade River), Attu Island, Barrow, Barter Island (Kaktovik), Beluga, Bethel, Bettles, Bornite, Brown Low Point, Buckland, Candle, Cape Lisburne, Cape Newenham, Cape Romanzof, Cape Sabine, Cape Sarichef, Cathedral River, Chandelar Lake, Chandalar Shelf, Chevak, Chignik, Chisana, Cobblestone, Cold Bay, Cold Foot, Cordova, Dahl Creek, David River, Deadhorse, Deering, Dietrich, Dillingham, Egegik, Ekuk, Fairbanks, False Pass, Farewell, Five Mile, Flat, Fort Yukon, Franklin Bluffs, Galbraith Lake, Galena, Gambell, Golovin, Goodnews Bay, Granite Mountain, Grayling, Gustavus, Happy Valley, Holy Cross, Homer, Hooper Bay, Hughes, Huslia, Icy Bay, Iliamna, Indian Mountain AFS, Inigok, Iniskin Bay, Ivishak, Juneau, Kaiskag, Kaltag, Kenai, Ketchikan, King Cove, Kiana, King Salmon, Kipnuk, Kivalina, Kodiak, Kotlik, Kotzebue, Koyuk, Kwiguk (Emmonak), Kwinhagak, Lonely, Lost River, May Creek, McCarthy, McGrath, Marshall, Mekoryuk, Middleton Island, Minchumina, Moses Point, Mountain Village, Nelson Lagoon, Nenana, Newtok, Nikolski, Noatak, Nome, Nondalton, Noorvik, Nuiqsut, Nulato, Old Man, Oliktok, Pedro Bay, Perryville, Petersburg, Pilot Point, Platinum, Point Hope, Point Lay, Port Clarence, Port Heiden, Port Moller, Prospect Creek, Prudhoe Bay, Quartz Creek, Red Devil, Ruby, Russian Mission, St. George Island, St. Mary's, St. Matthew, St. Michael, St. Paul Island, Sand Point, Sandy River, Savoonga, Scammon Bay, Selawik, Shaktoolik, Shemya Island, Shishmaref, Sitka, Sparrevohn AFS, Stebbins, Stony River, Tanana, Tatalina AFS, Tin City AFS, Togiak, Toksook Bay, Tyonek, Umiat, Umnak, Unalakleet, Unalaska (Dutch Harbor), Ungalik, Valdez, Venetie, Wainwright, Wales, Wide Bay, Yakataga; and the terminal point Yakutat, Alaska. Conforming Applications, Motions to Modify Scope and Answers may be filed by August 11, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-20034 Filed 7-22-83; 8:45 am]

BILLING CODE 6320-01-M

Application of Lockheed Aircraft Service Company for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting the *Lockheed Aircraft Service Company Fitness Investigation*, 83-7-71, Docket 41531.

SUMMARY: The Board is instituting an investigation to determine the fitness of Lockheed Aircraft Service Company to engage in interstate and overseas charter air transportation of persons, property and mail pursuant to contracts with the Department of Defense.

DATE: Persons wishing to intervene and/or proposing to request additional evidence in the *Lockheed Aircraft Service Company Fitness Investigation* shall file their petitions in Docket 41531 by August 1, 1983.

ADDRESS: Requests for additional evidence and petitions to intervene should be filed in Docket 41531 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Ava Kleinman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5336.

SUPPLEMENTAL INFORMATION: The complete text of Order 83-7-71 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-7-71 to that address.

By the Bureau of Domestic Aviation: July 18, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-20044 Filed 7-22-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 41509]

Florida Express Inc. Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to him.

Dated at Washington, D.C., July 19, 1983.

Elias C. Rodiguez,

Chief Administrative Law Judge.

[FR Doc. 83-20035 Filed 7-22-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Fee Schedule Change for TOP Bulletin Service; Trade Lists; TOP Subscriber Tapes; Export Mailing Lists; Country Market Surveys; World Traders Data Reports

Effective August 1, 1983 the Department of Commerce announces pricing changes for several trade information products. For further information contact U.S. Department of Commerce, International Trade Administration, Office of Trade Information Services, Room 1324, Washington, D.C. 20230.

TOP Bulletin Service

The TOP Bulletin, published weekly, contains announcements of current trade opportunities and foreign government bid invitations reported from U.S. embassies and consulates around the world. This publication is used to identify export opportunities worldwide and provides valuable information on procurement practices for market planning and other purposes. Based on requests from subscribers, this publication is now being electronically typeset. This improved procedure will provide a publication that is more readable and available to subscribers earlier. All subscriptions to the TOP Bulletin are prepaid. The price of a 52 issue annual subscription has been increased to $175.

Trade Lists

Trade lists are published lists of all foreign companies in a given industry or country included in the Department's Foreign Traders Index (FTI). The information provided on each firm includes name, address, key contact, telephone, cable, type of business and age of information. Trade lists are useful in identifying a wide range of buyers, agents, distributors, manufacturers and potential business contacts abroad in a particular country or industry of interest. Trade lists range in price from $12 to $40 depending on age.

TOP Subscriber Tapes

Lists of TOP Notice Service and TOP Bulletin subscribers are available on magnetic tape or hard copy. These lists identify name, address, and Standard Industrial Classification (SIC) codes (at the two digit level of detail) for all active subscribers of either service. The price for each tape or printout is 60¢ per name. Partial lists are not being offered.

Export Mailing Lists (EML)

The Export Mailing List Service provides overseas contact information to U.S. exporters. These tailor-made lists of potential customers of U.S. goods and services are generated from a computer file of foreign buyers, agents and

distributors. They are based on client specifications such as country(ies), industry sector(s), and business activity (i.e., retailers, manufacturers, distributors, etc.). A computer listing or mailing labels can be purchased for most products and countries. The price of this service is based on search specifications as follows:

a. One country $35; additional countries at $10 each.

b. A requester is limited to five (5) Standard Industrial Classification Codes (SICs) per search request.

c. Each list or set of mailing labels is limited to 500 names.

d. Price for larger lists: subject to negotiation.

Country Market Surveys (CMS)

CMS's offer wealth of marketing information of use to the potential U.S. exporter; information that is often difficult to obtain from other sources. They are summaries of full-length International Market Research (IMR) report which analyze U.S. export opportunities in a specific country market for a particular U.S. industry. The surveys describe the current marketing situation, trends expected in the next five years, best sales prospects, estimates and projection of market size, imports from the United States, domestic production, and end-user industry sectors. The CMSs also provide sources of information on regulations and technical standards. The price for new CMS publications is $10 each or $9 each if six or more CMSs are ordered.

World Traders Data Reports (WTDRs)

WTDRs are background reports on individual foreign firms containing information about the firm's business activities, its standing in the local business community, its credit worthiness and its overall reliability and suitability as contact for U.S. exporters. The WTDR provides a means for U.S. firms to evaluate potential foreign customers before making a business commitment. A typical WTDR includes:

—Name, address and key contact
—Number of employees
—Type of business
—Year established
—Sales territory
—Products handled
—General reputation in trade and financial circles
—Assessment of firms suitability as trade contact

These report are prepared by commercial offices abroad in countries where it is impractical to purchase credit reports from private sector sources. The price of a WTDR has been increased to $75.

Any of the above Commerce products/services can be ordered through the district offices of the Department of Commerce or the Office of Trade Information Services at the above address.

James P. Moore, Jr.,

Deputy Assistant Secretary for Trade Information and Analysis.

[FR Doc. 83-20041 Filed 7-22-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

International Trade Administration

Clear Sheet Glass From Italy; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on clear sheet glass from Italy. The review covers the six known manufacturers and/or exporters of this merchandise to the United States and generally the period December 1, 1981 through November 30, 1982. The review indicates the existence of dumping margins for certain firms during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of their sales during the period of review.

When company-supplied information was inadequate or no information was received, we used the best information available for cash deposit of estimated antidumping duties and assessment purposes.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-2923/5255.

SUPPLEMENTARY INFORMATION:

Background

On October 8, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 44595-6) the final results of its last administrative review of the antidumping finding on clear sheet glass from Italy (36 FR 23360, December 9, 1971) and announced its intent to conduct the next administrative review by the end of December 1983. 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 shipments of clear sheet glass, currently classifiable under items 542.3120 through 542.4835 of the Tariff Schedules of the United States Annotated.

The review covers the six known manufacturers and/or exporters of Italian clear sheet glass to the United States and generally the period December 1, 1981 through November 30, 1982.

Three firms did not export Italian clear sheet glass to the United States during the review period. The estimated antidumping duty cash deposit rates for these firms will be the most recent rate for each firm. Two firms, Vetreria Italiana Balzaretti Modigliani and Vetrobel failed to respond to our questionnaire. For these non-responsive firms we used the best information available to determine the assessment and estimated antidumping duty cash deposit rates. The best information available is the most recent rate for each firm.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act, since all sales were made to unrelated purchasers in the United States prior to the date of importation. Purchase price was based on the f.o.b. packed price with deductions, where applicable, for inland freight and cash discounts. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the packed delivered price with adjustments, where applicable, for a quantity discount and inland freight. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Societa Italiana Vetro	12/1/81-11/30/82	[1] 19.62
Vernante Pennitalia S.p.A.	12/1/81-11/30/82	[1] 44.56
Vetreria Italiana Balzaretti-Modigliani	12/1/81-11/30/82	37.40
Vetreria Milanese Lucchini	12/1/81-11/30/82	[1] 43.90
Vetrobel	12/1/81-11/30/82	59.80
Veneziana Vetro S.p.A.	12/1/81-09/30/82	

[1] No shipments during the review period.

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. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the periods involved. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of Italian clear sheet glass from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. No cash deposit shall be required for any shipment from a new exporter not covered in this review, whose first shipment occurred after the most recent period reviewed and who is unrelated to any reviewed firm. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

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 § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

July 18, 1983.

[FR Doc. 83-20002 Filed 7-22-83; 8:45 am]

BILLING CODE 3510-25-M

Instant Potato Granules From Canada; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on instant potato granules from Canada. The review covers the two known manufacturers and/or exporters of this merchandise to the United States currently covered by the finding and the period September 1, 1981 through August 31, 1982. The review indicates the existence of a *de minimis* margin in the period for one firm.

As a result of the review, the Department has preliminarily determined to assess dumping duties for that firm equal to the calculated differences between United States price and foreign market value on each of its sales during the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-0651/5255.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 23289-91) the final results of its last administrative review of the antidumping finding on instant potato granules from Canada (37 FR 20175, September 27, 1972) and announced its intent to begin immediately 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 shipments of instant potato granules from Canada, currently classifiable under items 140.5000, 140.7000, and 141.8610 through 141.8630 of the Tariff Schedules of the United States Annotated.

The review covers the two known manufacturers and/or exporters of Canadian instant potato granules to the United States currently covered by the finding and the period September 1, 1981 through August 31, 1982.

United States Price

In calculating United States price, the Department used purchase price or exporter's sales price, as defined in section 772 of the Tariff Act. Purchase price and exporter's sales price were based on the delivered packed price to unrelated purchasers in the United States. Where applicable, deductions were made for U.S. and Canadian inland freight, cash discounts, U.S. customs duties, and sales commissions to an unrelated party. In addition, in exporter's sales price situations, further deductions were made for expenses incurred in the U.S. in selling the merchandise, in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the delivered, packed price with adjustments, where applicable, for cash discounts, volume rebates, inland freight, and sales commissions to unrelated parties. Where exporter's sales price was a basis for comparison, we made a further adjustment for indirect selling expenses up to the amount of the actual selling expenses incurred in the U.S., in accordance with § 353.15 of the Commerce Regulations. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period September 1, 1981 through August 31, 1982:

Manufacture/exportar	Margin (percent)
McCain Foods Limited	0.00
Vauxhall Foods Limted	0.39

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. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments on hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates or export dates, as appropriate, during the period of review. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, since the margin for Vauxhall is less than 0.5 percent and therefore, *de minimis* for deposit purposes, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on shipments of Canadian instant potato granules entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

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 section 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

July 18, 1983.

[FR Doc. 83-20001 Filed 7-22-83; 8:45 am]

BILLING CODE 3510-25-M

Tool Steel From the Federal Republic of Germany; Antidumpting Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Antidumping duty order—tool steel from the Federal Republic of Germany.

SUMMARY: In separate investigations, the U.S. Department of Commerce ("the Department") and the U.S. International Trade Commission ("ITC") have determined that tool steel from the Federal Republic of Germany is being sold at less than fair value and that these sales are materially injuring a U.S. industry. Therefore, all entries, or warehouse withdrawals, for consumption of this merchandise made on or after January 12, 1982, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register.**

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT: Charles Wilson or David Layton, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377–5288 or (202) 377–0160.

SUPPLEMENTARY INFORMATION: The product covered by this antidumping duty order is tool steel as used in hand tools or for cutting, shaping, forming, and blanking of materials at either ordinary or elevated temperatures. Tool steel covers hot-finished tool steel and cold-finished tool steel, high speed tool steel, chipper knife steel, and band saw steel bars and rods. The merchandise is currently classified under item numbers 606.9300, 606.9400, 606.9505, 606.9510, 606.9520, 606.9525, 606.9535, 606.9540, 607.2800, 607.3405, 607.3420, 607.4600, 607.5405, and 607.5420 of the *Tariff Schedules of the United States Annotated.* Valve steel is not within the scope of this investigation.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on January 12, 1983, the Department preliminarily determined that there was reason to believe or suspect that tool steel from the Federal Republic of Germany was being sold at less than fair value (48 FR 1334). On June 6, 1983, the Department made its final determination that imports of this merchandise were being sold at less than fair value (48 FR 25247). The Department amended certain weighted average margins in the final determination on July 11, 1983 (48 FR 31693).

On July 11, 1983, in accordance with section 735(b) of the Act (19 U.S.C. 1673d(b)), the ITC determined and notified the Department that such importations are materially injuring a U.S. industry.

Therefore, the Department directs U.S. Customs officers to assess, upon further instruction from the Department, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the U.S. price for all entries of tool steel from the Federal Republic of Germany. These antidumping duties will be assessed on all of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after January 12, 1983, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**, and all future entries of said merchandise.

On or after the date of publication of this notice, U.S. Customs officers must require, at the same time that importers deposit their estimated normal customs duties on the merchandise, an additional cash deposit of estimated antidumping duties equal to the following rates:

Manufacturer/producer/exporter	Weighted-average margins
Buderus	5.68
Saarstahl	18.41
Thyssen	0.93
All other manufacturers/producers/exporters	7.40

These determinations constitute an antidumping duty order with respect to tool steel from the Federal Republic of Germany pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). The Department intends to conduct an administrative review within twelve months of publication of this order, as provided in section 751 of the Act (19 U.S.C. 1675).

We have deleted from the Commerce Regulations, Annex 1 to 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C.

1673e) and § 353.48 of the Department of Commerce Regulations (19 CFR 353.48).

David K. Diebold,

Acting Deputy Assistant Secretary for Import Administration.

July 18, 1983.

[FR Doc. 83-20003 Filed 7-22-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act, as amended by Pub. L. 97-453, will hold public meetings. The Council will discuss the Surf Clam/Ocean Quahog Fishery Management Plan (FMP); the Bluefish FMP; the Squid, Mackerel and Butterfish FMP; status of other FMPs; and discuss other fishery management and administrative matters.

DATES: The public meetings will convene on Wednesday, August 10, 1983, at approximately 8 a.m., and will adjourn on Thursday, August 11, 1983, at approximately 3 p.m. The agenda for the meetings may be rearranged or changed or the meetings lengthened or shortened depending upon progress on the agenda items. The public meetings will take place at the Best Western Airport Inn, Philadelphia International Airport, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: July 20, 1983.

Ann D. Terbush,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-20057 Filed 7-22-83; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Change in Meeting Dates

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: The public meeting dates for the New England Fishery Management Council, as published in the **Federal Register**, June 19, 1983 (48 FR 32850), should have indicated that the meetings will be held on Wednesday, August 10, 1983 through Thrusday, August 11, 1983, instead of on Tuesday, August 9, 1983 through Wednesday, August 10, 1983. All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

Dated: July 20, 1983.

Ann D. Terbush,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-20058 Filed 7-22-83; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for the Public Comment on Bilateral Textile Consultations With the Government of Pakistan to Review Trade in Category 336

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: On June 29, 1983 the Government of the United States requested consultations with the Government of Pakistan with respect to Category 336 (cotton dresses). This request was made on the basis of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, as amended, between the Governments of the United States and Pakistan.

SUMMARY: The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments within 90 days of the request for consultations, the Committee for the Implementation of Textile Agreements may establish a specific limit of 22,702 dozen for the entry and withdrawal from warehouse for consumption of cotton textile products in Category 336, produced or manufactured in Pakistan and exported to the United States during the period beginning on September 27, 1983 and extending through December 31, 1983.

The Government of the United States has decided to control imports of cotton textile products in Category 336 at the level of 26,486 dozen prescribed in the agreement during the 90-day consultation period which began on June 29 and extends through September 26, 1983. Accordingly, in the letter which follows his notice the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to control imports in Category 336 at the designated level.

Any party wishing to comment or provide data or information regarding the treatment of Category 336 under the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement with the Government of Pakistan, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in Category 336, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. and may be obtained upon request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

July 19, 1983.

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 14, 1982 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textile products, produced or manufactured in Pakistan.

Effective on July 25, 1983, paragraph 1 of the directive of December 14, 1982 is hereby amended to include a level of restraint of 26,486 dozen [1] for cotton textile products in Category 336, produced or manufactured in Pakistan and exported during the ninety-day period which began on June 29 and extends through September 26, 1983.

Textile products in Category 336 which have been exported to the United States prior to June 29, 1983 shall not be subject to this directive.

[1] The level of restraint has not been adjusted to account for any imports after June 29, 1983.

Textile products in Category 336 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-19958 Filed 7-22-83; 8:45 am]

BILLING CODE 3510-25-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 September 30,1984, of a collection of information in the form of a questionnaire about Commission publications sent to consumers.

The purpose of the questionnaire is to obtain information from persons who have received publications from the Commission. That information will be used by the Commission staff to evaluate the effectiveness of those publications to make consumers aware of safety hazards associated with products and to make appropriate modifications of their use of those products to eliminate or reduce those hazards.

The Commission staff will send copies of the questionnaire to persons who request publications from the Commission through September 30, 1984.

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: Questionnaire to assess CPSC publications, "Don't Let Yourself be a Puppet."

Type of Request: Extension of approval.

Frequency of collection: One time.

General description of respondents: Persons who have requested publications from the Commission.

Estimated average number of hours per response: 1/30 (2 minutes).

Comments: Comments on this request for extension of approval should be addresed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, telephone: (202) 395-7313. Copies of the request for extension of approval are available from Francine Shacter, Office of Budget, Program Planning, and Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: July 19, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc 83-20013 Filed 7-22-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

Naval Discharge Review Board; Hearing Locations

In November 1975 the Naval Discharge Review Board commenced to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C., area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in geographical area.

The following Naval Discharge Review Board hearing itinerary for October through December 1983 has been approved, but remains subject to modification if required:

October 3 through October 7, 1983, Dallas, TX
November 15 through 22, 1983, San Francisco, CA
December 5 through December 9, 1983, Arlington, VA
December 12 through December 16, 1983, Arlington, VA

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer to their residence, should file an application with the Naval Discharge Review Board using DD Form 293. If a personal appearance is requested, the petitioner should enter on the application the hearing location which is preferred. Applicant forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203.

Notice is hereby given that since the foregoing itinerary is subject to modificaton and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and representatives will be mailed a notification of the date and place of their hearing when personal appearance has been requested.

For further information concerning the Naval Discharge Review Board, contact: Captain Raymond A. Ways, U.S. Navy, Executive Secretary, Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203, telephone: (202) 696-4881.

Dated: July 19, 1983.

F.N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83-19959 Filed 7-22-83; 8:45 am]

BILLING CODE 3810-AE-M

Performance Review Board Membership

Pursuant to 5 U.S.C. 4314(c)(4), the Department of the Navy (DoN) announces the appointment of members to the DoN's numerous Senior Executive Service (SES) Performance Review Boards. The purpose of the Boards is to provide fair and impartial review of the Senior Executive Service performance appraisals prepared by the senior executive's immediate and second level supervisors; to make recommendations to the Secretary of the Navy regarding acceptance or modification of the performance rating, transfer, reassignment, or removal from the SES of any senior exective whose performance is considered to be unsatisfactory; and to make nominations for financial performance awards. Composition of particular Boards will be determined on an ad hoc basis from among those individuals listed below.

Department of the Navy

Performance Review Board Membership

Dr. J. E. Andrews

Mr. E. P. Angrist
Mr. O. R. Ashe

Mr. D. C. Bailey
Dr. D. F. Barbe
RADM J. D. Beecher, USN
Dr. T. G. Berlincourt
Mr. J. J. Bettino
RADM R. G. Bird, USN
Mr. J. A. Bizup
RADM W. D. Bodensteiner, USN
Mr. J. T. Bolos
Mr. R. S. Buffum
Mr. F. J. Burchfield

Mr. G. A. Cann
Mr. R. J. Cauley
RADM L. C. Chambers, USN
Mr. C. H. Clark
Dr. T. Coffey
Mr. E. T. Comstock
Mr. W. H. Cone
Mr. R. H. Conn
Dr. E. D. Cooper
The Honorable C. B. Cox
Dr. T. F. Curry

Mr. F. Davidson, III
Mr. J. R. Denney
Mr. G. C. Dilworth
Dr. A. J. DiMascio
Dr. J. O. Dimmock
Dr. A. M. Diness
Mr. A. R. DiTrapani
Mr. Herbert L. Dixson
Mr. R. E. Doak
Mr. V. S. Dupelian

RADM N. P. Ferrano, USN
COMO W. J. Finneran, USN
Mr. J. H. Flaherty
Mr. H. L. Fleck
Mr. A. G. Forssell
Mr. L. S. Freeman

Mr. R. G. Garant
CAPT K. P. Garland, USN
Mr. E. C. Grayson, Jr.

Mr. R. L. Haas
Mr. J. D. Hague
Mr. K. B. Hancock
Mr. J. W. Hardman
Mr. B. W. Hays
Mr. P. Hays
RADM A. J. Herberger, USN
Mr. W. R. Hunt

Dr. T. A. Jacobs
RADM R. D. Johnson, USN
Mr. R. V. Johnson
Dr. G. B. Joiner
RADM J. P. Jones, Jr., USN

Mr. G. E. Keightley
Mr. W. KinKead
Mr. E. T. Kinney
Mr. N. Kobitz
RADM L. S. Kollmorgen, USN
Dr. A. F. Kwitnieski

Mr. J. H. Lannen
RADM L. Layman, USN
Mr. K. L. Lichti
MGEN A. Lukeman, USMC
Mr. J. D. Lynch

Mr. A. Magruder
Mr. J. Marsh
Mr. W. E. Marshal

RADM J. C. McArthur, USN
Mr. C. C. McClelland
CAPT J. A. McMorris, II, USN
BGEN J. M. Meade, USMC
Ms. D. Meletzke
Mr. E. L. Messere
Mr. R. E. Metrey
RADM R. A. Miller, USN
Mr. J. H. Mills
RADM R. F. Milnes, USN
RADM V. W. Moore, Jr., USN
Dr. M. K. Moss

Mr. H. J. Nathan
Mr. C. P. Nemfakos
Mr. H. O'Neill

Dr. J. Painter
The Honorable M. R. Paisley
Mr. P. Palermo
Mr. F. A. Phelps
CAPT G. T. Phelps, USN
Dr. A. Powell
Mr. A. S. Prince
Dr. J. H. Probus
Mr. E. A. Pyatt

Dr. H. Rabin
Mr. W. G. Rae
Mr. R. D. Ramirez
Dr. A. Rechnitzer
Mr. D. W. Rehorst
COMO M. V. Ricketts, USN
Mr. R. R. Rojas

Dr. F. E. Saalfeld
Dr. J. C. Saia
RADM J. S. Sansone, USN
Mr. W. T. Sansone
The Honorable George A. Sawyer
Dr. A. I. Schindler
Dr. L. V. Schmidt
Mr. R. L. Shaffer
Mr. F. E. Shoup
Mr. J. Shrader
Mr. W. T. Skallerup
Dr. J. A. Smith
Mr. W. Speck
CAPT F. H. Stoodley, USN
Mr. M. J. Suydam
Mr. N. J. Suzynski
Mr. F. W. Swofford

Mr. W. A. Tarbell
Mr. J. K. Taussig
Mr. C. J. Turnquist
Dr. J. W. Tweeddale

Mr. R. S. Vaughn

Dr. B. Wald
Mr. V. J. Walls
RADM J. H. Webber, USN
Mr. A. R. Weiss
RADM H. N. Wellman, USN
Mr. H. J. Wilcox
Mr. W. J. Wilken
RADM J. B. Wilkinson, USN

RADM H. L. Young, USN

Mr. P. Zanfagna

For additional information, contact: Mr. Vincent J. Prantl, Executive Personnel Section (OP-145C), Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350, telephone No. (202) 694-5760.

Dated: July 19, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83-19961 Filed 7-22-83; 8:45 am]
BILLING CODE 3810-AE-M

Office of the Secretary

Privacy Act of 1974; Amendment to Notice for System of Records

AGENCY: Office of the Secretary, Defense (OSD).

ACTION: Amendment to notice for system of records.

SUMMARY: This notice makes several administrative amendments to the notice for a system of records maintained by the Office of the Secretary of Defense (OSD). The changes to the system are set forth below, followed by the system notice as amended in its entirety.

DATE: These amendments shall become effective on August 24, 1983.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, The Pentagon, Washington, D.C. 20301. Telephone: 202/695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) system notices for systems of records subject to the Privacy Act of 1974, Title 5 United States Code, Section 552a (Pub. L. 93-579; 88 Stat. 1896 *et seq.*) have been published in the **Federal Register** at:

FR Doc. 83-1382 (48 FR 2168) January 18, 1983

FR Doc. 83-12048 (48 FR 25825) June 6, 1983

The proposed amendments are not within the purview of the provisions of 5 U.S.C 552a(o) of the Act which requires the submission of an altered system report.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

July 20, 1983.

DUSDP 01

System name:

DoD Motions for Discovery of Electronic Surveillance Files (48 FR 25825, June 6, 1983)

Changes:

Delete entry under the heading *"System location"* and insert:

"Assistant Inspector General for Criminal Investigations Policy and Oversight, Commonwealth Building,

Room 1272, 1300 Wilson Boulevard, Arlington, Virginia 22209."

Change the title *"Routine uses of records maintained in the system, including categories of users, and the purposes of such uses."* to: *"Purpose(s):"*

Delete *"Internal users, and purposes"*, the heading.

Change the heading *"External users, uses, and purposes:"* to: *"Routine uses of records maintained in the system, including categories of users, and the purposes of such uses:"*

Delete entry under the heading *"Safeguards."*, and insert: "Records are stored in security combination lock file containers accessible only by office personnel of the Assistant Inspector General for Criminal Investigations Policy and Oversight."

Delete entry under the heading *"System manager(s) and address:"*, and insert: "Assistant Inspector General for Criminal Investigations Policy and Oversight, Commonwealth Building, Room 1272, 1300 Wilson Boulevard, Arlington, Virginia 22209."

Delete entry under the heading *"Notification procedures:"*, and insert: "Information may be obtained from: Assistant Inspector General for Criminal Investigations Policy and Oversight, Commonwealth Building, Room 1272, 1300 Wilson Boulevard, Arlington, Virginia 22209."

In *"Record access procedures:"*

Delete first paragraph and insert:

"Requests from individuals should be addressed to: Assistant Inspector General for Criminal Investigations Policy and Oversight, Commonwealth Building, Room 1272, 1300 Wilson Boulevard, Arlington, Virginia 22209."

Delete third paragraph and insert:

"The records requested may be made available to individuals for review at the following location: Assistant Inspector General for Criminal Investigations Policy and Oversight, Commonwealth Building, Room 1272, 1300 Wilson Boulevard, Arlington, Virginia 22209."

As amended, DUSDP 01 reads as follows:

SYSTEM NAME:

DoD Motions for Discovery of Electronic Surveillance Files.

SYSTEM LOCATION:

Assistant Inspector General for Criminal Investigations Policy and Oversight, Commonwealth Building, Room 1272, 1300 Wilson Boulevard, Arlington, Virginia 22209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those individuals and/or organizations on which the Department of Justice has requested information upon which to base their reply to court-approved motions for discovery of electronic surveillance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Chronological listing for identification and location of files. Individual case files to include original and subsequent requests from the Department of Justice; file copy of memorandum to the DoD Components directing search of their records, indices, etc.; copies of DoD Components' responses to the Office of the Secretary of Defense (OSD), and copies of ODS's responses to the Department of Justice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 28, United States Code, Section 526, "Conduct of Litigation Reserved to Department of Justice".

PURPOSE(S):

Preparation of response to Department of Justice, as well as any subsequent inquiries from that office.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Justice's response to court-approved motion for discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by year by case name.

SAFEGUARDS:

Records are stored in security combination lock file containers accessible only by office personnel of the Assistant Inspector General for Criminal Investigations Policy and Oversight.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file until end of calendar year in which project is completed, held one additional year in inactive file and subsequently retired to Washington National Records Center (WNRC).

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Criminal Investigations Policy and Oversight, Commonwealth Building, Room 1272, 1300 Wilson Boulevard, Arlington, Virginia 22209.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Inspector General for Criminal Investigations Policy and Oversight, Commonwealth Building, Room 1272, 1300 Wilson Boulevard, Arlington, Virginia 22209.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Assistant Inspector General for Criminal Investigations Policy and Oversight, Commonwealth Building, Room 1272, 1300 Wilson Boulevard, Arlington, Virginia 22209.

Written requests for information should contain the full name of the individual, date and place of birth, social security number (SSN), and notarized signature.

The records requested may be made available to individuals for review at the following location: Assistant Inspector General for Criminal Investigations Policy and Oversight, Commonwealth Building, Room 1272, 1300 Wilson Boulevard, Arlington, Virginia 22209.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Department of Justice formal written inquiries, and internal correspondence necessary to gather information to make replies to such inquiries.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-20008 Filed 7-22-83; 8:45 am]
BILLING CODE 3810-01-M

Publication Information Collection Requirement; Request Submitted to OMB for Review.

The Department of Defense has submitted to OMB for review the following request for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Revision

Reserve Components Tracking Study (RCAS); Veterans Attitude Tracking Study (VATS).

Used to determine and evaluate knowledge of, and attitudes and motivations toward military Service of Prior Service (PS) young men and women. Generates cross-sectional time series data on propensity to serve and on other key issues for trend analyses. Used by DOD to develop recruiting strategies and incentives programs including different bonus, levels, various types of education assistance, and other enlistment options.

Survey has been revised to include a sub-sample of Prior Service (PS) personnel to assess interest in reenlistment in the Active Forces (a previously unsurveyed recruiting market); to expand coverage of male veterans to those who are classified as Aptitude Test Category IV; to increase statistical precision; and to provide greater efficiencies in data collection and management. VATS also combines items from the preceding Reserve Components Attitude Study (RCAS) concerning attitudes and propensity toward enlisting in National Guard and Reserve Components of the Military Services with items from the Youth Attitude Tracking Study (YATS) assessing attitudes and propensity toward enlisting in the Active duty Services. VATS restricts itself to the Prior Service market while YATS (renamed YATS II) surveys the Non-Prior Service market.

Target population: All individuals who have served at least two years in DOD Active Forces, are eligible for reenlistment, are not presently in the National Guard, Reserves, or Active Forces, who separated from the Active Forces not more than three years prior to the survey, and, for men, are classified as Aptitude Test Category IV or above. Revision requires additional 3100 Ps respondents over 1982 level to ensure acceptable levels of statistical precision; however, this revision also eliminates the 2300 NPS respondents, resulting in a net increase of 800 respondents. Total number of respondents is 5500, for a total of 2775 burden hours, including 25 protest burden hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20301, telephone (202) 697-1195 and Mr. John Wendroth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection request may be obtained from Mr. Robert L. Newhart, OASD(MRA&L)PI, Room 3C800, Pentagon, Washington, D.C. 20301, telephone (202) 695-0643. This survey is under contract.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

July 20, 1983.

[FR Doc. 83-19989 Filed 7-22-83; 8:45 a.m.]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Chrysler Corp. New Castle Machine & Forge, et al.; Use of Natural Gas To Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Notice of these applications, along with pertinent information contained in the application, was published in the **Federal Register** and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. More detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility	Date filed	Docket No.	Federal Register notice of application
Chrysler Corp., New Castle Machnie & Forge, New Castle Plant, New Castle, Ind.	June 7, 1983	83-CERT-127	48 FR 30184, June 30, 1983.
RCA Corp., Bloomington Plant, Bloomington, Ind., Marion Plant, Marion, Ind.	June 7, 1983	83-CERT-128	48 FR 30184, June 30, 1983.
Frito-Lay, Inc., Frankfort Plant, Frankfort, Ind.	June 7, 1983	83-CERT-129	48 FR 30184, June 30, 1983.
General Foods Manufacturing Co., Lafayette Plant, Lafayette, Ind.	June 7, 1983	83-CERT-130	48 FR 30184, June 30, 1983.
Alton Packaging Corp., Lafayette Plant, Lafayette, Ind.	June 7, 1983	83-CERT-131	48 FR 30184, June 30, 1983.
Ralston Purina Co., Frankfort Plant, Frankfort, Ind., Lafayette Plant, Lafayette, Ind.	June 7, 1983	83-CERT-132	48 FR 30184, June 30, 1983.
Colgate-Palmolive, Co., Jeffersonville Plant, Jeffersonville, Ind.	June 7, 1983	83-CERT-133	48 FR 30184, June 30, 1983.
Emge Packing Co., Anderson Plant, Anderson, Ind.	June 7, 1983	83-CERT-134	48 FR 30184, June 30, 1983.
General Motors Corp., Chevrolet Motor Div., Muncie Plant, Muncie, Ind.	June 7, 1983	83-CERT-135	48 FR 30184, June 30, 1983.
Clevepak Corp., Mill Div., Eaton Plant, Eaton, Ind.	June 7, 1983	83-CERT-136	48 FR 30184, June 30, 1983.
Warner Gear Div., Borg Warner, Muncie Plant, Muncie, Ind,.	June 7, 1983	83-CERT-137	48 FR 30184, June 30, 1983.
St. Joe Container Co., Hartford City Plant, Hartford City, Ind.	June 7, 1983	83-CERT-138	48 FR 30184, June 30, 1983.
Sheller-Globe Corp., Montpelier Plant, Montpelier, Ind.	June 7, 1983	83-CERT-139	48 FR 30184, June 30, 1983.
Cummins Engine Co., Inc., Columbus Plant, Columbus, Ind.	June 7, 1983	83-CERT-142	48 FR 30184, June 30, 1983.
Gohmann Asphalt Co., Jeffersonville Plant, Jeffersonville, Ind.	June 7, 1983	83-CERT-143	48 FR 30184, June 30, 1983.

The ERA has carefully reviewed the above applications for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas To Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the applications satisfy the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certifications and transmitted those certifications to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., on July 18, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-20022 Filed 7-22-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-228, etc.]

American Linen Supply Co. et al.; Application for Certification of Eligible Use of Natural Gas To Displace Fuel Oil

In the matter of American Linen Supply Co. [ERA Docket No. 83-CERT-228], Union Carbide Corp. [ERA Docket No. 83-CERT-241], GTE Products Corp. [ERA Docket No. 83-CERT-242], Carnation Co. [ERA Docket No. 83-CERT-243], EM Science Co. [ERA Docket No. 83-CERT-245], Borden Chemical Div. [ERA Docket No. 83-CERT-246], Air Products and Chemicals, Inc. [ERA Docket No. 83-CERT-247], Penn Dairies, Inc. [ERA Docket No. 83-CERT-248].

The Economic Regulatory Administration (ERA) of the Department of Energy has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). End-users who have the capability to use natural gas in place of fuel oil at any of their facilities can arrange for direct purchases and transportation of the gas to those facilities under the Federal Energy Regulatory Commission's (FERC) fuel oil displacement program. The ERA certification is required by the FERC as a precondition to interstate transportation of fuel oil displacement gas in accordance with the procedures in 18 CFR Part 284, Subpart F.

Pertinent information regarding these applications is listed below, while more detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

1. 83-CERT-228

Applicant: American Linen Supply Co.
Dated Filed: June 24, 1983.
Facility Location: Cincinnati, Ohio.
Gas Volume: 23,000 Mcf per year.
Oil Displacement: 3,976 barrels of No. 2 fuel oil (0.2% sulfur).
Eligible Seller: Texas Gas Corp., Owensborp, Ky.
Transporters: Ohio Gas Marketing Corp., Newark, Ohio, Texas Gas Transmission Corp., Ownsboro, Ky., Columbia Gas Transmission Corp., Charleston, W. Va., Cincinnati Gas and Electric Co., Cincinnati, Ohio.

2. 83-CERT-241

Applicant: Union Carbide Corp.
Dated Filed: June 29, 1983.
Facility Location: Fostoria, Ohio.
Gas Volume: 370,000 Mcf per year.
Oil Displacement: 58,730 barrels of No. 2 fuel oil (0.3% sulfur).
Eligible Sellers: Exxon U.S.A., Houston, Tex., Phillips Production Co., Butler, Pa., Land M. Assoc., Reno, Ohio, Union Drilling, Buckhannon, W. Va.
Transporters: Columbia Gas Transmission Corp., Charleston, W. Va., Columbia Gas of Ohio, Columbus, Ohio.

3. 83-CERT-242

Applicant: GTE Products Corp.
Dated Filed: June 28, 1983.
Facility Location: Warren, Pa.
Gas Volume: 67,258 Mcf per year.
Oil Displacement: 10,762 barrels of No. 6 fuel oil (1.7% sulfur).
Eligible Seller: G&G Gas, New Bethlehem, Pa.
Transporters: Columbia Gas Transmission Corp., Charleston, W. Va., Columbia Gas of Pennsylvania Inc., Columbus, Ohio.

4. 83-CERT-243

Applicant: Carnation Co.
Date Filed: June 28, 1983.
Facility Location: Maysville, Ky.
Gas Volume: 90,000 Mcf per year.
Oil Displacement: 14,571 barrels of No. 6 fuel oil (0.7% sulfur).
Eligible Sellers: P.O.I. Energy, Inc., Cleveland, Ohio, Keystone Energy Oil & Gas Productions, Greentree, Pa., Exxon U.S.A., Houston, Tex., Union Drilling, Inc., Buckhannon, W. Va.
Transporters: Columbia Gulf Transmission Co., Houston, Tex., Columbia Gas Transmission Corp., Charleston, W. Va., Columbia Gas of Kentucky, Lexington, Ky.

5. 83-CERT-245

Applicant: EM Science Co.
Date Filed: July 1, 1983.
Facility Location: Cincinnati, Ohio.
Gas Volume: 38,000 Mcf per year.
Oil Displacement: 6,514 barrels of No. 2 fuel oil (0.5% sulfur).Eligible Seller: Texas Gas Transmission Corp., Owensboro, Ky.
Transporters: Texas Gas Transmission Corp., Owensboro, Ky., Cincinnati Gas & Electric Co., Cincinnati, Ohio.

6. 83-CERT-246

Applicant: Borden Chemical Div.
Date Filed: July 1, 1983.
Facility Location: Woodlawn, Ohio.
Gas Volume: 160,000 Mcf per year.
Oil Displacement: 27,140 barrels of No. 2 fuel oil (0.5% sulfur).
Eligible Sellers: Ohio Gas Marketing Corp., Newark, Ohio, Exxon U.S.A., Houston, Tex., Texas Gas Corp., Owensboro, Ky.
Transporters: Columbia Gas Transmission Corp., Charleston, W. Va., Texas Gas Transmission Corp., Owensboro, Ky., Michigan-Wisconsin Pipeline Co., Detroit, Mich., Texas Eastern Transmission Corp., Houston, Tex., Cincinnati Gas & Electric Co., Cincinnati, Ohio.

7. 83-CERT-247

Applicant: Air Products and Chemicals, Inc.
Date Filed: July 1, 1983.
Facility Location: Trexlertown, Pa.
Gas Volume: 71,000 Mcf per year.
Oil Displacement: 506,843 gallons of No. 2 fuel oil (0.19% sulfur).
Eligible Sellers: Exxon U.S.A., Houston, Tex., Park Ohio Industries, Inc., Cleveland, Ohio.
Transporters: Columbia Gas Transmission Corp., Charleston, W. Va., UGI Corp., Reading, Pa.

8. 83-CERT-248

Applicant: Penn Dairies, Inc.
Date Filed: July 5, 1983.
Facility Location: Lancaster, Pa.
Gas Volume: 36,500 Mcf per year.
Oil Displacement: 261,329 gallons of No. 4 fuel oil (0.5% sulfur).
Totals: Gas volume 118,625 Mcf of natural gas per year; Oil displacement 261,369 gallons of No. 4 fuel oil and 564,472 gallons of No. 6 fuel oil.
Facility Location: York, Pa.
Gas Volume: 82,125 Mcf per year
Oil Displaced : 564,472 gallons of No. 6 fuel oil (2.85% sulfur).
Eligible Sellers: Exxon U.S.A., Houston, Tex., Fox Oil & Gas, Inc., McMurray, Pa.
Transporters: Columbia Gas Transmission Corp., Charleston, W. Va., UGI Corp., Reading, Pa., Columbia Gas, York, Pa.

To provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning any of these applications to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence

Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten calendar days of the date of publication of this notice in the **Federal Register**. The docket number of the case should be printed on the outside of the envelope.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of any of the above applications may be requested by any interested person in writing within the ten-day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary in a particular case, further notice will be given to the applicant and any person filing comments in that case and will be published in the **Federal Register.**

Issued in Washington, D.C., on July 18, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-20017 Filed 7-22-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-151]

B & R Mills, Inc.; Application for Certification of Eligible Use of Natural Gas To Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy has received the following application for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). End-users who have the capability to use natural gas in place of fuel oil at any of their facilities can arrange for direct purchases and transportation of the gas to those facilities under the Federal Energy Regulatory Commission's (FERC) fuel oil displacement program. The ERA certification is required by the FERC as a precondition to interstate transportation of fuel oil displacement gas in accordance with the procedures in 18 CFR Part 284, Subpart F.

Pertinent information regarding this application is listed below, while more detailed information is contained in the application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

1. 83-CERT-151

Applicant: B & R Mills, Inc., Perrysburg, Ohio.

Date Filed: May 27, 1983.

Facility Location: Perrysburg, Ohio.

Gas Volume: 42,416 Mcf per year.

Oil Displacement: 275,000 gallons of No. 6 fuel oil (1.0% sulfur).

Eligible Seller: Buckeye Crude, Columbus, Ohio.

Transporter: Columbia Gas Transmission Corp., Charleston, W. Va., Columbia Gas of Ohio, Columbus, Ohio.

To provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten calendar days of the date of publication of this notice in the **Federal Register**. The docket number of the case should be printed on the outside of the envelope.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of the above application may be requested by an interested person in writing within the ten-day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary in a particular case, further notice will be given to the applicant and any person filing comments in that case and will be published in the **Federal Register.**

Issued in Washington, D.C., on July 18, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-20016 Filed 7-22-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 82-CERT-023, as Amended]

Bethlehem Steel Corp.; Amended Certification of the Use of Natural Gas To Displace Fuel Oil]

On November 29, 1982, Bethlehem Steel Corp., Bethlehem, Pa., was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 82-CERT-023). The certification was for the eligible use of 1,500 Mcf per day of natural gas purchased form Industrial Energy Service Co. fro use by Bethlehem Steel Corp. at its Steelton Plant in Steelton, Pa. The volume of natural gas was estimated to displace the use of approximately 10,013 gallons per day of No. 6 fuel oil (1.0 percent sulfur). The transporter and distributor were Columbia Gas Transmission Corp. and UGI Corp., respectively. That certificate will expire on November 28, 1983.

On April 22, 1983, Bethlehem Steel Corp. filed an application for amendment to the existing certification to increase its authorized volume of natural gas to 7,000 Mcf per day at the above facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). This volume of gas will displace approximately 48,240 gallons per day of No. 6 fuel oil (1.0 percent sulfur). The seller, transporter and distributor remain the same. Notice of that application for amendment was published in the **Federal Register** (48 FR 31285, July 7, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Bethlehem Steel Corp.'s application for amendment to its existing certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Bethlehem Steel Corp.'s application for amendment to its existing certification satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the amendment to the existing certification to be effective upon issuance and to expire with the original certificate on November 28, 1983. An amended certificate has been transmitted to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application for amendment, transmittal letter and the actual

amended certification, is available for public inspection at the Fuels Conversion Division Docket Room, Room GA–093, RG–42, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on July 18, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-20021 Filed 7-22-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-003, as Amended]

Bethlehem Steel Corp.; Amended Certification of the Use of Natural Gas To Displace Fuel Oil

On March 24, 1983, Bethlehem Steel Corp., Bethlehem, Pa., was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 83–CERT–003). The certification was for the eligible use of 6,000 Mcf per day of natural gas purchased from N.E.A. Crose Co., Envirogas, Inc., and Keystone Energy Oil and Gas Productions, Inc., for use by Bethlehem Steel Corp. at its Lackawanna Plant in Lackawanna, N.Y. The volume of natural gas was estimated to displace the use of approximately 40,865 gallons per day of No. 6 fuel oil (1.0 percent sulfur). The transporter and distributor were National Fuel Gas Supply Corp. and National Fuel Gas Distribution Corp., respectively. That certificate will expire on March 23, 1984.

On June 7, 1983, Bethlehem Steel Corp. filed an application for amendment to the existing certification of an eligible use to increase its authorized volume of natural gas to 12,000 Mcf per day at the above facility, pursuant to 10 CFR Part 595 (44 FR 4920, August 16, 1979). This volume of gas will displace approximately 81,081 gallons per day of No. 6 fuel oil (1.0 percent sulfur). The sellers, transporter and distributor remain the same.

On June 9, 1983, Bethlehem Steel Corp. filed an additional amendment to the June 7, 1983, application for amendment, which requested the amended certification be issued as expeditiously as possible because of a scheduled shutdown of steelmaking operations at the Lackawanna Plant during September, 1983. When the shutdown occurs, the opportunity to displace the additional volumes requested on June 7, 1983, will no longer exist.

The ERA has carefully reviewed the information contained in the June 7 and 9, 1983, amendments to Bethlehem Steel Corp.'s existing certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the final Rulemaking Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Bethlehem Steel Corp.'s application for amendment to its existing certification satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, granted the amendment to the existing certification to be effective June 20, 1983, to expire with the original certificate on March 24, 1984. An amended certificate has been transmitted to the Federal Energy Regulatory Commission. More detailed information, including a copy of the June 7 and 9 applications for amendment, transmittal letter and the actual amended certification, is available for inspection at the Fuel Conversion Division Docket Room GA–093, RG–42, Forrestal Building, 1000 Independence Ave., SW., Washington, D.C. 20585, from 8:00 to 4:30 p.m., Monday through Friday, except Federal holidays.

The requested amended certification was issued prior to the 10 day public comment period because the opportunity to displace of this volume of fuel oil will be lost when the Lackawanna Plant shuts down in September, 1983. It is in the public interest to maximize the displacement of fuel oil. Given the limited time the requested increased natural gas volumes can be used and the authority of the Administrator to terminate a certification for good cause (10 CFR 595.08), it is not in the public interest to lose this opportunity to displace large volumes of fuel oil while public comments are being solicited. Based upon the applicant's representations cited, the amended certification was effective on June 20, 1983.

To provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application for amendment to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application for Amendment may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to the applicant and any person filing comments, and will be published in the **Federal Register.**

Issued in Washington, D.C., on July 18, 1983.

James W. Workman,

Director, Office of Fuels Progams Economic Regulatory Administration.

[FR Doc. 83-20020 Filed 7-22-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket Nos. 83–CERT–249 and CERT–252]

The Stackpole Corp. and Ross Aluminum Foundries; Applications for Certification of Eligible Use of Natural Gas To Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). End-users who have the capability to use natural gas in place of fuel oil at any of their facilities can arrange for direct purchases and transportation of the gas to those facilities under the Federal Energy Regulatory Commission's (FERC) fuel oil displacement program. The ERA certification is required by the FERC as a precondition to interstate transportation of fuel oil displacement gas in accordance with the procedures in 18 CFR Part 284, Subpart F.

Pertinent information regarding these applications is listed below, while more detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

1. 83-CERT-249

Applicant: The Stackpole Corp., St. Marys, Pa.
Date Filed: July 5, 1983.
Facility Location: Main Plant, St. Marys, Pa.
Gas Volume: 123,300 Mcf per year.
Oil Displacement: 900,000 gallons of No. 2 or No. 6 fuel oil (1.0% sulfur).
Facility Location: Benzinger Township Plant, St. Marys, Pa.
Gas Volume: 122,400 Mcf per year.
Oil Displacement: 900,000 gallons of No. 2 or No. 6 fuel oil (1.0% sulfur).
Total: 245,700 Mcf per year, 1,800,000 gallons of No. 2 or No. 6 fuel oil (1.0% sulfur).
Eligible Sellers: Clark & Sullivan, Warren, Pa., Cross Resources, Union City, Pa., Bounty Oil & Gas, Jamestown, N.Y., Vineyard Oil & Gas, Northeast, Pa.
Transporters: National Fuel Gas Supply Corp., Oil City, Pa., National Fuel Gas Distribution Corp., Buffalo, N.Y.

2. 83-CERT-252

Applicant: Ross Aluminum Foundries, Sidney, Ohio.
Date Filed: July 6, 1983.
Facility Location: Oak Street Plant, Sidney, Ohio.
Gas Volume: 69,000 Mcf per year.
Oil Displacement: 490,050 gallons of No. 2 fuel oil (0.4% sulfur).
Eligible Seller: Delta Resources, Inc., Worthington, Ohio.
Transporter: Columbia Gas Transmission Corp., Charleston, W. Va., Dayton Power & Light Co., Dayton, Ohio.

To provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning any of these applications to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten calendar days of the date of publication of this notice in the **Federal Register**. The docket number of the case should be printed on the outside of the envelope.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of any of the above applications may be requested by any interested person in writing within the ten-day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary in a particular case, further notice will be given to the applicant and any person filing comments in that case and will be published in the **Federal Register**.

Issued in Washington, D.C., on July 18, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-20018 Filed 7-22-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-154, etc.]

W. R. Grace & Co., Davison Chemical Div., et al.; Certifications of Eligible Use of Natural Gas To Displace Oil

In the matter of W. R. Grace & Co., Davison Chemical Div. [ERA Docket No. 83-CERT-154], G. A. Wintzer & Son Co. [ERA Docket No. 83-CERT-157], Transue & Williams [ERA Docket No. 83-CERT-181], Armco Inc. [ERA Docket No. 83-CERT-183], Armco, Inc. [ERA Docket No. 83-CERT-184], Middletown Paperboard Co. [ERA Docket No. 83-CERT-190], A. E. Staley Manufacturing Co. [ERA Docket No. 83-CERT-191], Chemetals Inc. [ERA Docket No. 83-CERT-195].

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Notice of these applications, along with pertinent information contained in those applications, was published in the **Federal Register** and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. More detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility	Date filed	Docket No.	Federal Register notice of application
W. R. Grace & Co., Davison Chemical Div., Cincinnati Plant, Cincinnati, Ohio	June 1, 1983	83-CERT-154	48 FR 30742 July 5, 1983.
G. A. Wintzer & Son Co., Wapakoneta Plant, Wapakoneta, Ohio	June 2, 1983	83-CERT-157	48 FR 30742 July 5, 1983.
Transue & Williams, Alliance Plant, Alliance, Ohio	June 9, 1983	83-CERT-181	48 FR 30742 July 5, 1983.
Armco Inc., Baltimore Works, Baltimore, Md.	do	83-CERT-183	48 FR 30742 July 5, 1983.
Armco Inc., Middletown Works, Middletown, Ohio	do	83-CERT-184	48 FR 30742 July 5, 1983.
Middletown Paperboard Co., Middletown Plant, Middletown, Ohio	June 13, 1983	83-CERT-190	48 FR 30742 July 5, 1983.
A. E. Staley Manufacturing Co., Fostoria Plant, Fostoria, Ohio	do	83-CERT-191	48 FR 30742 July 5, 1983.
Chemetals Inc., Baltimore Plant, Baltimore, Md.	June 14, 1983	83-CERT-195	48 FR 30742 July 5, 1983.

The ERA has carefully reviewed the above applications for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the applications satisfy the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certifications and transmitted those certifications to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., July 18, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-20019 Filed 7-22-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS 00043; TSH-FRL 2403-5]

Toxic and Hazardous Substances Control; Dioxin and Furan Pollution; Denial of Central Michigan Citizen's Petition for Investigation and Enforcement Action

AGENCY: Environmental Protection Agency.

ACTION: Notice of denial of citizen's petition.

SUMMARY: On March 16, 1983, the Environmental Congress of Mid-Michigan and the Foresight Society, filed a citizen's petition under section 21 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2620, and on April 20, 1983, submitted a supplemental petition through the Citizens Clinic for Accountable Government. The petition and supplement requested that EPA institute certain investigations and enforcement actions related to dioxin and furan pollution in central Michigan. the Administrator has denied the petition. The Administrator's decision appears below.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, TSCA Assistance Office (TS-799), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065, In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Introduction

On March 16, 1983, the United States Environmental Protection Agency (EPA) received a document entitled "Citizen's Petition for an Investigation and Enforcement Action" submitted by the Environmental Congress of Mid-Michigan and the Foresight Society, two groups based in the central Michigan area. On April 20, 1983, the petitioners submitted a supplemental Petition through the Citizens Clinic for Accountable Government, a group based in Washington, D.C. The original and supplemental petition will be referred to collectively as the Petition.

The Petition makes numerous requests of EPA as follows:

(1) The Petition makes a request under section 21(a) and (b) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2620(a) and (b) that EPA issue an administrative order to Dow Chemical Company under section 6(b) of TSCA, 15 U.S.C. 2605(b).

(2) The Petition requests a full field investigation into the effects of pollution on the residents and environment in Central Michigan, citing section 21(b)(2) of TSCA, 15 U.S.C. 2620(b)(2).

(3) The Petition states that it constitutes information of a significant risk under section 4(f)(2) of TSCA, 15 U.S.C. 2603(f)(2), thereby implicitly seeking to have EPA take action to address this risk in 180 days.

(4) The Petition seeks an investigation of risks from hazardous waste disposal, citing section 3013 of the Resource Conservation and Recovery Act, 42 U.S.C. 6933.

(5) The Petition seeks investigation to determine the need to take actions under the emergency provisions of the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act.

(6) The Petition states that it serves as the 60-day notice that is a prerequisite to the filing of citizen's suits to enforce TSCA, the Safe Drinking Water Act, the Clean Air Act, and the Clean Water Act.

(7) The Petition requests that EPA assess the overall impact of the pollution discovered by its investigations.

(8) The Petitioners seek full participation in decisions made concerning any studies done that are relevant to the Petition.

(9) The Petition requests that EPA appoint an independent, expert consultant to oversee implementation of any study performed.

In order to fully answer the Petition, EPA has not limited its response to only those issues which the Agency believes it must address as part of any legal requirements. Instead, the EPA has attempted to address as fully as possible all of the issues raised in the Petition, primarily because the Agency has been concerned about potentially harmful levels of contaminants in the central Michigan area for several years.

The response will review those activities which the EPA and the State of Michigan are already undertaking to address the issues raised in the Petition, and will outline additional activities which the Agency proposes to undertake in the future. Information requests issued under EPA's various statutory authorities referred to throughout this document are legally enforceable requirements to produce information. These activities, which are discussed in greater detail in the body of the response, include: (1) Sampling and analytical work to develop a water discharge permit for the Dow facility (underway); (2) issuance of a request to Dow, under section 308 of the Clean Water Act, requiring Dow to provide information necessary to develop a water discharge permit, and the filing of a lawsuit to force Dow to comply with that request (underway); (3) proposing a major study of dioxins and other toxic chemicals which would examine the presence and potential risk from these chemicals in the environment, with special emphasis on geographic areas of known or suspected dioxin contamination, including Midland; (4) issuance of an information request to Dow under the Clean Air Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation and Liability Act requesting that Dow provide information available on disposal or release of dioxins or furans (underway); (5) issuance of notification to Dow to submit a full permit application under the Resource Conservation and Recovery Act, thereby submitting Dow's hazardous waste handling practices to detailed review and regulation (underway); (6) sampling of public and private water supply wells for organic contaminants (underway); (7) performing preliminary assessments of potentially hazardous waste sites, and site inspections of such sites where warranted by the preliminary assessment, under the Comprehensive Environmental Response, Compensation and Liability Act (underway); (8) filing enforcement actions under the several environmental statutes wherever appropriate to enforce pollution controls or require cleanup of hazardous situations (some completed, some underway).

In the course of recent discussions, the petitioners have indicated that they will provide the EPA with additional information on environmental contamination in their area. EPA will be prepared to take any new information into consideration in implementing the actions specified in this response. EPA welcomes any additional relevant information from any source, and the Agency points out that the statutes referenced in the response contain provisions which protect employees from reprisals by their employers for providing such information. The EPA requests that anyone wishing to provide additional relevant information send it in writing to Mr. David Stringham, Deputy Director, Waste Management Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. The EPA intends to further provide for public involvement in its actions to address issues raised in the Petition through the public participation mechanisms described in the following section.

II. Public Participation and Oversight

The Petition includes specific suggestions and requests for full participation by petitioners in the development of any study relevant to the Petition, and in the appointment of an independent expert to oversee implementation of any study. The EPA intends to conduct the proposed studies of environmental contamination in Michigan that are outlined in this response in a fully open manner. Accordingly, as a matter of its

discretion, the EPA will provide the public, including the petitioners, with a description of any such study for their review and comments prior to its implementation. EPA cannot provide such a description at this time, however, because EPA's planning for possible studies is at a very preliminary, budgetary stage. When planning for any particular study is at a sufficiently definite stage that review and comment would be appropriate, EPA will provide this description to the petitioners and other members of the public. EPA has already discussed the probable objectives of proposed studies with the petitioners, the State, and other interested parties.

As studies proceed, EPA intends to design specific public participation mechanisms into the investigative effort. Further, EPA and the responsible State agencies have already agreed to have the plans for and the results from the proposed study of dioxin and other toxic pollutants in the area subjected to scientific peer review. This peer review, coupled with the planned public participation mechanism, obviates the need for appointing a specific independent expert as requested in the Petition, and the EPA does not intend to appoint one.

It is important to note that the EPA has already provided well-established public participation procedures associated with several official actions it is taking in response to issues raised by the Petition. Noteworthy among such actions are the issuance of permits. Under the Clean Water Act, the Resource Conservation and Recovery Act, and the Clean Air Act, the petitioners can participate in the permit issuance processes to assure that their concerns and interests are considered by the EPA prior to its issuance of permits under these statutes.

III. Specific Actions To Investigate and Address Issues Raised by the Petition

A. Water Pollution

The petition places an emphasis on water pollution concerns stating that "at a minimum the EPA must settle the controversy over Michigan's wastewater contamination." From the detailed description given in the Petition of past participation by the petitioners and others in developing a National Pollutant Discharge Elimination System (NPDES) permit for Dow's Midland facility, it is apparant that the petitioners are fully aware of the permitting system through which the EPA and the State seek to control discharges to surface waters. The EPA and the State of Michigan are making a concerted effort to bring the discharges from Dow Chemical Company's Midland facility under a permit that includes meaningful limitations on toxicant discharges. As a part of this effort, the EPA has performed a wastewater characterization study, currently nearing completion, on the discharges from the Dow facility at an approximate cost of $500,000. Preliminary results of this study have already been released. These results indicate that a large number of toxic organic pollutants, including dioxins, are found in the Dow effluent.

The EPA has also sought to gain additional information from Dow. This effort has included the issuance of an information request under section 308 of the Clean Water Act requiring Dow to produce information needed to develop an effective permit. Dow has resisted EPA's effort to obtain complete and necessary information concerning the pollutants found in waste streams leaving specific processes and eventually reaching the Tittabawassee River. After extensive negotiations were unsuccessful in resolving the controversy, the EPA responded to Dow's refusal to produce such data by filing a lawsuit in Federal district court seeking to enforce EPA's information request. *U.S.* v. *Dow Chemical Company*, Docket No. 83-CV 7011 BC (Eastern District of Michigan, Northern Division). This action, filed January 17, 1983, seeks an injuction requiring Dow to produce information still outstanding from EPA's information request, imposition of a fine for failure to provide the information in a timely manner, and a declaratory judgment holding that EPA has authority to require Dow to provide additional categories of information that will be required to develop effluent limits for the permit based upon "best available technology economically achievable," as required by the Clean Water Act.

The EPA's efforts to control toxicant discharges to waterways in central Michigan have not been limited to addressing the Dow Chemical Company. EPA's ongoing and planned actions to address old hazardous waste disposal sites, discussed more fully in the "Land Pollution" subsection, below, often are focused on preventing the discharge of toxicants into water as one of their primary objectives. In a consent decree entered in Federal district court in late 1982, for example, the EPA and the State of Michigan jointly negotiated an agreement with Velsicol Chemical Company requiring Velsicol to implement a multimillion dollar remedial plan to prevent toxic chemicals discharging into the Pine River, a tributary to the Tittabawassee River. *U.S.* v. *Velsicol Chemical Company*, Docket No. 82-10303, (Eastern District of Michigan, Northern Division). The consent decree in this action, entered on December 27, 1982, requires Velsicol to prevent ground water from moving across the former site of its Saint Louis, Michigan, plant and entering the Pine River carrying several organic chemical contaminants, including polybrominated biphenyl (PBB). In addition, the settlement resulted in the company providing the clean-up funds and other materials to the State to encapsulate the Gatriot County landfill, the number one Superfund site in Michigan.

On a broader scale, EPA has been taking actions to address toxic water pollution throughout the country, an effort that will aid future efforts to address such pollution in central Michigan. These actions include the development and proposal of effluent limitations guidelines for the pesticides and organic chemicals industries and the preparation of a water quality criteria document covering chlorinated dioxins. The pesticides and organic chemicals guidelines are currently scheduled for promulgation in December, 1983 and March, 1984, respectively. The dioxin water quality criteria document, which describes potential human health and environmental effects from different concentrations of dioxin and which recommends levels to allow for the protection of human health and the environment, is scheduled to be published for public comment in October, 1983.

In addition to the above actions, the EPA is planning a broad study of the presence of dioxins and other toxic chemicals in Michigan, with an emphasis on the Midland area. This study, if approved for funding, will be part of a national study focusing upon several geographic areas of suspected dioxin contamination. A national screening is proposed for dioxin and other toxicants in fish tissues and stream sediments from selected rivers across the country, including a number of rivers in Michigan. In the geographic areas chosen for more in-depth investigation, including the Midland area, the proposed study would examine the presence of toxic contaminants in the air, land, and ground water as well as the water, and attempt to locate the sources of such contamination. As discussed earlier, EPA plans to provide the public, including the petitioners, an opportunity to review and comment on the proposed study prior to its implementation.

B. Air Pollution

With respect to potential risks from air pollution, the Petition primarily focuses on airborne emissons from the Dow Chemical Company facility in Midland, Michigan, although it does mention concern about emissions of other industrial pollutants in the central Michigan area. The Petition cites Dow's history of incineration of both toxic and radioactive wastes as a particular cause for concern. The status of the Midland area as a non-attainment area for certain air pollutants under the Clean Air Act is also cited. The Midland County area is listed as a non-attainment area for ozone and for total suspended particulates. It formerly was also a non-attainment area for sulfur dioxide, but it is now meeting standards for that pollutant.

The EPA has been working to address this area's failure to attain national air quality standards for several years, in conjunction with efforts taken by the State. Indeed, the EPA's action in listing Midland County, a non-attainment area, is a legally significant action which requires the State to develop an implementation plan to decrease pollutant levels. The EPA has reviewed and approved Michigan's State Implementation Plan for control of all "criteria" pollutants. "Criteria" pollutants under the Clean Air Act are total suspended particulates, volatile organic compounds, lead, sulfur dioxide, carbon monoxide, and nitrogen dioxide. Implementation of the plan will result in meeting standards for the criteria pollutants. The EPA has further pursued enforcement litigation against Dow Chemical Company addressing pollutant emissions from its Midland facility, and entered into a Consent Decree with Dow before a Federal district court requiring Dow to meet certain emission limitations at this facility. *U.S.* v. *Dow Chemical Company*, Docket No. 80-40423 (Eastern District of Michigan, Northern Division). The Consent Decree entered 9/22/81, and amended 12/20/82, places specific limitations on sulfur dioxide (SO_2) and total suspended particulates. Recent data show that Dow is currently meeting the emission limitations set in the Consent Decree.

The petitioners' concerns about potential hazards from toxic air pollutants and radioactive air pollutants are harder to address, primarily because EPA has much less information available on the presence of these types of pollutants in the ambient air and a lack of information on the effects of exposure to many of the toxic air pollutants. EPA has promulgated or proposed emission standards for selected hazardous air pollutants, e.g., asbestos, beryllium vinyl chloride, mercury, and benzene, but these promulgated or proposed standards do no appear to cover most of the air pollutants of concern to the petitioners. In addition, EPA has proposed a maximum allowable dose standard of 10 millirems per year of total radionuclides.

Despite the lack of national emission standards covering the wide variety of toxic air pollutants of concern to the petitioners, the EPA is planning to sample for toxic chemicals in air emissions in the Midland, Michigan, area as part of its proposed study of dioxin and other toxic pollutants, outlined above. In this study, the EPA seeks to develop data on levels of toxic contaminants in the ambient environment as a result of past and present air emissions. The EPA is specifically considering a plan to analyze for toxicants in current emissions from industrial sources in the area (including the Dow incinerators), to analyze soils and dust from sites selected in a manner designed to show results of past emissions of toxicants, and, if appropriate, to analyze ambient air at selected locations. In addition, Dow is being required to submit information to EPA on the operation of its incinerators as part of its RCRA permit application (see "Land Pollution" section, below). The EPA has also required that Dow Chemical Company submit information concerning emissions of halogenated dioxins and furans from its Midland, Michigan facility, pursuant to EPA's authority under section 114 of the Clean Air Act. Dow has provided some of the information, and has stated that further information in response to EPA's request will be forthcoming.

The concerns raised by the petitioners about air pollution hazards from emissions of radioactivity are a subject within the primary authority of the United States Nuclear Regulatory Commission, whose permits cover air and water emissions of radioactive materials. These permits will have to meet the EPA exposure standards, once those standards are promulgated. The EPA has initiated contacts with the Nuclear Regulatory Commission regarding the health concerns the petitioners have raised. The Nuclear Regulatory Commission informed EPA that it had already received a copy of the Petition directly from the petitioners, and would respond directly to the petitioners on those issues raised that are within its jurisdiction. The Nuclear Regulatory Commission further informed EPA that Dow's license to incinerate radioactive wastes would be up for renewal in October, 1983, and issues raised by petitioners would be considered in action taken on the license renewal.

C. Ground Water Contamination and Drinking Water Supplies

The Petition cites concerns with contamination of ground water and the potential for such contamination to threaten drinking water supplies. The petitioners' concerns stem primarily from leachate from hazardous waste disposal sites, injection of wastes and brine into injection wells, and surface spills of brine at injection wells. The Petition generally asks for a thorough check of drinking water supplies in the central Michigan area.

Under the Safe Drinking Water Act, the EPA and the State of Michigan have required testing of public water supplies for certain inorganic contaminants, radioactivity, and bacteria for many years. As part of a process to address contamination of drinking water supplies with organic chemical contaminants, the EPA issued an Advance Notice of Proposed Rulemaking in March, 1982, that could ultimately set maximum contaminant levels for various organic compounds in drinking water supplies. In the interim before any such limits are in effect, the EPA has sought to encourage that States to set up programs voluntarily to test drinking water supplies for contamination with organic toxicants. The State of Michigan has established such a program in cooperation with the EPA, and the Michigan Department of Public Health has been sampling public water supply wells for volatile organic chemicals for approximately 18 months. Nearly 460 wells have been tested so far. Full completion of the program will take approximately five years.

In the eight-county central Michigan area addressed in the Petition, wells serving 19 public water systems have been tested under this program as of this date. These water systems were chosen for sampling based upon a determination that they were more susceptible to contamination due to either proximity to industry or a possible pollution source, or presence of shallow overburden that would provide little resistance to migration of contaminants. This effort found no detectable levels of volatile organic chemicals in water systems in the area. Contamination of wells at the Wurtsmith Air Force Base was already known to government agencies, and is already addressed by well abandonment or treatment equipment at

the drinking water source, as well as pumping and treating the contaminated aquifer.

The State of Michigan has also tested numerous private drinking water wells in the vicinity of areas known or suspected to have ground water contamination problems. These areas were identified by the Michigan Department of Natural Resources on a list developed in 1979, and updated in 1982. The Michigan Department of Public Health is currently seeking funding through the Department of Natural Resources and the EPA to complete this private well testing program. The results to date, whether positive or negative, have been made available to the public by the State.

Private wells near the Rockwell Road site near Midland, one of the sites specifically addressed in the Petition, were tested by the State as a part of its private well testing effort. The testing of these wells did not detect contamination. The State very recently repeated testing in the area, and again failed to detect contamination in the private wells, sumps and surface run-off. The EPA intends to perform further assesment of possible hazards from the Rockwell Road site as set out in the Land Pollution section below.

The Michigan Department of Public Health has expressed a continuing interest in testing both public and private drinking water wells in areas where ground water contamination is suspected. Anyone who knows of a site with ground water contamination problems that has not had nearby wells monitored for contamination should contact the Department of Public Health either directly, through their local health department, or through the EPA.

Brine return wells and waste disposal injection wells in the central Michigan area are not currently controlled by an EPA regulatory program, but rather by a control system established by the Michigan Department of Natural Resources (MDNR). The level of EPA involvement in this area will increase in the future, however, because EPA has promulgated national regulations for the underground injection control (UIC) program to control deep well injection of waste. This program, authorized by the Safe Drinking Water Act, requires that deep injection wells be constructed and operated in a way that does not endanger underground sources of drinking water (freshwater aquifers) above or near the injection zone. It provides for appropriate testing of injection wells to assure that drinking water is protected. This Act encourages States to assume primary enforcement authority for the UIC program, and requires EPA to implement the program in any State that declines to do so. Since Michigan does not intend to accept primary enforcement authority for the program, EPA will promulgate regulations to administer this program in the State of Michigan within the next six months. This program will require EPA approval of the construction and operation of any hazardous waste injection wells. However, EPA's statutory authority under the Safe Drinking Water Act does not cover the surface discharges of brine (as opposed to hazardous waste) which are of concern to the petitioners, and these will continue to be regulated by the State.

On April 11, 1983, EPA issued Dow an information request prusuant to several of EPA's statutory authorities, requiring the company to provide information on any halogenated dioxins or furans disposed of in its injection wells. The EPA will review information received pursuant to this request to investigate petitioner's concerns over recent and past disposal practices of Dow. Although Dow has indicated they have closed their remaining injection wells as of January 1, 1983, any information obtained will be evaluated to determine possible contamination from previous disposal practices. If Dow in the future seeks to re-open any of its wells for waste disposal, it will be required to obtain ⅛ EPA approval for construction and operation of the wells.

The EPA's proposed study of the presence of dioxins and other toxic pollutants in the environment around Midland includes a proposal to do some analysis of ground water in the vicinity of waste injection wells. This effort will complement the information already available from State files and other sources in addressing the petitioners' concerns about waste injection practices.

D. Land Pollution

The Petition raises concerns about land disposal of hazardous wastes in the area, and pays specific attention to land pollution from spillage of brines and toxic wastes from Dow Chemical Company's injection well system. Potential environmental hazards from the handling of hazardous wastes, including those handled on the surface prior to their injection in deep wells, is addressed by EPA's authority under the Resource Conservation and Recovery Act.

Dow currently has Interim Status for both the Midland facility and the Salzburg Road landfill under section 3005(e) of RCRA. Interim Status allows an existing hazardous waste facility to continue in operation during the period prior to EPA's issuance or denial of a RCRA permit. Both the Midland facility and the Salzburg Road landfill are required to comply with Interim Status Standards found at 40 CFR Part 265.

An inspection was conducted by EPA, Region V and the MDNR on June 9–11, 1981, at the Midland facility to determine compliance with Interim Status Standards. The inspection found three minor violations which were corrected by Dow. The MDNR conducted another inspection on September 21, 1982, and found no violations. No inspections have been conducted at the Salzburg Road landfill by the EPA.

On March 23, 1983, Dow reported to the MDNR that liquid had been found in the liner failure detection system sump of the Salzburg Road landfill. According to the Act 64 permit issued by the MDNR for the landfill operation, Dow was to cease using any cell of the landfill which was connected to a cell which may be leaking. Dow continued to place wastes in an affected cell, an action which was in violation of its permit. On April 12, 1983, the MDNR issued a Cease and Desist Order requiring Dow to stop using the affected cell and to develop a plan to either cleanse the detection system or to excavate all wastes from the affected cell and place them in a secure cell.

Dow's investigation revealed that the leachate collection pump had malfunctioned, thereby causing a backup into the detection system. In addition to remedying the backup problem, Dow has purged the detection system with city water to clean it out. Dow has also submitted a proposal to the MDNR to perform tracer testing to determine if the landfill liner in the affected cell has failed. The MDNR is now reviewing this proposal. Both the MDNR and Dow have found no evidence of ground water contamination, and both believe the liner is not damaged. In the interim, Dow is operating the Salzburg landfill subject to a May 17, 1983, modified Cease and Desist Order and Consent Agreement endorsed by the MDNR.

On April 5, 1983, the EPA notified Dow that Part B applications for permits to store, treat, and dispose of hazardous waste are to be submitted within the next six months for both the Midland facility and the landfill. In preparing the applications, Dow is required to provide details on the operation of its incinerators and landfill, to describe its handing and transportation procedures for hazardous wastes, and to conform all of these practices to the requirements of EPA's regulations.

The EPA's call-in of the Part B permit application initiates the process of complete review of Dow's hazardous waste handling procedures. The petitioners, and the rest of the public, will have the opportunity to review and comment on any proposed Resource Conservation and Recovery Act permit before it is issued.

As previously mentioned, Dow has informed the EPA that it ceased its use of injection wells for the disposal of chemical wastes on January 1, 1983. However, if Dow chooses to employ this disposal method for hazardous wastes in the future, its methods of handling these wastes on the surface while transporting them to wells for disposal will be subjected to this permit review process.

Also as previously mentioned, the handling of brines (as opposed to hazardous wastes) on the surface prior to reinjection is outside the EPA's regulatory jurisdiction. Concerns about problems resulting from the handling of brines before reinjection into the ground must be referred to the State for resolution.

The Resource Conservation and Recovery Act permit for Dow will regulate much more than just the handling of hazardous wastes when it is issued. It will set operation, monitoring and emission standards for the Dow incinerators. It will establish requirements for operation of hazardous waste tanks and containers. It will require liability insurance for possible damages and require planning to cover closure and post-closure costs for hazardous waste areas. In short, it will subject all of Dow's ongoing hazardous waste activities to a comprehensive regulatory scheme, in an effort to keep such activities from causing environmental hazards in the future.

The petitioners are also very concerned about dangers caused by past hazardous waste handling and disposal practices, particularly at the Rockwell Road and Poseyville dump sites. The EPA's authority to take action on these types of problems is under the Comprehensive Environmental Response, Compensation and Liability Act, as well as the Resource Conservation and Recovery Act. Under these statutes, the EPA intends to perform a preliminary assessment of hazards from these dump sites, and follow up with site inspections if warranted by the preliminary assessments. A site inspection under this program involves sampling and collection of other technical information necessary so that the site can be scored under the hazard ranking system specified in the National Contingency Plan. This scoring system is an intergral part of determining whether a site is placed on the National Priorities List for cleanup using the Federal Superfund.

It is important to note that resources under the Comprehensive Environmental Response, Compensation and Liability Act must be applied on the basis of priority, and the State and EPA must decide how the hazardous waste problems in central Michigan relate to other areas or sites in Michigan. The EPA is currently negotiating a cooperative agreement with Michigan for performance of preliminary assessments at 430 sites, and site inspections at 50 sites, throughout Michigan over a 15-month period. There currently are 21 site inspections scheduled in Michigan, with 4 of these sites located in the central Michigan area of concern to the petitioners. These sites are the Green Point Landfill, the Outer Drive Landfill, the Saginaw Township Landfill (Arthur) and the Saginaw Township Landfill (O'Connor), all in Saginaw County. Under the terms of EPA's statutory authorities, any federally funded construction activities subsequent to the investigation of hazards and design of remedial measures will have to be cost-shared by the State. The public is encouraged to participate in activities at sites listed on the National Priorities List through a community relations program implemented for each site. This participation process is designed to inform the public of planned or ongoing actions, to provide the public the opportunity to be involved in decisionmaking, and to focus and resolve any controversy.

E. Effects of Contaminants on Humans

The Petition raises several issues concerning the effects of certain contaminants on human health, and the synergistic effects of exposure to a combination of toxic contaminants and radioactivity. Some of the issues raised here are of a kind that require basic research, rather than a field investigation, to determine appropriate remedies. The EPA monitors ongoing research on such issues. There is research underway at various institutions addressing some of the health issues that the petitioners have posed. The health effects of polybrominated biphenyl (PBB) in bodies of Michigan residents is already under study by the University of Michigan Medical Center in Ann Arbor, at least in terms of developmental effects in young children. Research is underway at Michigan State University into the synergistic effects of various PBB cogeners, and combinations of PBB and polychlorinated biphenyl (PCB).

EPA has also actively contributed to ongoing research into certain issues the petitioners have raised, including long term study of Michigan residents that have been exposed to polybrominated biphenyl, and a multi-year evaluation of persons who regularly consume Great Lakes fish. These studies are being conducted by the Michigan Department of Public Health under cooperative agreements with EPA. EPA's Research and Development Office has been directly involved in certain related research, notably an evaluation of health effects associated with exposure to dioxin that was performed as a part of the development of the dioxin criteria document mentioned in the Water Pollution subsection, above.

The utility of conducting further health effects studies in central Michigan is already the subject of discussions between the EPA, the Michigan Department of Public Health and the Federal Centers for Disease Control. These agencies have primary responsibility for health effects studies, and the EPA will work closely with them to examine health effects research alternatives that would address concerns raised in the Petition.

By going beyond the effects of specific contaminants, however, and raising questions of synergistic effects of toxicants and radioactivity, the Petition raises very difficult questions. At this time, the EPA is primarily focusing its resources on determining whether and what environmental contaminants are present, and the effects of such contaminants themselves, in an attempt to fashion remedies to threatened hazards. The investigations that EPA will be performing to identify pollutants in different media should provide a basis for efforts to assess possible interactions of pollutants from different routes of exposure. At a minimum, the data will be collected in a manner to allow the calculation of risk to human health through certain routes of exposure, such as eating contaminated fish. As a step toward identifying future research needs in this area, the EPA will initiate a literature search on the issue of synergism between toxicants and radioactivity.

The information that EPA gathers on health effects issues, whether developed by EPA or obtained through the research of other institutions, will be fully available to the petitioners and the rest of the public.

The remainder of this response will address the more specific actions that petitioners have sought to have the EPA

perform under particular statutory provisions.

IV Petitioner's Requests Under TSCA

The Petition seeks under section 1 of TSCA, to have the EPA issue an order under section 6(b) of TSCA requiring Dow to submit its quality control procedures, to revise such procedures where necessary, and to give public notice of unreasonable risks it has caused. The provisions of section 6(b) relate to unreasonable risks caused by the manufacture or processing of chemical substances or mixtures.

The risks cited in the Petition from contaminated wastes reaching the environment are more appropriately addressed at this time under other environmental statutes. Congress specifically directed the EPA, in section 9 of TSCA, 15 U.S.C. 2608, to use other statutes instead of TSCA if they could be used to eliminate or sufficiently reduce unreasonable risks. The other statutes relevant here include the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation, and Liability Act. The issues relating to radioactivity are also more appropriately addressed under the Atomic Energy Act. These acts also provide ample authority to require the submission of process data necessary to administer their respective responsibilities. EPA has already employed and will continue to employ its other statutory authorities to seek internal information from Dow where that information would assist EPA in assessing possible hazards from release of contaminated wastes to the environment. Most notably, internal waste stream information has been sought from Dow under the Clean Water Act on all processes that produce wastewaters. This information request was originally issued January 21, 1981, and modified on May 14, 1981. EPA is currently seeking enforcement of this request in Federal court. Information has been sought under the Clean Air Act and the Resource Conservation and Recovery Act on any processes that could emit certain toxic contaminants to the air, including the Dow incinerators. An information request was issued on April 11, 1983, and a RCRA permit application was called in on April 5, 1983, as discussed earlier. EPA is concerned about the quality control practices used in the manufacture of certain chemicals, and believes that it may become appropriate at some future time to employ an order under secton 6(b) of TSCA to address a risk posed by the manufacture or processing of chemical substances or mixtures. This determination will be based in part on the investigations outlined above, and on any further information obtained by EPA.

The Petition requests that EPA conduct a full field investigation before ruling on the Petition. Section 21(b)(3) of TSCA provides, however, that EPA shall either grant or deny a petition within 90 days after it is filed. Several of the investigations that EPA has underway or in planning stages will take far in excess of 90 days to complete. Rather than delay ruling on the Petition for the uncertain period of time that will be necessary to complete its investigations into the issues that have been raised, the EPA deems it appropriate to rule upon the Petition in the statutorily prescribed 90-day period.

For the reasons stated above, the EPA hereby denies the Petition to the extent that it claims that it is necessary or appropriate at this time to issue an order to the Dow Chemical Company under section 6(b) of TSCA.

The Petition also cites section 4(f)(2) of TSCA, 15 U.S.C. 2603(f)(2), and states that it constitutes information sufficient to provide a reasonable basis to conclude that a chemical substance or mixture is presenting a significant risk of serious or widespread harm from cancer, gene mututations, or birth defects in the central Michigan area. Section 4(f)(2) is not subject to petition under section 21 of TSCA since it provides no direct authority for issuance, amendment or repeal of a rule. The primary information supplied in the Petition on this subject is the information concerning increased incidents of birth defects and soft tissue sarcoma in the Midland County area. The EPA will continue to examine data already supplied by the petitioners and any additional information they bring to our attention. Further, the EPA will seek to locate and evaluate any other information on health risks in central Michigan, including information held by other State and Federal public health agencies. At this time, the EPA is still collecting information to detemine whether any chemical substances or mixture mentioned in the Petition are posing significant risks. The EPA will continue to study the problems addressed in the Petition and utilize whatever regulatory controls are appropriate based upon the information that is obtained.

V. Sixty-Day Notices of Intent To File Citizens' Suits

The Petition states that it is intended to serve as a 60-day notice of intent to file citizen's suits under TSCA, the Safe Drinking Water Act, the Clean Air Act, and the Clean Water Act. The expiration of such notices without EPA action allows a notifier to file a citizen's suit against an alleged violater of the appropriate statute, or against the EPA for failing to take a non-discretionary action. Since the Petition does not identify any non-discretionary action that the EPA has failed to take at this time, the 60-day notices apparently are intended to allow petitioners to sue alleged violators of the listed statutes. It further appears from the Petition that the citizen's suits contemplated by the petitioners are suits under the emergency provisions of the various statutes, section 504 of the Clean Water Act, section 303 of the Clean Air Act, section 7 of TSCA, section 1431 of the Safe Drinking Water Act. These emergency provisions allow the EPA, or the citizen notifier in this case, to file injunctive actions in Federal district court seeking to require alleged violators to remedy any situation that is or may be presenting an imminent and substantial endangerment to health, welfare, or to the environment.

Upon receiving citizen 60-day notices concerning alleged violations of permit conditions, or specified discharge standards, the EPA can generally make a determination of whether a violation did or did not occur in a relatively straightforward manner. EPA can then either take action or report it found no violation within the 60-day period. The determination of whether an action under one of the emergency provisions is appropriate is not nearly so straightforward. The EPA will respond to the petitioners' 60-day notices by conducting its ongoing and proposed investigations as outlined in III above, and by taking action under its various authorities whenever the results of such investigations support such action. The EPA recognizes that this is not sufficient action to foreclose the petitioners' right to file a citizen suit against any alleged violator under the cited statutes so long as all other jurisdictional requirements have been met.

VI. Conclusion

The central Michigan "Citizen's Petiton for Investigation and Enforcement Action" raises numerous issues relating to the pollution of central Michigan's air, water, ground water, land, and human population with toxic chemicals and radioactivity.

The Petition's request that the EPA exercise its discretion to perform a full investigation of hazards from widespread pollution in central Michigan is granted to the extent that it

can be addressed within the context of EPA's various statutory authorities, as outlined in this response. The EPA intends to continue its ongoing efforts to broadly investigate toxic contamination of the air, water, soil, and ground water in central Michigan under its several statutory authorities. The EPA is pursuing these efforts as a matter of its discretion, beyond what it is legally required to do in response to the Petition. The EPA will perform such investigations because it shares the petitioner's concern about contamination of the environment in Michigan, and has independently determined that such further investigations are appropriate. The EPA's investigations in this area will of necessity be carefully coordinated with the responsible State and Federal agencies, in particular the Michigan Department of Natural Resources, the Michigan Department of Health, the Nuclear Regulatory Commission, and the Centers for Disease Control. The EPA welcomes additional input from the petitioners and other members of the public on further monitoring activities which should be conducted in this area as part of a full field investigation.

The Petition includes specific suggestions and requests for full participation by the petitioners in the development of any studies relevant to the Petition, and for appointment of an independent expert to oversee implementation of any studies. EPA states its intent to provide public participation mechanisms as a part of proposed investigations, but declines the suggestion to appoint an independent expert. EPA's stated intent to provide for peer review, in combination with the public participation mechanisms that will be provided, should meet the petitioners' concerns which led to the suggestion of the independent expert.

The Petition's request that a specific administrative order be issued to Dow Chemical Company under section 6(b) of TSCA is denied as inappropriate at this time. The EPA has determined that the specific issues raised are more appropriately addressed under other statutory authorities, although the Agency may decide in the future to exercise section 6(b) authorities to obtain information on quality control.

The Petition states that it serves as a 60-day notice of intent to file citizen suits, apparently against alleged polluters under the provisions of several environmental statutes. The EPA is subjecting this issue to further investigation, and will take action under these provisions whenever supported by available evidence.

Dated: July 14, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-19983 Filed 7-22-83; 8:45 am]

BILLING CODE 6560-50-M

[OPRM-FRL 2403-3]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers, Office of Standards and Regulations, Information Management Section (PM-223), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Water Programs

• Title: Estimate of Municipal Wastewater Treatment Facility Requirements (EPA ID 0318).

Abstract: The biennial Needs Survey Report to Congress provides comprehensive cost estimates for construction of publicly-owned wastewater treatment works needed to meet the goals of the Clean Water Act. The Report provides a nationwide inventory of these facilities and is used to allocate construction grant funds.

Respondents: Owners/operators of municipal wastewater treatment facilities.

Agency PRA Clearance Requests Completed by OMB Between June 16 and July 11, 1983

EPA ID 0275, Nondiscrimination in EPA Assisted Programs: Recordkeeping Requirement and Report Form, was cleared on July 6 (OMB #2000-0006).

EPA ID 0801, Uniform Hazardous Waste Manifest for Generators and Transporters, was cleared on July 11 (OMB #2000-0404).

EPA ID 0987, Survey of Economic Costs of Guidance for Non-Ionizing Radiation, was disapproved on June 28 (OMB #2060-0014).

EPA ID 1029, Steam Electric Utility Request for Chlorine Effluent Discharge Waiver, was cleared on June 29 (OMB #2040-0040).

EPA ID 1030, Case/Control Study of Cancer and Formaldehyde Association, was disapproved on June 30 (OMB #2070-0013).

EPA ID 1043, Hazardous-Waste-Used-as-Fuel/Used Oil Telephone Prequalification, was cleared on June 16 (OMB #2050-0018).

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), 401 M Street SW., Washington, D.C. 20460

and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place NW., Washington, D.C. 20503.

Dated: July 19, 1983.

John Warren,

Acting Chief, Statistical Policy Staff.

[FR Doc. 83-19882 Filed 7-22-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Person knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

La Montana Moving & Storage Inc., 1976 Crotona Parkway, Bronx, NY 10460. Officers: Jose E. Burgos, President, Eliseo Morales, Secretary/Treasurer

Falcon Forwarding Co., Inc., 177-25 Rockaway Blvd., Jamaica NY 11434. Officers: James P. O'Connell, President/Treasurer, Anthony F. Scorsese, Vice President

Paula E. La Pointe, d.b.a. La Pointe Co., 4104 Los Arabis Drive, Lafayette, CA 94549.

By the Federal Maritime Commission.

Dated: July 20, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-20045 Filed 7-22-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2502-R]

Orbe Freight Service; Order of Revocation

On July 12, 1983, Orbe Freight Service, 5489 N.W. 72nd Avenue, Miami, FL 33166 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2502-R.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981:

It is ordered, that Independent Ocean Freight Forwarder License No. 2502-R issued to Orbe Freight Service, be revoked effective July 12, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Orbe Freight Service.

Robert M. Skall,

Deputy Director, Bureau of Certification & Licensing.

[FR Doc. 83-20046 Filed 7-22-83; 8:45 am]

BILLING CODE 6730-01-M

[Amdt. No. 3 to Commission Order No. 1 (Revised)]

Organization and Functions of the Federal Maritime Commission

Commission regulation 46 CFR 522.7(e) provides, in pertinent part, that amendments or supplements to documents submitted pursuant to 46 CFR 522.5 and 46 CFR 522.7(e) be filed in the discretion of the Commission upon showing of good cause. The authority to rule on such requests has been delegated to the Secretary, and section 7 of Commission Order 1 (Revised) is amended by the addition of subsection 7.05 as follows:

7.05 Authority, after consultation with the Director, Bureau of Agreements and Trade Monitoring, to rule on requests to file amendments or supplements to documents to section 15 agreements which are filed pursuant to 46 CFR 522.7(e).

Dated: July 18, 1983.

Alan Green, Jr.,

Chairman.

[FR Doc. 83-20047 Filed 7-22-83; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Advisory Board Subcommittee on Activities and Agenda; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Activities and Agenda, National Cancer Institute, August 11, 1983, East Conference Room, Fred Hutchinson Cancer Research Center, 1124 Columbia Street, Seattle, Washington 98104. The entire meeting will be open to the public from 2:00 p.m. to adjournment, to review administrative details and plan the agenda and activities for the National Cancer Advisory Board and its meeting for October 1983. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the 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 committee members, upon request.

Mrs. Barbara S. Bynum, Executive Secretary, Subcommittee on Activities and Agenda, National Cancer Advisory Board, National Cancer Institute, National Institutes of Health, Building 31, Room 10A03, Bethesda, Maryland 20205, (301) 496-5147, will furnish substantive program information.

Dated: July 19, 1983.

Betty J. Reveridge,

Committee Management Officer, NIH.

[FR Doc. 83-19965 Filed 7-22-83; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program; Chemicals (13) Nominated for Toxicological Testing: Request for Comments

Summary

On May 31, 1983, the Chemical Evaluation Committee (CEC) of the National Toxicology Program (NTP) met to review 13 chemicals nominated for toxicological testing and to recommend the types of testing to be performed. With this notice, the NTP solicits public comment on the 13 chemicals listed herein.

For Further Information and Submission of Comments, Contact

Dr. Dorothy Canter, Assistant to the Director, National Toxicology Program, Room 2B55, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-3511.

Supplementary Information

As part of the chemical selection process of the National Toxicology Program, nominated chemicals which have been reviewed by the NTP Chemical Evaluation Committee (CEC) are published with request for comment in the **Federal Register** and *NTP Technical Bulletin*. This encourages outside individuals and groups to participate in the NTP evaluation process thereby helping the NTP to make better informed decisions as to whether to select, reject or defer chemicals for testing.

Relevant comments and data submitted in response to this request are reviewed and summarized by NTP technical staff and then forwarded to the NTP Board of Scientific Counselors for its evaluation of the nominated chemicals and to the NTP Executive Committee for its decision-making about testing. The NTP chemical selection process is summarized in the **Federal Register**, April 14, 1981 (46 FR 21818), and also in the NTP FY 1983 Annual Plan, pages 213-215.

On May 31, 1983, the CEC evaluated 13 chemicals nominated to the NTP for toxicological testing. The table below lists each chemical, its Chemical Abstracts Service (CAS) registry number, and the types of testing recommended by the CEC.

Chemical	CAS No.	Committee recommendation
1. Antimony potassium tartrate.	28300-74-5	Subchronic study, with emphasis on identifying target organs.
2. 2-(2-Butoxyethoxy) ethyl thiocyanate.	112-56-1	—*Salmonella* assay [also on metabolite 2-(2-butoxyethoxy)ethyl mercaptan] —Subchronic study including sperm morphology and vaginal cytology assays —Short-term in vivo reproductive toxicity assay.
3. Methylene bis (thiocyanate).	6317-18-6	—*Salmonella* assay —Chemical disposition study —Subchronic study.
4. p-Chloro-α,α,α-trifluorotoluene.	98-56-6	Defer until next CEC meeting (See below).
5. Chromic acid.	13530-68-2	Comparative chemical disposition study of chromic acid and sodium dichromate.

Chemical	CAS No.	Committee recommendation
6. 2,3-Dichloropropylene.	78-88-6	—*Salmonella* assay —Mouse lymphoma assay —In vitro cytogenetics —Subchronic study, possibly for longer than 90 days, to identify target organ toxicities. —Carcinogenicity to be performed in tandem with another commercially important chlorinated alkene.
7. Formic acid	64-18-6	—INhalational carcinogenicity study—Reproductive effects study.
8. Linolelaidic acid.	506-21-8	No testing.
9. Methyl isobutyl ketone.	108-10-1	Defer until next CEC meeting.
10. Nitromethane.	75-52-5	Carcinogenicity with examination of thyroid for possible toxic effects.
11. β-Pinene	127-91-3	Skin painting tumor promotion assay.
12. 1,2,4,5-Tetrachlorobenzene.	95-54-3	—In vivo cytogenetics —Acute neurotoxicity —Carcinogenicity including sperm morphology and vaginal cytology assays in subchronic portion of study —Short-term in vivo reproductive toxicity assay.
13. Thiophene	110-02-1	Carcinogenicity.

The chemicals p-chloro-α,α,α-trifluorotoluene and methyl isobutyl ketone had previously been designated as priority chemicals by the Interagency Testing Committee (ITC) to the Administrator, Environmental Protection Agency (EPA), for consideration for industry-required testing. p-Chloro-α,α,α-triflurotoluene was deferred to ascertain the extent of testing undertaken by industry following its designation by the ITC. Methyl isobutyl ketone was deferred to determine the progress of industry-sponsored testing of the chemical for genotoxicity, subchronic effects and teratology undertaken following negotiations between EPA and the affected industries. Both chemicals will be re-evaluated at the next CEC meeting.

The chemicals nitromethane, 1,2,4,5-tetrachlorobenzene and thiophene were previously selected by the NTP for genotoxicity testing in the *Salmonella* assay. All three chemicals were negative in four strains of *Salmonella* both with and without activation. None of the other ten chemicals were previously selected for any type of toxicological testing by the NTP.

Interested parties are requested to submit pertinent information. The following types of data are of particular relevance:

(1) Completed, ongoing and/or planned toxicological testing in the private sector including detailed experimental protocols and, in the case of completed studies, resultant data.

(2) Modes of production, present production levels, and occupational exposure potential.

(3) Uses and resulting exposure levels, where known.

(4) Results of toxicological studies for structurally related compounds.

Please submit all information in writing by August 24, 1983. Any submissions received after the above date will be accepted and utilized where possible.

Dated: July 12, 1983.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 83-19964 Filed 7-23-83; 8:45 am]

BILLING CODE 4140-01-M

National Toxicology Program; Availability of Carcinogenesis Studies of Allyl Isovalerate

The HHS' National Toxicology Program today announces the availability of carcinogenesis studies of allyl isovalerate, a synthetic fragrance and flavoring ingredient which may be found in soap, detergents, creams, perfumes, non-alcoholic beverages, ice cream, candy, baked goods, gelatins, and puddings.

Allyl isovalerate was administered in corn oil by gavage to F344/N rates and B6C3F$_1$ mice at doses of 0, 31, and 62 mg/kg body weight. Under the conditions of these studies, allyl isovalerate was carcinogenic for F344/N rats and B6C3F$_1$ mice, causing increased incidences of hematopoietic system neoplasms (mononuclear-cell leukemia in male rats and lymphoma in female mice).

Carcinogenesis Studies of Allyl Isovalerate in F344/N Rats and B6C3F$_1$ Mice (Gavage Studies) (T.R. 253) are available without charge by writing to: NTP Public Information Office, M.D. B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3391. FTS: 629-3391.

Dated: July 15, 1983.

David P. Rall,

Director.

[FR Doc. 83-19963 Filed 7-22-83; 8:45 am]

BILLING CODE 4140-01-M

Privacy Act of 1974; Establishment of System of Records

AGENCY: Public Health Service, Department of Health and Human Services.

ACTION: Notification of establishment of a new Privacy Act system of records: 09-25-0153, "Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development, HHS/NIH/NICHD."

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to establish a new Privacy Act system of records 09-25-0153, " Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development, HHS/NIH/NICHD." This system will be used to support research on maternal health, child health, and human development. We are also proposing routine uses for this new system.

PHS invities interested persons to submit comments on the proposed routine uses on or before August 24, 1983.

DATE: PHS has sent a Report of New System to the Congress and to the Office Management and Budget on June 1, 1983. The system of records will be effective 60 days from the date submitted to OMB unless PHS receives comments on the routine uses which would result in a contrary determination.

ADDRESS: Comments should be addressed to the National Institutes of Health (NIH) Privacy Act Coordinator at the address listed below. Comments received will be available for inspection during office hours in Room 3B03, Building 31, at that address.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth Thibodeau, NIH Privacy Act Coordinator, Building 31, Room 3B07, 9000 Rockville Pike, Bethesda, MD 20205, or call 301-496-4606. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: NIH proposes to establish a new system of record: 09-25-0153, "Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development, HHS/NIH/NICHD." This proposed umbrella system of records will comprise records generated in research projects supported by the National Institute of Child Health and Human Development (NICHD) in fulfilling its congressionally mandated responsibility for biomedical and behavioral reserach on maternal health, child health, and human development.

Such reseach will involve both scientists on the staff of NICHD and other scientists working under contracts awarded competitively by NICHD. NICHD may award research contracts to hospitals and clinics, to educational and research institution, to Federal,

State or local government agencies, or to commercial enterprises.

NICHD may disclose records in this system to other PHS agencies, namely, the Centers for Disease Control (CDC) or the Food and Drug Administration (FDA), to inform them of the existence of abnormal disease, condition, or health status, so that they may fulfill their congressionally mandated responsibilities for the prevention of epidemics and for controlling potentially harmful products, respectively.

Records collected under this system will be organized and maintained according to the particular study which they support. Records will not be entered into a general or comprehensive date base, nor will there be any general index identifying all persons who are subjects of records in the separate studies covered by this system. However, NICHD is treating the sparate sets of records as a single system under the Privacy Act (1) Because all of the sets of records serve the same biomedical research purposes and contain similar types of data, (2) in order to apply consistent policies and practices in the maintenance of such records, and (3) to make it easier for subject individuals to obtain notification of, or access to, their records.

The records in this system will be maintained in a secure manner compatible with their content and use. Contractors will be required to adhere to the provisions of the Privacy Act and the HHS Privacy Act Regulation. The System Manager, the NICHD Project Officer, and the Contract and/or Project Director will control access to the data. Only contractor personnel, consultants to the contractor, the NICHD project officer, and NICHD employees whose duties require the use of such information will have regular access to records in this system. Records will be stored in locked files or secured areas. Computer terminals will be in secured areas. Names and other identifying particulars will be deleted when data from original records is encoded for analysis. Encoded data will be indexed by code numbers. Tables linking these code numbers with actual identifiers will be maintained separately. Code numbers and identifiers will be linked only if there is a specific need. Data stored in computers will be accessed through the use of keywords known only to the principal investigators or authorized personnel. These keywords will be changed frequently.

The particular safeguards implemented in each project will be developed in accordance with chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS hf. 45-13; and part 6, "ADP Systems Security," of the HHS ADP Systems Manual and the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

The routine uses proposed for this system are compatible with the stated purposes of the system in planning for, conducting, managing, and evaluating biomedical research. The first two of the proposed routine uses are essential to the achievement of the basic research purpose of the system. The first proposed routine use will allow for disclosure to contractors and collaborators working on the research projects. The second proposed routine use, which provides for audits of the research activities, will allow the Department to ensure that these research activities are properly conducted.

A routine use allowing disclosure to contractors for the purpose of processing or refining the records will permit NICHD to administer research projects efficiently when contracting for such services is advisable because the agency lacks necessary internal resources or because processing or refining the records under contract would be cost-effective. Contracted services may include transcription, collation, computer input, or other records processing.

A fourth routine use, allowing reporting of certain infectious diseases to State governments as required by law is compatible with the stated purpose of the system, i.e., to monitor incidence and prevalence of disease. Both the research supported by this system and epidemiological monitoring by State governments aim at the same ultimate goal, i.e., improving the health of the American people.

A routine use for disclosure to independent researchers outside of the Department is proposed to serve the same public good—improving the health of the American people through biomedical research—as motivates the establishment of this system. The progress, quality, or fruitfulness of a research program may be enhanced and the public interest served, by disclosing the data to additional researchers who may contribute special insight or expertise or who may use the data to generate additional knowledge. Disclosure to researchers outside of the Department is compatible with the research purpose of this system. Researchers who would receive such disclosures would be subject to restrictions on use and further disclosure consistent with those governing operation of the system.

A routine use permitting disclosure to a congressional office is proposed to allow subject individuals to obtain assistance from their representatives in Congress, should they so desire. Such disclosure would be made only pursuant to a request of the individual.

The possibility of lawsuits in which individuals may claim to have been harmed mentally, physically, or financially as a result of the research activities supported by this system motivates the proposal of a routine use to allow the Department of Justice to defend the Federal Government, the Department, or employees of the Department in case of such lawsuits.

The proposed system of records will not become effective before 60 days after the date it was reported to OMB, as discussed above. However, the following notice is written in the present tense, rather than in the future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice in the present tense after the system has become effective.

Dated: June 3, 1983.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09-25-0153

SYSTEM NAME:

Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development, HHS/NIH/NICHD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records included in this system are located in hospitals and clinics, research centers, educational institutions, commercial organizations, local and State agencies, and other Executive Branch agencies of the Federal Government under contract to the National Institute of Child Health and Human Development (NICHD), and in NICHD facilities in Bethesda, Maryland. Inactive records may be stored at Federal Records Centers. A list of specific locations and contractors, is available upon request from the System Manager, whose address is listed below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in these studies include adults and children (a) who are presently or have been treated by the NICHD, (b) whose physical, genetic,

social, economic, environmental, behavioral or nutritional conditions or habits are being studied by the NICHD, or (c) normal volunteers who have agreed to provide control data for purposes of comparison.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of clinical, medical, and statisitical information collected in biomedical and behavioral research studies, such as medical histories, vital statistics, personal interviews, questionnaires, current addresses of study participants, radiographs, records on biological specimens, study models, and correspondence from or about participants in these studies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301, Research and Investigation, and Section 441, National Institute of Child Health and Human Development, of the Public Health Service Act as amended (42 U.S.C. Sections 241, 298d).

PURPOSES:

This system is used:

1. For program review, evaluation, planning, and administrative management for research on child health and human development;

2. To monitor the incidence, prevalence or development of the disease, condition, behavior, or health status under investigation;

3. To determine the relation of various factors (e.g., social, economic, environmental physical, and medical) to the occurrence of the disease, condition, development, behavior, or health status under investigation;

4. To identify abnormal disease, condition, or health status and inform the Centers for Disease Control (CDC) or the Food and Drug Administraton (FDA) of the existence of such conditions. CDC uses this information in fulfilling its congressionally mandated responsibility for the monitoring of disease and prevention of epidemics. FDA uses this information in carrying out its congressional mandate for controlling certain potentially harmful products.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosrue may be made to HHS contractors, grantees and collaborating researchers and their staff for the purpose of analyzing data and preparing scientific reports and articles in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the requirements of the Privacy Act with respect to such records.

2. Disclosure may be made to organizations deemed qualified by the secretary to carry out quality assessment, medical audits or utilization review.

3. The Department contemplates that it may contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to comply with the requirements of the Privacy Act with respect to such records.

4. Certain infectious dieases are reported to state governments as required by law.

5. A record may be disclosed for a research purpose, when the Department:

(A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) Has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, microfilm, magnetic tapes or disks, punched cards, or bound notebooks.

RETRIEVABILITY:

Information is retrieved by name and/or a participant identification number.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical and procedural safeguards such as the following:

(1) Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to contractor personnel; consultants to the contractor; the NICHD project officer; and NICHD employees whose duties require the use of such information. One-time and special access to the data is controlled by the System Manager, the NICHD Project Officer, and the Contract and/or Project Director.

(2) Physical Safeguards: Records are stored in locked files or secured areas. Computer terminals are in secured areas. (3) Procedural Safeguards: Names and other identifying particulars are deleted when data from original records is encoded for analysis. Encoded data is indexed by code numbers. Tables

linking these code numbers with actual identifiers are maintained separately. Code numbers and identifiers are linked only if there is a specific need, such as alerting the volunteer subjects to any findings in the study that might affect their health. Data stored in computers is accessed through the use of passwords/keywords known only to the principal investigators or authorized personnel. These passwords/keywords are changed frequently.

The particular safeguards implemented in each project will be developed in accordance with chapter 45-13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS hf. 45-13: Part 6, "ADP Systems Security," of the HHS ADP Systems Manual, and the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Record Control Schedule (HHS Records Management Manual, Appendix B-361), Item 3000-G-3, which allows records to be kept as long as they are useful in scientific research.

Disposal methods include burning or shredding hard copy and erasing computer tapes and disks.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Contracts Management Section
NICHD
Landow Building, Room 6C19
7910 Woodmont Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: NICHD Privacy Act Coordinator, Building 31, Room 2A11, 9000 Rockville Pike, Bethesda, MD 20205
and provide the following information in writing:

1. Full name and address at time of participation in the study.
2. Name or description of the study.
3. Location and approximate dates of participation.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, the medical record of a child or incompetent person shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify his or her relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedure above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address above. Reasonably identify the record; specify in writing the information being contested, and the corrective action sought; and state your reasons(s) for requesting the corrective action, with supporting evidence to justify it.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants and from medical and clinical research observations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-20014 Filed 7-22-83; 8:45 am]
BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

June 14, 1983.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the Tolowa-Tututni Tribe of Indians, c/o Nele-Chun-Dun Business Council, Inc., Box 388, Fort Dick, California 95538, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on April 18, 1983. The petition was forwarded and signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 83.8(d) (formerly 54.8(d)) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20242.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-20004 Filed 7-22-83; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Land Management

[F-73649]

Alaska Native Claims Selection

On June 22, 1981, Cook Inlet Region, Inc., filed selection application F-73649 under the provisions of Sec. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151) and I.C.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976 (90 Stat. 1935), for the surface and subsurface estates of a portion of Nike Site "Jig" located near Fairbanks, Alaska.

Section 12(c)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located outside the boundaries of Cook Inlet Region. With the concurrence of the State of Alaska and Cook Inlet Region, Inc., the lands within selection F-73649 were placed in the pool of properties available for selection by Cook Inlet Region, Inc., subject to valid existing rights, by notices dated June 14, 1979 and February 20, 1980.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being

maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, containing 348.98 acres, are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

Fairbanks Meridian, Alaska (Surveyed)

T. 4 S., R. 4 E.,
Sec. 28, SW¼SW¼, S½NW¼SE¼SW¼, S½SE¼SW¼, W½SW¼SW¼SE¼, SE¼SW¼SE¼SW¼;
Sec. 29, lots 2, 3, and 8, S½N½NW¼SW¼, S½NW¼SW¼, N½SW¼SW¼, N½S½SW¼SW¼, SE¼SW¼, S½SE¼;
Sec. 32, N½NE¼.
Containing 348.98 acres.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA).

The grant of the above-described lands shall be subject to:

1. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2))) (ANCSA), as amended, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

2. An easement and right-of-way to operate, maintain, repair, and patrol an overhead open wire and underground communication line or lines, and appurtenances thereto, in, on, and across a strip of land fifty (50) feet in width, lying twenty-five (25) feet on each side of the centerline of Alaska Communications System's open wire or pole line and/or buried communication cable line, conveyed to RCA Alaska Communications, Inc., by Easement Deed dated January 10, 1971, F-13508, pursuant to the Alaska Communications Disposal Act (40 U.S.C. 771 et seq.) located in Sec. 29, T. 4 S., R. 4 E., Fairbanks Meridian, Alaska.

Section 12(b)(6) of Public Law 94-204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal. The lands described above have been appraised at a value of $212,580. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 425.16 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 425.16 acres of its out-of-region entitlement.

Conveyance of the remaining entitlement to Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the above-described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E as revised. However, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have 30 days from receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign the return receipt and parties who received a copy of this decision by regular mail, which is not certified, return receipt requested, shall have until July 25, 1983 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANSCA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509, and
State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7-005, Anchorage, Alaska 99510.

Ann Johnson,
Chief, Branch of ANSCA Adjudication.

[FR Doc. 83-19997 Filed 7-22-83; 8:45 am]
BILLING CODE 4310-84-M

[F-14891-A, F-14891-B]

Alaska Native Claims Selection; Bean Ridge Corp.

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to Bean Ridge Corporation for approximately 58,379 acres. The lands involved are within:

Fairbanks Meridian, Alaska (Surveyed)

T. 3 N., R. 13 W.
T. 1 N., R. 14 W.
T. 2 N., R. 14 W.
T. 3 N., R. 14 W.
T. 2 N., R. 15 W.
T. 2 N., R. 16 W.

Fairbanks Meridian, Alaska (Unsurveyed)

T. 1 N., R. 16 W.
T. 2 N., R. 17 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the

regulations in 43 CFR, Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until August 24, 1983, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Bean Ridge Corporation, Manley Hot Springs, Alaska 99756,
Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701, and
State of Alaska, Division of Land and Water Management, Department of Natural Resources, Pouch 7-005, Anchorage, Alaska 99510.

B. LaVelle Black,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-19992 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-84-M

[F-19155-22]

Alaska Native Claims Selection

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to Doyon, Limited for approximately 111,876 acres. The lands involved are within:

Fairbanks Meridian, Alaska (Unsurveyed)

T. 1 N., R. 15 W.
T. 1 N., R. 17 W.
T. 3 N., R. 17 W.
T. 1 S., R. 15 W.
T. 1 S., R. 17 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR, Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until August 24, 1983, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701, and
State of Alaska, Land Exchange and Entitlement Unit, Land Management Section, Division of Land and Water Management, Alaska Department of Natural Resources, Pouch 7-005, Anchorage, Alaska 99510.

B. LaVelle Black,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-19993 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-84-M

Forms Submitted for Review to Office of Management and Budget

AGENCY: Bureau of Land Management, Interior.

ACTION: Bureau forms submitted for review to Office of Management and Budget.

SUMMARY: The proposal 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 reviewing official, Mr. Richard Otis at 202-395-7340.

Title: "Offer to Lease and Lease for Oil and Gas"
Bureau Form Number: 3110-1
Frequency: on occasion
Description of Respondents: General public, small businesses and oil companies
Annual Responses: 5,000
Annual Burden Hours: 2,250

Bureau clearance officer (alternate):
Linda Gibbs 202–653–8853

James M. Parker,

Acting Director.

June 30, 1983.

[FR Doc. 83–20055 Filed 7–22–83; 8:45 am]

BILLING CODE 4310–84–M

Susanville District Grazing Adivsory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94–579 (FLPMA), that a meeting of the Susanville District Grazing Advisory board will be held on August 9, 1983. This will be a continuation of the July 14, 1983 meeting.

The meeting will begin at 10:00 a.m. and will be held at the Surprise Resource Area Office of the Bureau of Land Management, 602 Cressler Street, Cedarville, California.

The agenda for the meeting will consist of a continuation of the discussion of water rights on public land, which began at the meeting of July 14, 1983, and other matters.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 p.m. and 4:30 p.m., or file a written statement for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California 96130, by July 29, 1982. Depending upon the number of persons wishing to make oral statements, a per person list limit may be established.

Summary minutes of the board meeting will be maintained in the District Office, and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: July 15, 1983.

C. Rex Cleary,

District Manager.

[FR Doc. 83–20000 Filed 7–22–83; 8:45 am]

BILLING CODE 4310–84–M

Vale District Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Vale District Grazing Advisory Board will be held August 23, 1983.

The meeting will begin at 9:00 a.m. in the Jordan Valley Lions Den of Jordan Valley, Oregon.

The advisory board will discuss and act upon a policy for shifting livestock use from allotments having a deficit of capacity to meet preference to allotments that have a surplus of capacity.

The meeting is open to the public. Interested persons may make oral statements to the board or may file written statements for the board's consideration. Anyone wishing to make oral statements may do so at 1:00 p.m. the day of the meeting.

Summary minutes of the board meeting will be maintained in the district office and be available during regular business hours for public inspection, for the cost of duplication, within 30 days following the meeting.

Dated: July 15, 1983.

Fearl M. Parker,

District Manager.

[FR Doc. 83–20064 Filed 7–22–83; 8:45 am]

BILLING CODE 4310–84–M

[CA 14372, CA 14373, CA 14374, CA 14375, CA 14376]

State of California; Realty Action Noncompetitive Sale of Public Lands in Kern County

AGENCY: Bureau of Land Mangement, Interior.

ACTION: Realty Action—Noncompetitive Sale of Public Lands in Kern County: CA 14372, CA 14373, CA 14374, CA 14375, CA 14376.

SUMMARY: The following described land has been examined and identified for 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.

Mount Diablo Meridian

T. 27 S., R. 40 E.,
Sec. 32, Tract 37, 2.5 acres;
T. 28 S., R. 40 E.,
Sec. 5, Tract 40, 2.5 acres;
T. 28 S., R. 40 E.,
Sec. 5, Tract 41, 2.5 acres;
T. 28 S., R. 40 E.,
Secs. 5 and 6, Tract 42, 2.5 acres;
T. 28 S., R. 40 E.,
Sec. 6, Tract 43, 5.0 acres.

The lands aggregate 15 acres in Kern County. These tracts are being offered at direct sale to Savola Condy, Marvie C. Hawkenson, George B. and Dwylah E. Jacobs, Eldora R. Purington, and Ryan Dean Seltzer, respectively, at the appraised fair market value. The direct sales are owing to improvements and period of residency on the respective tract.

The proposed sales are consistent with the Bureau's planning for the lands involved and the public interest would be served by offering this land at direct sale to the occupants.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719); however, under Section 209 of the said Act of October 21, 1976, the new landowner may apply to purchase the mineral interests.

3. Federal law requires that all bidders be United States citizens. Proof of these requirements shall accompany the bid.

4. The Small Tract Classifications C–1–22 and C–1–20 will be revoked simultaneous with transfer of title.

5. The patent will be subject to all valid existing rights.

6. The patent for tract in T. 28 S., R. 40 E., Section 5, Tract 40 will be subject to the transmission right-of-way CA 4242.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale, including the land report and environmental assessment report, is available for review at the California Desert District Office at 1695 Spruce Street, Riverside, California 92507.

For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the State Director, California State Office, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

SUPPLEMENTARY INFORMATION: The land will not be offered for sale for at least 60 days after the date of this notice.

Dated: July 19, 1983.

Hugh Reicken,

Associate District Manager.

[FR Doc. 83–20056 Filed 7–22–83; 8:45 am]

BILLING CODE 4310–84–M

Automated Simultaneous Oil and Gas Program for Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Implementation of a Simultaneous Oil and Gas Program for Alaska Public Lands.

SUMMARY: This notice is to announce to the public that Alaska will issue their first list of available lands for the September, 1983 Automated Oil and Gas Drawing.

FOR FURTHER INFORMATION CONTACT: Robert E. Sorenson (907) 271-3265, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

SUMMARY INFORMATION: Notice is given that starting September 1, 1983, Alaska will issue their first list of available lands for the automated simultaneous oil and gas program. At the start of business on the first working day of September, and bi-monthly thereafter, a list of the lands for which applications shall be received shall be posted in the Bureau of Land Management's State Office located at 701 C Street, Anchorage, Alaska. Copies of the posted notice may be purchased for $10 by mail or over the counter from the Alaska State Office. All applications received between the first working day and close of business on the fifteenth working day following the posting are considered to have been filed simultaneously.

Applicants must use the simultaneous oil and gas lease application (Form 3112-6 and 3112-6a) available from offices of the BLM, identifying each parcel by the appropriate State prefix for Alaska and the parcel number assigned on the posted list. Applicants may file only once for each parcel, but as many parcels may be applied for as the applicant wishes. A $75 nonrefundable filing fee is charged for each parcel applied for. Each application must be carefully completed following instructions on the form and in compliance with the leasing regulations. Unacceptable applications will be returned and a $75 processing fee will be retained for each Form 3112-6a returned. The balance of filing fees, if any, will be returned to the remitter. The first year's rental will be collected from the successful applicant within 30 days of receipt of the lease offer. The annual rental is $1 per acre or fraction thereof for the first five years of the lease, and $3 per acre or fraction thereof for the remainder of the lease term. The lease primary term is 10 years.

An application for a lease parcel does not guarantee that a lease will be issued to the applicant, but merely provides that the application, if properly completed, will be among those from which a successful applicant will be selected as priority to be offered a lease. Random selections are now made through a computer base located in the BLM State Office in Cheyenne, Wyoming. Each lease parcel applied for on the automated simultaneous oil and gas application must be accompanied by the nonrefundable $75 filing fee. All applications regardless of the State in which the applicant applied for/parcel is located, must be sent to: Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Dated: July 13, 1983.

Earl J. Boone,

Acting Deputy State Director For Minerals.

[FR Doc. 83-20049 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Colorado River Basin Salinity Control Project, Point Source Division; Intent To Prepare Supplemental Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, The Department of the Interior, Bureau of Reclamation, proposes to prepare a Supplemental Environmental Statement (SES) on the proposed Las Vegas Wash Unit of the Colorado River Basin Salinity Control Project, Point Source Division, located in southern Nevada.

The Las Vegas Wash Unit was authorized for construction in 1974. A Final Environmental Statement (FES 77-15) discussing the basin-wide project in general, as well as four specific units authorized for construction including the Las Vegas Wash Unit, was filed in 1977. Construction of the unit was halted in 1978 in response to ground-water changes. Since that time, Reclamation has conducted ground-water and hydrosalinity studies which have indicated potential for effective salinity control. An updated planning report and SES will be prepared to reflect the present planning alternatives. The planning report and draft SES are scheduled for completion in March 1984.

The purpose of the project is to reduce the amount of salt entering the Colorado River from Las Vegas Wash. Reclamation is considering three basic alternatives, each of which contains several options.

(1) Ground-water prevention. This alternative would remove about 88,000 tons of salt per year and is Reclamation's proposed action. It would consist of: (a) A bypass channel to carry relatively fresh wastewater past native salt deposits; (b) water management features to consume the residual saline water through irrigation of regional parks and/or wetlands; and/or (c) diversion and beneficial use of residual waters.

(2) Ground-water collection. This alternative would remove about 86,000 tons of salt per year and is essentially the plan presented in the 1977 FES. This alternative would consist of: A bypass pipeline to transport relatively fresh wastewater around the Wash; (b) an interception facility, either a subsurface barrier or a dam and open reservoir at the lower end of the Wash; and (c) evaporation ponds (in the Las Vegas or adjacent valleys) with associated features and options, such as a holding pond, pumping plant, reject brine pipeline, and desalting plant.

(3) No further action. This alternative would remove about 30,000 tons of salt per year. It consists of: (a) The continued use of the erosion channel for wastewater conveyance through the Wash; (b) the completed Pittman Bypass Pipeline; and (c) evapotranspiration of miscellaneous drainage water.

There has been an ongoing effort to solicit input and provide information to the public regarding the unit. In the last 2 years, numerous formal and informal public meetings have been held, and input has been received from interested agencies and individuals. These meetings have served to identify and scope out issues that need to be addressed in the SES. Therefore, at this time no formal scoping sessions are being scheduled.

Comments are invited to assure that all significant impacts are identified and the full range of related issues are discussed in the SES. Comments should be sent to: Regional Director, Lower Colorado Regional Office, Bureau of Reclamation, Attention: Code LC-760, P.O. Box 427, Boulder City, Nevada 89005.

Please contract Mike Delamore, telephone (702) 293-8523 or FTS 598-7524, at the same address, for additional information concerning the Las Vegas Wash Unit draft Supplemental Environmental Statement.

Dated: July 19, 1983.

Bob Broadbent,

Commissioner.

[FR Doc. 83-20061 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-09-M

[INT-DES 83-52]

Narrows Unit, Pick-Sloan Missouri Basin Program, Colorado; Availability of Draft Supplement to the Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft supplement

to the final environmental statement (INT FES 76-25) on a proposed water storage project that would provide supplemental irrigation water, flood control, recreation, fish and wildlife development, and municipal and industrial water supplies on the South Platte River in northeastern Colorado. The draft supplement was prepared to update the final environmental statement and analyze the modifications that have taken place in project design. Additionally, the draft supplement discusses the five criteria that in 1977 were deemed in need of further study: (1) Dam safety and reservoir seepage; (2) flood control; (3) recreational water quality; (4) impact on crane habitat in central Nebraska; and (5) ground-water recharge. Written comments may be submitted to the Regional Director by September 12, 1983.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7624, Bureau of Reclamation, Washington, DC 20240, Telephone (202) 343-4991

Division of Management Support, General Services, Library Section, Code 950, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, Telephone (303) 234-3019

Regional Director, Bureau of Reclamation, P.O. Box 25247, Building 20, Denver Federal Center, Denver, CO 80225, Telephone (303) 234-4441

South Platte River Projects Office, Bureau of Reclamation, 995 Wilson Avenue, P.O. Box 449, Loveland, CO 80539, telephone (303) 667-4410.

Single copies of the statement may be obtained on request to the Director, Office of Environmental Affairs, Bureau of Reclamation, or the Regional Director, at the above addresses. Copies will also be available for inspection at the following libraries in the project vicinity.

Weld County Public Library—Greeley, Colorado

Fort Morgan Public Library—Fort Morgan, Colorado

Brush Public Library—Brush, Colorado

Sterling Public Library—Sterling, Colorado

Julesburg Public Library—Julesburg, Colorado

Greeley Public Library—Greeley, Colorado

Colorado State University—Fort Collins, Colorado

University of Colorado—Boulder, Colorado

University of Northern Colorado—Greeley, Colorado

University of Denver—Denver, Colorado

Morgan County Community College—Fort Morgan, Colorado

Northeastern Junior College Library, Sterling, Colorado.

Dated: July 20, 1983.

Robert N. Broadbent,

Commissioner.

[FR Doc. 83-20053 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-09-M

[INT-DES 83-52]

Narrows Unit, Pick-Sloan Missouri Basin Program, Colorado; Public Hearing on Draft Supplement to the Final Environmental Statement

A public hearing will be held in Fort Morgan, Colorado, by the Bureau of Reclamation to receive comments on the draft supplement (INT-DES 83-52), to the final environmental statement for the Narrows Unit, Pick-Sloan Missouri Basin Program, Colorado. The draft supplement was filed with the Environmental Protection Agency on July 20, 1983.

The final environmental statement (INT-FES 76-25) was filed in May 1976 in compliance with the National Environmental Policy Act of 1969, as amended.

The draft supplement updates the data presented in the final environmental statement and analyzes the project features which include supplemental irrigation water, flood control, recreation, fish and wildlife development, and municipal and industrial water supplies on the South Platte River.

The draft supplement also analyzes the five criteria that in 1977 were deemed in need of further study:

1. Dam safety and reservoir seepage;
2. Flood control;
3. Recreational water quality;
4. Impact of Narrows Unit on crane habitat in central Nebraska; and
5. Ground-water recharge.

The hearing will be held at the REA Building in Fort Morgan, Colorado, on August 30, 1983, starting at 9 a.m. and continuing until all oral comments are heard. Hearing witnesses will be allowed 10 minutes to present their oral comments.

Speakers will not be allowed to trade or consolidate the time in order to obtain a longer oral presentation; however, the Hearing Officer may allow a speaker to provide additional oral comments after scheduled witnesses have been heard. Additional comments will be limited to 10 minutes.

Persons wishing to make oral statements will be scheduled in the order that written or telephone requests are received unless a specific time period is requested. If a speaker requests a specific time period, the speaker will be scheduled to speak as close to the requested time as possible. Scheduled speakers not present when called will lose their privilege in the scheduled order, and their names will be recalled after all other scheduled speakers have been heard.

Individuals and organizations wishing to make oral statements should contact the Lower Missouri Regional Office, Bureau of Reclamation, Building 20, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3779, by letter or telephone. Requests for scheduled presentations will be accepted until 4 p.m. on August 26, 1983. Speaking requests received subsequent to that time will be handled on a first come, first served basis following the scheduled presentations. Written comments from those unable to attend and those wishing to supplement their oral presentations will be accepted for the record until 4 p.m., September 12, 1983. Written comments should be addressed to the Regional Director at the address listed above and should specify that they are to be included in the hearing record.

Dated: July 20, 1983.

Robert N. Broadbent,

Commissioner.

[FR Doc. 83-20052 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0385, Block 29, West Delta 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: July 15, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83–20059 Filed 7–22–83; 8:45 am]

BILLING CODE 4310–MR–M

Outer Continental Shelf Oil and Gas Operations Equipment Standards

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed amendment to Outer Continental Shelf orders.

SUMMARY: This proposed amendment to Outer Continental Shelf (OCS) Order No. 5 would accomplish the following:

1. The deletion of a "grandfather provision" that was needed in 1980 but is not needed in 1983.

2. The deletion of redundant references.

3. The addition of operator field practice controls for surface and subsurface safety valves.

DATES: Comments must be hand delivered or postmarked on or before August 24, 1983.

ADDRESSES: Offshore Minerals Management, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, Virginia 22091. Attention: Lloyd Tracey.

FOR FURTHER INFORMATION CONTACT: M. L. Courtois, Offshore Inspection and Enforcement Division, telephone (703) 860–7564, at the above address.

SUPPLEMENTARY INFORMATION: This proposed amendment would delete a "grandfather provision" that was required in 1980 but is no longer needed. An initial shortage of ANSI/ASME SPPE–1 certified valves caused the "grandfather provision" to be included in the Order. Currently, there is an abundant supply of ANSI/ASME SPPE–1 certified valves.

The proposed amendment would delete a redundant reference to American Petroleum Institute (API) Specifications 14A and 14D. By using multiple citations of the reference specifications, it is possible to have more than one edition of the same document cited in the Order. This revision would remove the extra citation and thus ensure that only one edition of the specifications is cited in the Order.

This proposed amendment would add operator field practice controls for ANSI/ASME SPPE–1 certified surface and subsurface safety valves after they are shipped to the field. These controls are specified in API RP 14B for subsurface safety valves and API RP 14H for surface safety valves. The citation of these controls for the inspection, installation, maintenance, test, repair, and remanufacture of the certified valves would add consistency to lessee operations and assure that the quality built into these valves is not degraded in the field.

Statement of Significance

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This determination was made because the proposed revision will have no discernible effect on the economy, costs/prices, or small entities.

Paperwork Reduction Act

This proposed amendment does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule to the location identified in the Addresses section of this preamble. Comments must be received on or before August 24, 1983.

Author: This document was prepared by Joe Graddy, Offshore Inspection and Enforcement Division.

(43 U.S.C. 1331 et seq.)

Dated: June 16, 1983.

David Russell,

Acting Director.

For the reasons stated in the preamble, OCS Order No. 5 is proposed to be amended as follows:

1. Paragraph 2 of OCS Order No. 5 for the Gulf of Mexico and the Pacific OCS Regions is revised to read as follows:

2. *Quality Assurance and Performance of Safety and Pollution-Prevention Equipment.* Safety and Pollution-Prevention Equipment (SPPE) shall conform to the following quality assurance standards:

a. American National Standards Institute/American Society of Mechanical Engineers Standard "Quality Assurance and Certification of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations," ANSI/ASME SPPE–1–1982, and its associated addenda; and

b. American National Standards Institute/American Society of Mechanical Engineers Standard "Accreditation of Testing Laboratories for Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations," ANSI/ASME SPPE–2–1982, and its associated addenda.

The relevant SPPE is identified in Appendix 1 of these ANSI/ASME Standards. Additional specific requirements are contained in subparagraph 3.2 and subparagraph 4.3 of this Order.

2. Paragraph 2 of OCS Order No. 5 for the Alaska and the Atlantic OCS Regions is revised to read as follows:

2. *Qualify Assurance and Performance of Safety and Pollution-Prevention Equipment.* Safety and Pollution-Prevention Equipment (SPPE) shall conform to the following quality assurance standards:

a. American National Standards Institute/American Society of Mechanical Engineers Standard "Quality Assurance and Certification of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations," ANSI/ASME SPPE–1–1982, and its associated addenda; and

b. American National Standards Institute/American Society of Mechanical Engineers Standard "Accreditation of Testing Laboratories for Safety and Pollution-Prevention Equipment Used in Offshore Oil and Gas Operations," ANSI/ASME SPPE–2–1982, and its associated addenda.

The relevant SPPE is identified in Appendix 1 of these ANSI/ASME Standards. Additional specific requirements are contained in subparagraph 3.2 and subparagraph 4.2 of this Order.

3. Subparagraph 3.2 of OCS Order No. 5 for all OCS Regions is revised to read as follows:

3.2 *Subsurface-Safety Valves (SSSV's).*

3.2.1 *Specification for SSSV's.* Surface-controlled and subsurface-controlled subsurface-safety valves required by subparagraphs 3.4 and 3.5,

which are installed after October 1, 1983, on new installations or replaced on old installations, shall conform to the requirements of paragraph 2 (i.e., ANSI/ASME SPPE–1 and API Spec 14A) of this Order. A valve qualified by a previous edition of API Spec 14A is acceptable provided that the valve enters the manufacturer's inventory within 3 years of its qualifying performance test date.

For purposes of this requirement, the term "replaced" is defined as occurring when the SSSV is removed from service for any reason except field repair, redress, ar adjustment.

3.2.2 *Use of SSSV's.* After October 1, 1983, all SSSV's shall be inspected, installed, maintained, tested, field repaired, remanufactured, and documented in accordance with paragraph 2 (i.e. ANSI/ASME SPPE–1 and API RP 14B) of this Order.

4. Subparagraph 3.3 of OCS Order No. 5 for all OCS Regions is revised to read as follows:

3.3 *Operation.* During testing and inspection procedures, the well shall not be left unattended while open to production unless a properly operating subsurface-safety device has been installed in the well.

5. Subparagraph 3.4.1 of OCS Order No. 5 for all OCS Regions is revised to read as follows:

3.4.1 *Testing of Surface-Controlled Subsurface-Safety Valves.* Each surface-controlled, or other remotely controlled, subsurface-safety device installed in a well shall be tested in place for proper operation when installed or reinstalled and thereafter at intervals not exceeding 6 months. If the device does not operate properly, it shall be removed, repaired, reinstalled or replaced, and tested to insure proper operation. Testing shall be in accordance with subparagraph 3.2.2 of this Order.

6. Subparagraph 3.5.1 of OCS Order No. 5 for all OCS Regions is revised to read as follows:

3.5.1 *Inspection and Maintenance of Subsurface-Controlled Subsurface-Safety Valves.* Each subsurface-controlled subsurface-safety valve installed in a well shall be removed, inspected, and repaired or adjusted as necessary and reinstalled at intervals not exceeding:

(1) 6 months for those valves not installed in a landing nipple.

(2) 12 months for those valves installed in a landing nipple.

These operations shall be in accordance with subparagraph 3.2.2 of this Order.

7. In subparagraph 3.6 of OCS Order No. 5 for all OCS Regions the last sentence is revised to read as follows:

If a leakage rate in excess of the allowable limits of subparagraph 3.2.2. of this Order is observed, the plug shall be removed and repaired or replaced, or an additional tubing plug may be installed in lieu of removal and repair or replacement.

8. Subparagraph 4.2 of OCS Order No. 5 for the Alaska and the Atlantic OCS Regions is revised to read as follows:

4.2 *Wellhead Surface-Safety Valves (SSV's) and Underwater-Safety Valves (USV's).*

4.2.1 *Specification for SSV's and USV's.* All wellhead SSV's and USV's required by subparagraph 4.1, which are installed after October 1, 1983, on new installations or replaced on old installations, shall conform to the requirements of paragraph 2 (i.e., ANSI/ASME SPPE–1 and API Spec 14D) of this Order.

For purposes of this requirement, the term "replaced" is defined as occurring when the SSV/USV valve or SSV/USV actuator is removed from service for any reason except field repair.

4.2.2 *Use and Testing of SSV's and USV's.* After October 1, 1983, all SSV's and USV's shall be inspected, installed, maintained, field repaired, remanufactured, and documented in accordance with paragraph 2 (i.e., ANSI/ASME SPPE–1 and API RP 14H) of this Order. These valves shall be tested for operation and leakage in accordance with paragraph 2 (i.e., ANSI/ASME SPPE–1 and API RP 14H), of this Order at least once each calendar month, but at no time shall more than 6 weeks elapse between tests. If any SSV and USV does not operate properly or if leakage exceeds the allowable limits, the valve shall be repaired or replaced.

9. Subparagraph 4.3 of OCS Order No. 5 for the Gulf of Mexico and the Pacific OCS Regions is revised to read as follows:

4.3 *Wellhead Surface-Safety Valves (SSV's) and Underwater Safety Valves (USV's).*

4.3.1 *Specification for SSV's and USV's.* All wellhead SSVa's and USV's required by subparagraph 4.1, which are installed after October 1, 1983, on new installations or replaced on old installations, shall conform to the requirements of paragraph 2 (i.e., ANSI/ASME SPPE–1 and API Spec 14D) of this Order.

For purposes of this requirement, the term "replaced" is defined as occurring when the SSV/USV valve or SSV/USV actuator is removed from service for any reason except field repair.

4.3.2 *Use and Testing of SSV's and USV's.* After October 1, 1983, all SSV's and USV's shall be inspected, installed, maintained, field repaired, remanufactured, and documented in accordance with paragraph 2 (i.e., ANSI/ASME SSPE–1 and API RP 14H) of this Order. These valves shall be tested for operation and leakage in accordance with paragraph 2 (i.e. ANSI/ASME SPPE–1 and API RP 14H) of this Order at least once each calendar month, but at no time shall more than 6 weeks elapse between tests. If any SSV and USV does not operate properly or if leakage exceeds the allowable limits, the valve shall be repaired or replaced.

10. Subparagraph 5.5c of OCS Order No. 5 for the Alaska and the Atlantic OCS Regions is revised to read as follows:

5.5c All SSV's and USV's shall be tested for operation and leakage in accordance with subparagraph 4.2 of this Order.

11. Subparagraph 5.5c of OCS Order No. 5 for the Gulf of Mexico and the Pacific OCS Regions is revised to read as follows:

5.5c All SSV's and USV's shall be tested for operation and leakage in accordance with subparagraph 4.3 of this Order.

[FR Doc. 83-20008 Filed 7-22-83; 8:45 am]
BILLING CODE 4310-MR-M

National Park Service

Cape Cod National Seashore, South Wellfleet, Massachusetts Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770 (5 U.S.C. App. 1 § 10)), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, August 12, 1983.

The Commission was established pursuant to Pub. L. 91–383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The Commission will conduct an all day field trip to review the Alternative Selected for Dune Revegetation/Stabilization of the Province Lands Area. Commission members will meet initially at 10:00 a.m. at Park Headquarters, Marconi Station, South Wellfleet, Massachusetts.

The meeting is open to the public. However, no transportation will be provided the general public and anyone wishing to accompany the Commission must provide his/her own transportation.

Interested persons may file written statements with the Commission which

should be sent to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663. Telephone (617) 349-3785. Minutes of the meeting will be available for public information and copying two weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

July 12, 1983.

[FR Doc. 83-20024 Filed 7-22-83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigative N. 337-TA-139]

Certain Caulking Guns; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: The Mega Group, Inc. (Mega)

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission's thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on July 19, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such request should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

For further information contact: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.

Issued: July 19, 1983

Kenneth R. Mason,

Secretary.

[FR Doc. 83-19985 Filed 7-22-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-139]

Certain Caulking Guns; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Art-Co Distributors, Inc. (Art-Co).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on July 19, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

For further information contact: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: July 19, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-19987 Filed 7-22-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-153]

Certain Microprocessors, Related Parts and Systems; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 9, 1983, under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, on behalf of Zilog, Inc., 1315 Dell Avenue, Campbell, California 95008. The complaint alleges unfair methods of competition and unfair acts in the importation of certain microprocessors, related parts and systems into the United States, or in their sale, by reason of: (a) Infringement of claims 1, 4 and 5 of U.S. Letters Patent 4,332,008; (b) infringement of U.S. Trademark Reg. No. 1,083,250; (c) infringement of U.S. Copyright Reg. Nos. TX 1-006-178, TX 1-006-179, TX 1-025-488, TX 924-108, and VAu-17-807; and (d) false designation of origin. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order.

Authority: The authority for instutition of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on July 13, 1983, ordered that:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain microprocessors, related parts and systems into the United States, or in their sale, by reason of alleged (a) infringement of claims 1, 4 and 5 of U.S. Letters Patent 4,332,008; (b) infringement of U.S. Trademark Reg. No. 1,083,250; (c) infringement of U.S. Copyright Reg. Nos. TX 1-006-178, TX 1-006-179, TX 1-025-488, TX 924-108, and Vau-17-807; and (d) false designation of origin, the effect or tendency of which is to destroy or substantially injure an industry, efficently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Zilog, Inc., 1315 Dell Avenue, Campbell, California 95008.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Nippon Electric Company, Ltd., a/k/a NEC Corporation, BBH, 33-1, Shiba Cochome, Minato-ku, Tokyo 108, Japan;

NEC Electronics U.S.C., Inc., 3055 Clearview Way, Suite 310, San Mateo, California 94402; and

NEC Home Electronics (U.S.A.), Inc., 1401 Estes Avenue, Elk Grove, Illinois 60007.

(c) Patricia Ray, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 124, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Adminstrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.Q02

FOR FURTHER INFORMATION CONTACT: Patricia Ray, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-1088

Issued July 19, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-19988 Filed 7-22-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-145]

Certain Rotary Wheel Printers; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: NEC Corporation.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on July 20, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

For further information contact: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission telephone 202-523-0176.

Issued July 20, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-19989 Filed 7-22-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[OP5MCF-356]

Motor Carriers; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of

Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provided among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of non-complying applicant shall stand denied.

Dated: July 11, 1983.

By the Commission, Review Board Members Krock, Joyce, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC-F-15327, filed June 20, 1983. TRAILWAYS, INC., 1500 Jackson Street, Dallas, TX 75201—Continuance in Control—ELAN TRANSPORTATION, INC., 3001 NW. 87th Avenue, Miami, FL 33166. Representative: George W. Hanthorn, 1500 Jackson Street, Dallas, TX 75201. Trailways, Inc., a motor carrier of passengers and property (MC-10978), seeks approval for continuance in control of Elan Transportation Inc. (Elan), upon institution of operations by Elan as a motor carrier. New Trails, Inc., which owns the capital stock of Trailways, Inc., seeks authority to continue in control of Elan through the Transaction. The stock of Elan is held by Trailways Tours, Inc., a passenger broker (formerly MC-12790), which is controlled by Trailways, Inc. Trailways Inc., also controls American Bus Lines, Inc. (MC-2890), Denver Colorado Springs Pueblo Motorway, Inc. (MC-28462), Midwest Bus Lines, Inc. (MC-61616), Safeway Trails, Inc. (MC-84728), Service Coah Line, Inc. (MC-67024), Trailways Arkansas, Inc. (MC-5002), Trailways Bus System, Inc. (MC-107586), Trailways Edwards, Inc. (MC-2866), Trailways of New England, Inc. (MC-1940), Trailways Southeastern Lines, Inc. (MC-61599), Trailways Southern Lines, Inc. (MC-29357), Trailways Tamiami, Inc. (MC-74761), Trailways Tennessee Lines, Inc. (MC-55312), Trailways Texas, Inc. (MC-57298), and Virginia Stage Lines, Inc. (MC-59238). The control of the aforementioned bus companies by Trailways, Inc. (formerly Continental Trailways, Inc.) had previously been approved in MC-F-10160, MC-F-10161, and MC-F-12340. Trailways, Inc., and its wholly-owned bus subsidiaries hold authority to conduct operations between all points in the United States. Elan Transportation, Inc., is a relatively new carrier which has an application pending for authority to conduct operations between points in Florida, on the one hand, and, on the other, points in the United States. Condition: Trailways Tours, Inc., shall file a request of joinder in the application.

[FR Doc. 83-19977 Filed 7-22-83; 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 Commissions'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 presumptons shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 1 (202) 275-7030.

Volume No. OP-1-289(N)

Decided: July 17, 1983.

By the Commission, Review Board Members Krock, Parker, and Joyce.

MC 441 (Sub-9), filed July 11, 1983. Applicant: HINTON MOTOR SERVICE, INC., 1410 Gardner Expressway, P.O. Box 1029, Quincy, IL 62306. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701; (217) 544-5468. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 730 (Sub-534), filed July 11, 1983. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. E. Allish (same address as applicant), (415) 944-7398. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AK.

MC 109891 (Sub-52), filed July 11, 1983. Applicant: INFINGER TRANSPORTATION COMPANY, INC., P.O. Box 70698, Charleston, SC 29405. Representative: Frank B. Hand, Jr., 523 South Cameron St., Winchester, VA 22601; (703) 662-0927. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 115160 (Sub-4), filed July 11, 1983. Applicant: B. L. LAWRENCE d.b.a. LAWRENCE TRANSPORTATION CO., P.O. Box 755, Tioga, ND 58852. Representative: Fred E. Whisenand, 113 E. Broadway, P.O. Box 1307, Williston, ND 58801; (701) 774-0024. Transporting *mercer commodities*, between points in the U.S. (except HI).

MC 142291 (Sub-10), filed July 8, 1983. Applicant: MDI, INC., 6202 Concord Blvd. E., Inver Grove Hts., MN 55075. Representative: Robert P. Sack, P.O. Box 21-307, Eagan, MN 55121; (612) 452-8770. Transporting (1) *metal products, machinery, and plastic products*, between points in the U.S. (except AK and HI), and (2) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MN and SD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156691 (Sub-1), filed July 11, 1983. Applicant: A. C. LEASING COMPANY, 3023 E Kemper Rd., Cincinnati, OH 45241. Representative: James Duvall, 2515 W. Granville Rd., Worthington, OH 43085; (614) 889-2531. 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 168821, filed July 11, 1983. Applicant: PHILLIP EDWARD SORRELL d.b.a. CAROLINA FEATHER COMPANY, 124 East Main St., Marshville, NC 28103. Representative: Phillip E. Sorrell (same address as applicant), (704) 624-5759. Transporting *textile mill products*, between points in Union County, NC, on the one hand, and, on the other, Los Angeles, CA, and points in NJ.

MC 169120, filed July 11, 1983. Applicant: ARROW LEASING, INC., P.O. Box 5749, Jackson, MS 39802. Representative: Fred W. Johnson, Jr., P.O. Box 1291, 109 North State St., Jackson, MS 29205; (601) 355-3543. Transporting (1) *containers and paper and paper products*, between points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN and TX, and (2) *petroleum and petroleum products*, between Birmingham, AL, and points in St. Charles County, LA, on the one hand, and, on the other, points in Hinds County, MS.

Volume No. OP-1-291(N)

Decided: July 18, 1983.

By the Commission, Review Board Members Parker, Carleton, and Krock.

MC 124151 (Sub-16), filed July 8, 1983. Applicant: VANGUARD TRANSPORTATION, INC., Lafayette St., Carteret, NJ 07008. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410; (201) 791-2270. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI), under continuing contract(s) with Ashland Chemical Company, Division of Ashland Oil, Inc., of Dublin, OH, EKB Kieserling American Corp., of Fort Lee, NJ, Getty Refining & Marketing Company, of Tulsa, OK, ICI Americas, Inc., of Wilmington, DE, Leschaco, Inc., of Richmond, VA, Trafpak USA, Inc., of Houston, TX, Stolt Tank Containers U.S., of Greenwich, CT, and Union Carbide Corporation, of Danbury, CT.

MC 144780 (Sub-6), filed June 29, 1983. Applicant: PAUL EVANT & SONS TRUCKING, INC., P.O. Box 185, 230 Owens Ave., Wilmington, OH 45177. Representative: Bruce Evans (same address as applicant); (513) 382-2729. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 145051 (Sub-2), filed July 8, 1983. Applicant: PYRAMID TRANSPORTATION CO., 3103 East 79th St., Chicage, IL 60649. Representative: William H. Towle, 180 N. LaSalle St., Rm 3520, Chicago, IL 60601; (312) 332-5106. 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 Mid American Materials Co., of Glenview, IL.

MC 155030 (Sub-1), filed July 5, 1983. Applicant: BRADLEY TRANSPORTATION, INC., 2203 A Lakeside Dr., Bannockburn, IL 60015. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Rd., Downers Grove, IL 60515; (312) 953-0330. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 156340 (Sub-4), filed July 7, 1983. Applicant: VALLEY GRAIN CO., TRKG., P.O. Box 299, Browns Valley, MN 56219. Representative: Samuel Rubeinstein, P.O. Box 5, Minneapolis, MN 55440; (612) 542-1121. Transporting *chemicals and related products*, (1) between points in Rice County, KS, on the one hand, and, on the other, points in NE and WI, and (2) between points in Tooele County, UT, on the one hand, and, on the other, points in WI.

MC 161171 (Sub-4), filed July 5, 1983. Applicant: V. K. PUTMAN, 509 North Grand, Bozeman, MT 59715. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956; (414) 722-2848. Transporting *printed matter, pulp, paper and related products, and such commodities* as are dealt in or used by distributors of cleaning and sanitation equipment and supplies, between points in MD, NH, NJ, NY, OH and WI, on the one hand, and, on the other, points in MT, OR and WA.

MC 168720 (Sub-1), filed July 5, 1983. Applicant: ART GLECKLER AND ALLEN BERNIER d.b.a. BG EXPRESS, P.O. Box 582, Paris, IL 61944. Representative: John T. Wirth, 2600 Petro-Lewis Tower, 717 17th St., Denver, CO 80202-3357; (303) 892-6700. Transporting *general commodities* (except classes A and B explosives, household goods), between points in MN, WI, IA, MO, KS, OK, TX, LA, AR, MS, AL, TN, GA, KY, IL, IN, MI, OH, WV and PA.

Please direct status inquiries to Team 2 (202) 275-7030.

Volume No. OP-2-318

Decided July 14, 1983.

By the Commission, Review Board Members Williams, Carleton, and Parker.

MC 124212 (Sub-118), filed July 6, 1983. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114; (216) 566-5639. Transporting *general commodities* (except classes A and B explosives, household goods), between points in the U.S., under continuing contract(s) with persons engaged in the business of manufacturing, distributing or dealing in building materials, cement, chemicals and related products, lumber and wood products, coal and petroleum products, food and related products, and metal products.

MC 128742 (Sub-6), filed June 29, 1983. Applicant: HALLWAY, INC., 2531 Stock Yards Rd., Springfield, IL 62705. Representative: Steven J. Rosenberg, 111 W. Washington St., Chicago, IL 60602, (312) 726-0383. Transporting *general commodities* (except classes A and B explosives, household goods), between points in the U.S. (except AK and HI).

MC 142693 (Sub-8), filed July 7, 1983. Applicant: CUSTOM DELIVERIES, INC., 30800 Telegraph Rd., Suite 4900, Birmingham, MI 48010. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland OH 44114; 216-566-5639. Transporting *ordance and accessories*, between points in the U.S. under continuing contract(s) with General Dynamics, Land Systems Division, of Warren, MI.

MC 144313 (Sub-4), filed July 8, 1983. Applicant: CHRISTIE TRANSFER, INC., 1431 Bedford St., North Abington, MA 02351. Representative: Joseph M. Klements, 89 State St., Boston, MA 02109; 617-523-0800. Transporting *general commodities* (except classes A and B explosives and household goods), between points in VT, NH, ME, MA, RI, CT, NY, and NJ.

MC 148852 (Sub-5), filed July 8, 1983. Applicant: LINDSEY M. ROBISON, d.b.a. MIDWEST CARPET CARRIERS, 1219-A East Division, Springfield, MO 65803. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601; 913-234-0565. 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 150522 (Sub-7), filed July 7, 1983. Applicant: VIRGINIAN POWER TRANSPORT CO., INC., P.O. Box 537, Parkersburg, WV 26101. Representative: John M. Friedman, 2930 Putnan Ave., P.O. Box 426, Hurricane, WV 25526; 304-562-3460. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S., in and east of MN, IA, NE, KS, OK, and TX.

MC 163683 (Sub-1), filed June 30, 1983. Applicant: DAWDY TRUCK LINE, INC., P.O. Box 1195, Sioux City, IA 51102. Representative: James M. Dawdy (same address as applicant), 712-258-0147 Transporting (1) *building and construction materials*, between Chicago, IL and Sioux City, IA; (2) *food and related products*, between points in the U.S. (except AK and HI); (3) *floor tiles, floor coverings, bath vanities and accessories, and kitchen cabinets and accessories*, between Sioux City, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (4) *paint and paint products, paper and paper products, lawnmowers, plastic products, and such commodities* as are dealt in or used by retail and chain merchandising businesses, between Chicago, IL, on the one hand, and, on the other, Denver, CO, points in IA, NE, and KS.

MC 167113, filed July 8, 1983. Applicant: ARTHUR HEUERMAN, d.b.a. ARTHUR HEUERMAN TRUCKING SERVICE, 302 South Wall St., Teutopolis, IL 62467. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701; (217) 544-5468. Transporting *steel*, between points in Lake and Porter Counties, IN, on the one hand, and, on the other, points in Effingham County, IL.

MC 167312, filed July 7, 1983. Applicant: DENNIS G. TENNEY d.b.a. DENNIS TENNEY TRUCKING CO., Route 7, Box 221, Buckhannon, WV 26201. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526; (304) 562-3460. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, under continuing contracts) with Coastal Lumber Co., of Weldon, NC.

MC 168013, filed May 24, 1983. Applicant: WALLACE TRUCKING CO., INC., 13700 N.W. 19th Ave., Opa-Locka, FL 33054. Representative: Charles E. Wallace, 1085-98 St., P.O. Box 6513, Bay Harbor Islands, FL 33154; 305-865-8385. Transporting *food and related products*, between points in FL, on the one hand and, on the other, points in MA, NY, and NJ.

MC 169052, filed July 8, 1983. Applicant: MICHAEL J. WILKIN AND JUDY WOODS d.b.a. LEFT LANE EXPRESS, R.R. 2, Box 13A1, P.O. Box 28, Albany, IN 47320. Representative:

Harold C. Jolliff, 3242 Beech Dr., Columbus, OH 47203; (812) 379–2556. 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 Del Amo Shipper's Association, Inc., of Seal Beach, CA.

Volume No. OP–2–319

Decided July 15, 1983.

By the Commission, Review Board Members Fortier, Carleton, and Parker.

MC 161733 (Sub-1), filed July 11, 1983. Applicant: CARLOS DE LA TORRE d.b.a. CARLOS DE LA TORRE LEASING, 2093 Vancouver Ave., Monterey Park, CA 91754. Representative: Milton W. Flack, 8484 Wilshire Blvd., Suite 840, Beverly Hills, CA 90211; 213–655–3573. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Los Angeles, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166953, filed July 11, 1983. Applicant: THOMAS M. COX, d.b.a. WESTERN PRODUCE, 1160 Porter St., Clearwater, MN 55320. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 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 the U.S. (except AK and HI), under continuing contract(s) with Strauser Bee Supply, Inc., of Walla Walla, WA.

MC 167023, filed June 22, 1983. Applicant: E. J. TRUCKING, 4886 Escapardo Way, Colorado Springs, CO 80917. Representative: Emil Jay Zadina and Bonnie J. Zadina (same as applicant), (303) 597–1917. Transporting *insulation and related products*, between points in Wyandotte and McPherson Counties, KS, on the one hand, and, on the other, points in CO, under continuing contract(s) with Western Insulation Inc., of Englewood, CO.

MC 168942, filed June 27, 1983. Applicant: COMMUTER COMFORT CORPORATION, Star Route, Box 110, Locust Grove, VA 22508. Representative: Douglas L. Miller (same address as applicant), (703) 972–7596 or (301) 353–3767. Transporting (1) *passengers*, in charter and special operations, between points in the U.S. (except AK and HI), and (2) *passengers*, over regular routes, (a) between Parker and Wilderness Corner, VA; from VA Hwy 621 to junction VA Hwy 613, then over VA Hwy 613 to junction VA Hwy 3, and return over the same routes, and (b) between Lake of the Woods, VA, and Washington, DC, from VA Hwy 3 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Washington, DC, and return over the same routes, serving all intermediate points in (a) and (b) above.

Notes.—(A) Under Part (1) above, applicant seeks to provide privately-funded charter and special transportation; (B) Under Part (2) above, applicant seeks to provide regular-route service only in interstate or foreign commerce; (C) Part (1) above is published in the **Federal Register**, this issue, under the preface with the "fitness-only" applications; and (D) Part (2) above is published in the **Federal Register**, this issue, under the preface with the "regular" applications.

Volume No. OP–2–322

Decided: July 14, 1983.

By the Commission, Review Board Members Parker, Williams, and Carleton.

MC 263 (Sub-250), filed July 5, 1983. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, P.O. Box 4048, Pocatello, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226; 313–496–3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Emerson Electric Co., of St. Louis, MO, and its subsidiaries.

MC 69833 (Sub-173), filed July 5, 1983. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave. NW., Grand Rapids, MI 49503. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226; 313–496–3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Emerson Electric Co., of St. Louis, MO, and its subsidiaries.

MC 89442 (Sub-3), filed July 6, 1983. Applicant: JOHNSON STORAGE & MOVING CO., 221 Broadway, Denver, CO 80203. Representative: David Earl Tinker, 1000 Connecticut Ave. NW., Suite 1112, Washington, DC 20036–5391; 202–887–5868. Transporting *household goods and furniture and fixtures*, between points in the U.S. (except AK and HI).

MC 92733 (Sub-4), filed July 1, 1983. Applicant: DORAL TRANSPORT COMPANY, 2600 Hamburg Turnpike, Lackawanna, NY 14218. Representative: Leonard A. Jaskiewicz, 1730 M St. NW., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NY, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 104583 (Sub-4), filed April 28, 1983. Applicant: BIG PINE TRUCKING COMPANY, INC., Route 4, Box 1, Bishop, CA 93514. Representative: John C. Russell, 1545 Wilshire Blvd., Suite 606, Los Angeles, CA 90017; 213–483–4700. Transporting, over regular routes, *general commodities* (except classes A and B explosives and household goods) (1) between the CA/NV State Line near Topaz Lake, CA and Sparks, NV: from the CA/NV State Line over U.S. Hwy 395 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Sparks, and return over the same route (2) serving points in Douglas, Storey, and Washoe Counties, NV as off-route points on route (1) above, (3) between Los Angeles, CA and junction CA Hwy 14 and U.S. Hwy 395 near Inyokern, CA, over CA Hwy 14 (4) between Palmdale and Pearblossom, CA, over CA Hwy 138 (5) between Mojave and Beecher's Corner, CA, over CA Hwy 58 (6) between the CA/NV State Line near Topaz Lake, and Beecher's Corner CA, over U.S. Hwy 395 (7) between Inyokern and Trona, CA, over CA Hwy 170 (8) serving points in Orange, San Bernardino, Los Angeles, Kern, Inyo, Tulare, Mono, and Alpine Counties, CA as off-route points on routes (3) through (7) above, and (9) serving all intermediate points on routes (1), and (3) through (7) above. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of Certificate of Registration No. MC–104583 Sub 3, issued April 3, 1975.

Notes.—(a) Applicant intends to tack this authority with existing authority; and (b) the purpose of routes (3) through (8) above is to convert applicant's Certificate of Registration under MC–104583 Sub 3 to a Certificate of Public Convenience and Necessity.

MC 107012 (Sub-843), filed July 7, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same address as applicant); 219–429–2213. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Fisher Controls International, Inc., of Marshalltown, IA.

MC 111473 (Sub-5), filed July 5, 1983. Applicant: INTER-STATE TRUCK LINE, INC., 555 South 16th St., Columbia, PA 17512. Representative: Jeremy Kahn, Suite 733-Investment Bldg., 1511 K St.

NW, Washington, DC 20005; 202–783–3525. Transporting *such commodities* as are dealt in or used in department stores, between points in the U.S. (except AK and HI), under continuing contract(s) with shippers of products dealt in or used in department stores.

MC 116063 (Sub-173), filed July 5, 1983. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, 2929 West 5th St., Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant); 817–335–4821. 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 manufacturers, processors, distributors, and receivers of food and food products, chemicals and related products, and petroleum and petroleum products.

MC 124062 (Sub-22), filed July 1, 1983. Applicant: FRICK TRANSPORT, INC., P.O. Box 43, Wawaka, IN 46794. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting *chemicals*, between points in IN, OH, MI, KY, IL, WI, and IA.

MC 148313 (Sub-3), filed July 5, 1983. Applicant: PHIL CLINE TRUCKING, INC., 310 Ichabod Circle, Concord, NC 28025. Representative: Terrell Price, 800 Briar Creek Rd.-Suite DD–504, Charlotte, NC 28205; 704–372–8212. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

Volume No. OP2–323

Decided: July 14, 1983

By the Commission, Review Board, Members Parker, Williams and Carleton.

MC 69833 (Sub-172), filed July 5, 1983. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave., NW., Grand Rapids, MI 49503. Representative: Bruce A. Bullock, One Woodward Ave., 26th FL., Detroit, MI 48226; (313) 496–3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Foremost McKesson, Inc., of San Francisco, CA, and its subsidiaries.

MC 106603 (Sub-223), filed July 5, 1983. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St., SW, P.O. Box 8094, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggarty Rd., P.O. Box 400, Northville, MI 48167; (313) 349–3980. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 13612 (Sub-43), filed July 5, 1983. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, 2103–17th St. E., Palmetto, FL 33561. Representative: David M. Kuehl (same as above); (813) 722–0506. 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 136713 (Sub-31), filed July 5, 1983. Applicant: AERO LIQUID TRANSIT, INC., 1717 Four Mile Rd. NE., Grand Rapids, MI 49505. Representative Daniel J. Kozera, Jr. (same address as applicant); (616) 364–6131. Transporting *chemicals and related products, petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with Americhem Corporation, of Mason, MI.

MC 139182 (Sub-6), filed July 5, 1983. Applicant: ATLAS DELIVERY SERVICE, INC., P.O. Box 1514, Athens, TX 75751. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062; (214) 255–6279. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AR and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 139843 (Sub-23), filed July 5, 1983. Applicant: VERNON G. SAWYER, Drawer B, Bastrop, LA 71220. Representative: Barry Weintraub, Suite 403, 7700 Leesburg Pike, Falls Church, VA 22043; (703) 442–8330. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 159142 (Sub-3), filed June 30, 1983. Applicant: C & C TRANSPORTATION CO., INC., P.O. Box 7446, 6275 E. 39th Ave., Denver, CO 80207. Representative: John T. Wirth, 717–17th St., Suite 2600, Denver, CO 80202–3357; (303) 892–6700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167822, filed June 29, 1983. Applicant: JOSEPHINE PROVANCE DBA D & J DELIVERY, 465 Clark St. Rd., Columbus, OH 43230. Representative: Robert M. O'Donnell, 145 W. Wisconsin Ave., P.O. Box 368, Neenah, WI 54956; (414) 722–2848. Transporting *such commodities* as are dealt in by retail fashion outlets, between points in Franklin County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP2–324

Decided July 19, 1983.

By the Commission, Review Board, Members Joyce, Dowell, and Carleton.

FF–722, filed July 12, 1983. Applicant: ALBANY FORWARDERS, INC., 3420 Loulu St., Honolulu, HI 96822. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006; (202) 833–8884. To operate as a *freight forwarder*, in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles*, between points in the U.S.

MC 1252 (Sub-1), filed July 13, 1983. Applicant: FERRISS WAREHOUSE & STORAGE CO., INC., 621 E. Gregory St., Pensacola, FL 32598. Representative: Robert J. Gallagher, 1435 G St., NW., Suite 848, Washington, DC 20005; (202) 628–1642. Transporting *household goods*, between points AL, AR, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MO, MS, NE, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, VT, WV, and DC.

MC 107012 (Sub-844), filed July 13, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 W., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant); (219) 429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Moore Business Forms, Inc., of Glenview, IL.

MC 153872 (Sub-2), filed July 5, 1983. Applicant: MENDELSON EGG AND HENSLEY, INC., Route 1, Osakis, MN 56360. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424; 612–927–8855. Transporting *general commodities* (except classes A and B explosives and household goods), between points in MN, ND, and MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164373, filed June 28, 1983. Applicant: UPSTATE DELIVERY, INC., 85 Rowland Pkwy., Rochester, NY 14610. Representative: Donald P. Goodrich (same address as applicant); 716–442–6905. Transporting *vitamins, cosmetics, nutritional supplementary products, and cleaning compounds*, between points in Middlesex County, NJ, on the one hand, and, on the other, points in NY, under continuing contract(s) with Shaklee Corporation, of San Francisco, CA.

MC 168883, filed June 24, 1983. Applicant: WILLARD AND ROSEMAR . FULBRIGHT, d.b.a. FULBRIGHT TRUCKING, P.O. Box 281, Pevely, MO 63070. Representative: Willard Fulbright (same address as applicant); 314–479–

7455. Transporting (1) *iron and steel articles*, under continuing contract(s) with Tubular Steel, Inc., of St. Louis, MO, and (2) *lumber and wood products, and building materials*, under continuing contract(s) with (a) Lyle Heap Lumber Sales Co., Inc., of St. Louis, MO, and (b) Jefferson County Lumber Co., of Imperial, MO, between points in the U.S. (except AK and HI).

MC 169053, filed June 18, 1983. Applicant: JACQUELINE CRAIG, d.b.a. MICHIGAN EXPEDITING SERVICE, 1433 E. State Fair, Detroit, MI 48203. Representative: Jacqueline Craig (same address as applicant); 313–372–7312. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, MI, and OH.

Please direct status inquiries about the following to Team Three (3) at (202) 275–5223

Volume No. OP3–329

Decided: July 15, 1983.

By the Commission, Review Board Members Parker, Williams, and Dowell.

MC 29745 (Sub-11), filed June 24, 1983. Applicant: BODGE LINES, INC., P.O. Box 546, Indianapolis, IN 46206. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204; (317) 638–1301. 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 52014 (Sub-3), filed June 24, 1983. Applicant: LAFAYETTE STORAGE & MOVING CORP., 6495 Transit Rd., Bowmansville, NY 14026. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202; (716) 853–0200. Transporting *swimming pools and accessories*, between points in the U.S. (except AK and HI), under continuing contract(s) with Kayak Manufacturing Corp., of Depew, NY.

MC 59264 (Sub-80), filed June 23, 1983. Applicant: SMITH & SOLOMON TRUCKING COMPANY, A Corporation, How Lane, Box 2015, New Brunswick, NJ 08903. Representative: Zoe P. Hopkins, 387 Park Ave., South, New York, NY 10016; (212) 532–1800. Transporting *hazardous materials*, between points in the U.S. (except AK and HI).

Note.—The certificate in this proceeding shall expire 5 years from the date of issuance.

MC 133735 (Sub-18), filed June 27, 1983. Applicant: AUDUBON–BROOKHISER TRANSPORT, INC., P.O. Box 186, Wever, IA 52658. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50390; (515) 244–2329. Transporting *commodities in bulk*, (1) between points in IA, IL, IN, NE, MO, KS, MN, WI, and SD, and (2) between points in IA, IL, IN, NE, MO, KS, MN, WI, and SD, on the one hand, and, on the other, points in MI, OH, KY, TX, AR, OK, TN, and PA.

MC 152024 (Sub-4), filed June 30, 1983. Applicant: RUMM ASSOCIATES, INC., P.O. Box 521, Grand Blanc, MI 48439. Representative: David E. Jerome, 436 North Center St., Northville, MI 48167; (313) 348–4433. 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 Soo Transportation Service, Ltd., of Grand Blanc, MI.

MC 162455 (Sub-3), filed June 30, 1983. Applicant: CASWELL TRUCKING, INC., Route 1, Box 30, St. Charles, IA 50240. Representative: William A. Fairbank, 1300 United Central Bank Bldg., Des Moines, IA 50309; (515) 288–6041. 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 168854, filed June 23, 1983. Applicant: RTE TRANSPORTATION CO., INC., 1900 E. North St., Waukesha, WI 53186. Representative: William C. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203; (414) 273–7410. Transporting (1) *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 RTE Corporation, of Waukesha, WI, and (2) *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) Thermodynamics Corporation, of Broken Arrow, OK, (b) Algonquin Industries, Inc., of Guilford, CT, (c) Universal Foods Corporation, of Milwaukee, WI, (d) Rea Magnet Wire Company, a subsidiary of ALCOA, of Fort Wayne, IN, (e) Cyprus Thompson Weinman Company, of Cartersville, GA, (f) Crocker Technical Papers, Inc., of Fitchburg, MA, (g) RTE Powermate Co., of Hackensack, NJ, (h) RTE–ASEA Corporation, of Waukesha, WI, (i) Premium Finishes, Inc., of Cincinnati, OH, (j) National Material Corporation, of Elk Grove Village, IL, (k) Hollingsworth & Vose Co., of East Walpole, MA (l) Joslyn Mfg. & Supply Co., of Lima, NY, (m) M. W. Kasch Company, of Mequon, WI, (n) Holsum Foods, Division of Farmers Union Grain Terminal Association, of Waukesha, WI, (o) Southwire Company, of Carrolton, GA, (p) Edgefield Division, Tranter, Inc., of Edgefield, SC, (q) Gustave A. Larson Company, of New Berlin, WI, (r) Allegheny Ludlum Steel Corporation, of Pittsburgh, PA, (s) The Hartford Faience Company, of Hartford, CT, (t) Aerovox, Inc., of New Bedford, MA, (u) Newbern Rubber Inc., of Newbern, TN, (v) The Thermoclad Company, of Erie, PA, (w) The Sherwin-Williams Co., of Cleveland, OH, and (x) RTE/Delta Corporation, of Stockton, CA.

Volume No. OP3–333

Decided: July 15, 1983.

By the Commission, Review Board Members Dowell, Parker, and Joyce.

MC 19945 (Sub-76), filed June 30, 1983. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Washington, DC 20006; (202) 466–3778. Transporting (1) *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers, dealers, distributors, and users of food and related products, (2) *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with dealers, distributors, and users of chemicals and related products, (3) *ores and minerals*, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers, dealers, distributors, and users of ores and minerals, (4) *clay, concrete, glass or stone products*, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers, dealers, distributors, and users of clay, concrete, glass or stone products, (5) *farm products*, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers, dealers, distributors, and users of farm products, and (6) *coal and coal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers, dealers, distributors, and users of coal and coal products.

MC 118535 (Sub-165), filed June 29, 1983. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, P.O. Drawer 312, Butler, MO 64730. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141; (816) 842–8600. 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 Kraft, Inc., of Glenview, IL.

MC 129784 (Sub-20), filed June 27, 1983. Applicant: DAVIDSON TRANSPORT, INC., P.O. Drawer 846, Ruston, LA 71270. Representative: Dennis W. Ledet (same address as applicant); (318) 255–3850. Transporting *plastic products*, between points in AR, LA, MS, OK, TN and TX.

MC 138184 (Sub-7), filed June 27, 1983. Applicant: WALLACE TRUCKING COMPANY, Route 4, Box A–71, Laurinburg, NC 28352. Representative: F. Kent Burns P.O. Box 2479, Raleigh, NC 27602; (919) 828–2421. Transporting *telephone equipment, materials and supplies*, between points in NC, under continuing contract(s) with Western Electric Company, of Atlanta, GA.

MC 138624 (Sub-6), filed June 24, 1983. Applicant: CLIFF REED, INC., 510 Willow Creek Rd., Corvallis, MT 59828. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701; (208) 343–3071. Transporting (1) *general commodities* (except classes A and B explosives, and household goods), between those points in the U.S. in and west of MI, IN, IL, MO, AR and LA (except AK and HI) and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 163974 (Sub-1), filed June 27, 1983. Applicant: G. G. BARNETT TRANSPORT, INC., 507 York Street, Beaver Dam, WI 53916. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719; (608) 273–1003. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *salt*, between points in Manister County, MI, and Williams County, ND, on the one hand, and, on the other, points in IA, IL, MN, TN, and WI.

MC 164234 (Sub-1), filed June 29, 1983. Applicant: YOU TWO, INC., 10507 North Church St., Huntley, IL 60142. Representative: Edward G. Bazelon, 135 South LaSalle St., Suite 2106, Chicago, IL 60603; (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with DFC Transportation Company, of Huntley, IL.

MC 164255 (Sub-1), filed June 23, 1983. Applicant: GERRY'S TRUCKING CO., INC., P.O. Box 1, 1341 Riverside Dr., Suamico, WI 54173. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53701; (608) 255–8891. Transporting (1) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in WI, on the one hand, and, on the other, points in MN, IA, IL, IN, and MI, (2) *machinery*, between points in Oconto County, WI, on the one hand, and, on the other, points in the U.S. (except AK, HI, IA, IL, IN, MI, MN, and WI), (3) *canned vegetables*, between points in Outagamie County, WI, on the one hand, and, on the other, points in the U.S. (except AK, HI, IA, IL, IN, MI, MN, and WI), and (4) *such commodities* as are dealt in by manufacturers and distributors of building materials, between points in MN, MI, WI, IA, IL, and IN.

MC 166944, filed June 29, 1983. Applicant: BOBBY A. WELCH d.b.a. BOB'S DIESEL SERVICE, Rural Route #5, Box 541, Gate City, VA 24251. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288; (919) 635–4711. Transporting *coal*, between points in VA, on the one hand, and, on the other, points in NC, under continuing contract(s) with Miller Brewing Company, of Milwaukee, WI.

Please direct status inquiries about the following to Team Four at (202) 275–7669.

Volume No. OP4–452

Decided: July 14, 1983.

By the Commission, Review Board, Members: Carleton, Dowell, and Williams.

MC 68656 (Sub-4), filed July 7, 1983. Applicant: CHICAGO EXPRESS CO., INC., 2418 Loomis Ave., Chicago, IL 60608. Representative: B. K. McClain, 125 Milton Ave., SE., Atlanta, GA 30315; (404) 622–5383. 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 140186 (Sub-48), filed July 7, 1983. Applicant: TIGER TRANSPORTATION INC., Hwy 10 West–P.O. Box 5328, Missoula, MT 59807. Representative: W. E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807; (406) 543–8369. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except HI).

MC 169046, filed July 5, 1983. Applicant: JOHN O. ALLENBRAND, d.b.a. SPIRIT INDUSTRIES, P.O. Box 70151, 32910 Van Duyn Rd., Eugene, OR 97401. Representative: John O. Allenbrand (same address as applicant); (503) 683–4002. Transporting *lumber and lumber products, steel and steel products, machinery, sand, paint, abrasives, feed, seed, chemicals*, and *petroleum products*, between points in the U.S. (except AK and HI). CONDITION: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit to the Secretary's office indicating why such approval is unnecessary. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the petition or application(s) for common control to Team 4, Room 2410. In lieu of filing an application for approval, such person or persons may wish to file a letter-petition for exemption from Commission action. Such a petition should include the notice required by Section 11343(e)(2). See Ex Parte 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 47 FR 42947.

MC 169076, filed July 5, 1983. Applicant: THE DANNON COMPANY, INC., 22–11 38th Ave., Long Island City, NY. Representative: Robert A. Bredlow, 27480 Wick Rd., Romulus, MI 48174; (313) 946–7210. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with American Backhaulers Corporation, of Chicago, IL.

MC 169077, filed July 5, 1983. Applicant: RICHARD SEELEY, d.b.a. BEAVER BOARDS, 2110 Knowles Rd. W., Medford, OR 97501. Representative: Richard Seeley (same address as applicant); (503) 773–1352. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 169086, filed July 7, 1983. Applicant: JANEEN MILLSAPS, ALEN MILLSAPS, and C. WALTER CORPORATION, d.b.a. MILLSAPS TRUCKING, 810 H. St., Bakersfield, CA 93304. Representative: Earl N. Miles, 3704 Candelwood Dr., Bakersfield, CA 93306; (805) 872–1106. Transporting (1) *building materials*, between points in CA, on the one hand, and, on the other, points in CO, ID, OR, TX, WA, and WY, and (2) *chemicals and related products*, between points in AZ, CA, CO, ID, KS, MN, MT, NM, NE, ND, NV, OK, OR, SD, TX, UT, WA, and WY.

Please direct status inquiries about the following to Team Four at (202) 275–7669

Volume No. OP4–453

Decided: July 15, 1983.

By the Commission, Review Board, Members: Joyce, Dowell, and Carleton.

MC 166847, filed June 23, 1983. Applicant: PINTO TRADING CORPORATION, 146 Walnut St., Newark, NJ 07105. 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, Boston, MA, and Philadelphia, PA, on the one hand, and, on the other, points in MA, CT, RI, NY, NJ and PA.

For the following, please direct status calls to Team 5 at 202–275–7289

Volume No. OP5–360

Decided: July 13, 1983.

By the Commission, Review Board Members Dowell, Carleton, and Parker.

MC 2228 (Sub-77), filed June 30, 1983. Applicant: MERCHANTS FAST MOTOR LINES, INC., East Highway 80, P.O. Drawer 591, Abilene, TX 79604. Representative: Jerry Prestridge, P.O. Box 26126, Austin, TX 78755–0126; (512) 345–8596. Transporting *general commodities* (except classes A and B explosives), between points in TX.

Note.—Applicant intends to tack this authority with existing authority to serve points in AZ, CO, and NM.

MC 39568 (Sub-17), filed July 1, 1983. Applicant: ARROW TRANSFER & STORAGE CO., 1116 Market St., Chattanooga, TN 37402. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202; (502) 589–5400. Transporting *such commodities* as are dealt in by manufacturers, distributors or dealers of (1) chemicals and related products, (2) commodities in bulk, (3) wood products, Lumber, and building and construction materials, (4) food and related products, (5) containers and paper and paper products, (6) machinery, (7) transportation equipment, (8) applicances, and (9) metal products, between points in the U.S. (except AK and HI), under continuing contract(s) with persons as defined in section 10923 of the Motor Carrier Act of 1980 who are engaged in business as manufacturers, distributors or dealers of the above-named commodities.

MC 79658 (Sub-93), filed July 5, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same address as applicant); (812) 424–2222. Transporting *household goods and exhibits and displays and inter-active devices and systems*, between points in the U.S. (except AK and HI), under continuing contract(s) with Seiko Instruments U.S.A., Inc., of Santa Clara, CA.

MC 99149 (Sub-21), filed July 1, 1983. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 8400 New Benton Hwy., Little Rock, AR 72209. Representative: James M. Duckett, 221 W. 2nd St., Suite 411, Little Rock, AR 72201; (501) 375–3022. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AR, AL, GA, IL, KS, KY, LA, MO, MS, OK, TN, and TX.

MC 128819 (Sub-4), filed July 5, 1983. Applicant: R. J. HALPIN, INC., Pleasant St., P.O. Box 405, Lee, MA 01238–0405. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108; (617) 742–3530. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NY, NJ, PA, CT, MA, RI, ME, NH, and VT.

MC 133589 (Sub-9), filed July 1, 1983. Applicant: BCT, INC., P.O. Box 7219, Boise, ID 83707. Representative: Irene Warr, 311 S. State St. Ste. 280, Salt Lake City, UT 84111. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 138388 (Sub-17), filed July 1, 1983. Applicant: CAINE TRANSFER, INC., P.O. Box 376, Lowell, WI 53557. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719; (608) 273–1003. Transporting (1) *food and related products*, between points in the U.S. (except AK and HI), and (2) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Dodge County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146708 (Sub-6), filed July 6, 1983. Applicant: MAPLE LEAF EXPRESS, LTD., 3600 S. Western Ave., Chicago, IL 60609. Representative: H. Barney Firestone, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601; (312) 263–1600. Transporting *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

Volume No. OP5–361

Decided: July 14, 1983.

By the Commission, Review Board Members Fortier, Dowell, and Carleton.

MC 47149 (Sub-24), filed June 27, 1983. Applicant: C. D. AMBROSIA TRUCKING CO., R.D. #1, Edinburg, PA 16116. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219; (412) 471–1800. Transporting *Commodities in bulk*, between points in Monroe County, MI, on the one hand, and, on the other, points in Cook County, IL, and Columbiana County, OH.

MC 140139 (Sub-3), filed July 9, 1983. Applicant: THEODORE L. PERUSSE d.b.a., BAUDETTE TRANSFER, P.O. Box 157, Baudette, MN 56623. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440; 612–542–1121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Baudette and Roseau, MN, over MN Hwy 11.

MC 147519 (Sub-3), filed July 6, 1983. Applicant: WILLIAM O. SAXTON d.b.a. W. O. SAXTON TRUCKING, 6632 East Parlier, Fowler, CA 93625. Representative: Edward L. Fanucchi, 2409 Merced, Suite 3, Fresno, CA 93721; (209) 268–8771. Transporting *insulating materials*, between points in Madera and Fresno Counties, CA, on the one hand, and, on the other, points in AZ and NV, under continuing contract(s) with Certainteed Corp., of Chowchilla, CA.

MC 157469 (Sub-1), filed June 16, 1983. Applicant: HORTON TRUCKING, INC., RR 2, Tremont, IL 61568. Representative: Clayton Horton (same address as applicant); (309) 925–5564. Transporting (1) *metal products* between Chicago, IL, and points in Clinton County, IA, Peoria and Tazewell Counties, IL, Montgomery County, IN, Santa Clara County, CA, and Grayson County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *lumber and wood products* between points in the U.S. (except AK and HI), (3) *machinery* between points in Montgomery County, IN, and Tazewell County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), (4) *construction equipment and materials* between points in the U.S. (except AK and HI), and (5) *pulp, paper and related products* between points in the U.S. (except AK and HI).

MC 166549, filed July 1, 1983. Applicant: DONALD LARRY WEST d.b.a. LARRY WEST TRUCKING, Route 4, Moultrie, GA 31768. Representative: James C. Brim, Jr., P.O. Box 304, Camilla, GA 31730; (912) 336–8100. Transporting *fertilizer and sulfur*, between points in AL, FL, GA, MS, NC, SC, TN, and VA, under continuing contract(s) with

Pelham Phosphate Company, of Pelham, GA, and Agri-Business Supply, Inc., of Albany, GA.

MC 169008, filed July 1, 1983. Applicant: WALLACE I. NOKES, P.O. Box 1132, 645 Rogue Air Drive, Shady Cove, OR 97539. Representative: Wallace I. Nokes (same address as applicant); (503) 878–2406. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Central Point, OR.

MC 169058, filed July 5, 1983. Applicant: TOEWS TRUCKING, 24622 E. Adams Ave., Orange Cove, CA 93646. Representative: Delmer E. Toews (same address as applicant); (209) 636–7281. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

Volume No. OP5–362

Decided: July 14, 1983.

By the Commission, Review Board Members Parker, Fortier, and Krock.

MC 125689 (Sub-17), filed June 30, 1983. Applicant: BEATTYVILLE TRANSPORT, INC., 2 Ice Dam Lane, P.O. Box 675, Catlettsburg, KY 41129. Representative: Fred H. Daly, 2555 M St., NW., Suite 100, Washington, DC 20037; (202) 293–3204. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. under continuing contract(s) with Ashland Petroleum Company, Div. of Ashland Oil, Inc., of Ashland, KY.

MC 144969 (Sub-47), filed July 6, 1983. Applicant: WHEATON CARTAGE COMPANY, Industrial Park & Tufts Rd., Pennsville, NJ 08070. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW., Ste. 500, Washington, DC 20006; 202–828–5015. Transporting *commodities in bulk*, between points in CA, CT, DE, FL, GA, IA, IL, IN, KS, KY, MA, MD, MI, MN, MO, NC, NE, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WI, WV and DC.

MC 151039 (Sub-5), filed July 1, 1983. Applicant: CABARRUS CONSOLIDATING AND MANAGEMENT COMPANY, P.O. Box 147, Concord, NC 28025. Representative: Brian L. Troiano, 918 16th St., NW., Washington, DC 20006; 202–785–3700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, AZ, CA, CT, DE, GA, IL, IN, KY, LA, MA, MD, ME, MI, MS, NC, NH, NJ, NM, NY, OH, OK, PA, RI, SC, TN, TX, VA, VT, WI, WV and DC.

MC 156719 (Sub-2), filed June 21, 1983. Applicant: LEE TRANSPORT, INC., 5333 Northfield Rd., Bedford Heights, OH 44146. Representative: Ignatius B. Trombetta, One Public Square, Suite 1001, Cleveland, OH 44113; 216–589–0448. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 160209 (Sub-2), filed July 1, 1983. Applicant: LAWLOR MOTOR EXPRESS, INC., d.b.a. PACKAGE DELIVERY EXPRESS, 23759 Eichler Rd., Unit J, Hayward, CA 94545. Representative: Michael J. Stecher, 100 Bush St., Suite 410, San Francisco, CA 94104; 415–421–6743. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WA, OR, CA, NV and AZ.

MC 169029, filed July 5, 1983. Applicant: HART BRAND TRUCKING, INC., Route 2, Oceana Dr., Hart, MI 49420. Representative: Raymond G. VanZoeren (same address as applicant); 616–873–2722. Transporting *chemicals and related products*, between port of entry on the international boundary line between the U.S. and Canada at Port Huron, MI, on the one hand, and, on the other, points in Oceana County, MI.

[FR Doc. 83-19979 Filed 7-22-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–278

The following applications were filed in Region I.

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 148575 (Sub-1–1TA, filed July 14, 1983. Applicant: ALUMINUM DISTRIBUTION CO., 1007 Jersey Avenue, New Brunswick, NJ 08902. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Building materials*, between points in CA and AZ. Supporting shipper: Domstar Gypsum America, Inc., 1221 Broadway, 7th Floor, Oakland, CA 94612.

MC 133841 (Sub-1–16TA), filed July 13, 1983. Applicant: DAN BARCLAY, INC., Route 15 & Taylor Road, Wharton, NJ 07885. Representative: George A. Olsen P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *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 Ecodyne Graver Water, Division of Ecodyne Corporation, Union, NJ. Supporting shipper: Ecodyne Grave Water, Division of Ecodyne Corporation, 2720 Route 22, Union, NJ 07083.

MC 169219 (Sub-1–1TA), filed July 14, 1983. Applicant: WILLIAM CARR d.b.a. BILCAR REFRIGERATED SERVICE CO., 115 Jacobus Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Such commodities as are dealt in or sold by chain or discount grocery houses*, between points in NJ, on the one hand, and, on the other, Windsor Locks, CT. Supporting shipper: First National Super Markets, 500 North St., Windsor Locks, CT 06096.

MC 169108 (Sub-1–1TA), filed July 11, 1983. Applicant: CONTINENTAL TRANSPORTATION, INC., 300 Milik Street, Carteret, NJ 07008. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005. *General commodities, (except household goods, Classes A & B explosives and commodities in bulk),* between Middlesex County, NJ, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK, and TX. Supporting shipper: Ritter Warehousing, Inc., 300 Milik Street, Carteret, NJ 07008.

MC 31024 (Sub-1–3TA), filed July 13, 1983. Applicant: NEPTUNE WORLD WIDE MOVING, INC., 55 Weyman Avenue, New Rochelle, NY 10802–05. Representative: Luz Maria Moreno, Esq. (same as above). *Contract carrier:* irregular routes: *Business and office machines and electronic manufacturing systems and parts thereof* between Pittsburgh, PA, on the one hand, and, on the other, points in OH, PA, and WV, under continuing contract(s) with International Business Machines Corporation of Armonk, NY. Supporting shipper: International Business Machines, P.O. Box 10, Princeton, NJ 08540.

The following applications were filed in Region 3.

Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, NE., Atlanta, GA 30309.

MC 152950 (Sub-3–12TA), filed July 12, 1983. Applicant: CENTURY TRANSPORTATION CORPORATION, Post Office Box 207, Columbus, MS 39703–0207. Representative: Lloyd R. Pate (same as applicant). *Contract Carrier:* Irregular Route; *General Commodities (except Classes A & B Explosives; Household Goods; and Commodities in Bulk)* between MI on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with: Pinckney Molded Plastics, Inc., 450 Howell, Pinckney, MI 48169.

MC 39973 (Sub-3–2TA), filed July 12, 1983. Applicant: STANDARD TRUCKING COMPANY, 225 East Sixteenth Street, Charlotte, NC 28230. Representative: Harry J. Jordan, Esquire, Macdonald, McInerny, Guandolo, Jordan & Crampton, 1090 Vermont Avenue, NW., Suite 200, Washington, DC 20005. *Contract* carrier: irregular: *general commodities, except Class A and B explosives, household goods, and commodities in bulk,* between points in the U.S., except AK and HI, under contract with General Mills, Inc., and its following subsidiaries and divisions: Pioneer Products, Inc., Saluto Foods Products Corp., Eddie Bauer, Inc., The Donruss Division, The Gorton Division, O-Cel-O, Sperry, Yoplait, David Crystal, Danco/Izod, Empire Textiles, Foot Joy, Lark Luggage, Monet, Ship'n Shore, Casa Gallardo, Creative Dining, Good Earth, Red Lobster, Sigmacon, York Steak House, Dunbar, Kittinger, LeeWards, Pennsylvania House, The Talbots, Wallpapers To Go, Wild West, Fundimensions, Kenner Products, and Parker Brothers. Supporting shipper: General Mills, Inc., 9200 Wayzata Blvd., Minneapolis, MN 55440.

MC 160454 (Sub-3–3TA), filed July 11, 1983. Applicant: OWEN PRODUCE, INC., Rt. 10, Box 200, Locust Grove Road, Elizabethtown, KY 42701. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Foodstuffs* from Leitchfield, KY to Los Angeles, CA; San Francisco, CA; and Dallas, TX. Supporting shipper: Bel Cheese, Inc., P.O. Box 156, Leitchfield, KY 42754.

MC 140442 (Sub-3–3TA), filed July 5, 1983. Applicant: HASLERIG TRUCKING CO., INC., Route 1, Box 47, Rock Spring, GA 30739. Representative: Richard M. Haslerig (same address as above). *Contract Carrier:* irregular: *Ferrous and Non-Ferrous Metals,* between Atlanta, GA, on the one hand, and, points in the states of AL, AR, FL, GA, IL, IN, KS, KY, MI, MO, OH, OK, SC and TN on the other hand, under continuing contract(s) with U.S. Fines, Ltd., Hapeville, GA, and Newell Recycling Co., Inc., Atlanta, GA. Supporting shippers: U.S. Fines, Ltd., 3913 South Central Avenue, Hapeville, GA 30354 and Newell Recycling Co., Inc., 1359 Central Avenue, East Point, GA 30344.

MC 2934 (Sub-48TA), filed July 6, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as address above). *Contract:* Irregular; *Household goods,* between points in the U.S. (including AK and HI), under continuing contracts with Storage Technology Corporation, 2270 South 88th Street, Louisville, CO 80028. Supporting shipper: Storage Technology Corporation, 2270 South 88th Street, Louisville, CO 80028.

MC 165496 (Sub-3–2TA), filed July 7, 1983. Applicant: GRACO CARTAGE COMPANY, INC., 437 North Preston Street, Louisville, KY 40202. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *Metal products* between Louisville, KY and its commercial zone, on the one hand, and, on the other, Danville, IL, and Bloomington and Muncie, IN, and the commercial zones thereof. Supporting shippers: Shelby Steel, Inc., 4800 Allmond Avenue, P.O. Box 32128, Louisville, KY 40233; General Electric Company, Bloomington Satellite Operation, 300 North Curry Pike, P.O. Box 42, Bloomington, IN 47402; and American Commercial Barge Line, Inc., P.O. 610, Jeffersonville, IN 47130.

MC 169164 (Sub-3–1TA), filed July 12, 1983. Applicant: TUCKER'S ENTERPRISES, INC., 207 Trexler Ave., Darlington, SC 29532. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Common carrier:* Irregular. *Automobiles, vans, and pickup trucks,* new and used, in truckaway service, between points in Darlington County, SC, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Clanton's Auto Auction Sales, Inc., P.O. Box 51, Darlington, SC 29532.

The following applications were filed in Region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4–120TA), filed July 6, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household Goods,* between points in the U.S. (except AK and HI), under a continuing contract(s) with US & G Corporation and its subsidiaries. Supporting shipper: US & G Corporation, 100 Light Street, Baltimore, MD 21202.

MC 139021 (Sub-4–1TA), filed July 6, 1983. Applicant: INTERSTATE AUTO TRANSPORT, INC., P.O. Box 251, Michigan City, IN 46360. Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204; (317) 635–2339. *Motor vehicles,* between points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Greater Chicago Auto Auction, Inc., 12055 S. Cicero Ave., Chicago, IL., Quirk Chevrolet, 37 Commercial St., E. Braintree, MA., Flint Auto Auction, 3711 Western Rd., Flint, MI., The Hertz Corporation, Bldg. 23, Newark Airport, Newark, NJ 07114.

MC 141403 (Sub-4–2TA), filed July 6, 1983. Applicant: ROBERT RUPPRECHT d.b.a. REPCO, 900 N. Watertown Rd., Jefferson, WI 53549. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703. *Common;* Regular: *Such commodities as are dealt in or used by manufacturers or distributors of malt beverages,* between Eagle River, WI, and Calumet and Wakefield, MI, on the one hand, and, on the other, Fulton,

NY, Eden, NC, Trenton, OH, and Fort Worth, TX. Supporting shippers: Eagle River Distributing II, Inc., 120 Railroad, Eagle River, WI 54521; Peterlin Bros. Co., Hwy U.S. 41, Calumet, MI 49913; and J. Hautala Distributing Co., Box 301, Ramsay, MI 49959.

MC 143193 (Sub-4–1TA), filed July 6, 1983. Applicant: GORDON POCH CO., INC., Route 1, Highway 33, Horicon, WI 53032. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract* irregular: *food and related products,* between points within Macon County, IL and Landglade County, WI, restricted to transportation performed under continuing contract(s) with A. E. Staley, Manufacturing Company. Supporting shipper: A. E. Staley Company, 2200 Eldorado Street, Decatur, IL 62525.

MC 157312 (Sub-4–3TA), filed July 6, 1983. Applicant: ARROW-ILLINOIS COMPANY, 8801 South Chicago Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603; (312) 263–2306. *Food and related products, and such commodities as are dealt in or used by medical laboratories,* between Chicago, IL and its Commercial Zone, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, NE, OH, SD and WI. Supporting shippers: There are six supporting shippers.

MC 158651 (Sub-4–9TA), filed July 8, 1983. Applicant: GRAEBEL VAN LINES, INC., 719 North Third Avenue, Wausau, WI 54401. Representative: John E. Koci (address same as applicant). *Contract;* Irregular: *Household Goods,* as defined by the Commission, Between all points in the U.S., under continuing contract(s) with United Press International, New York, NY. Supporting shipper: United Press International, 220 E. 42nd St., New York, NY 10017.

MC 165783 (Sub-4–2TA), filed July 7, 1983. Applicant: PARAGON EXPRESS, INC., 3520 S. Creyts Road, Lansing, MI 48909. Representative: Andrew K. Light, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract* irregular: *Steel products,* between Charlotte, MI, on the one hand, and, on the other, Minneapolis, MN, and points in IL, IN, KY, MI, OH, PA and WI, restricted to continuing contract(s) with St. Regis Corporation, West Nyack Road, West Nyack, NY 10994. An underlying ETA seeks 120 days authority. Supporting shipper: St. Regis Corporation, West Nyack Road, West Nyack, NY 10994.

MC 166179 (Sub-4–1TA), filed July 8, 1983. Applicant: ALLPOINTS DISTRIBUTION SERVICES, INC., 711 Jorie Boulevard, Oak Brook, IL 60521. Representative: Thomas M. O'Brien, Sullivan & Associates, Ltd., 180 North Michigan Ave., Suite 1700, Chicago, IL 60601. *Contract;* Irregular: *Such commodities as are dealt in by manufacturers, distributors, and processors of recycled containers,* between points in CT, MA, ME, NJ, NH, NY, RI, and VT, under continuing contract(s) with Polymers Plus of Nashua, NH. Supporting shipper(s): Polymers Plus, 23 Duamin Ave., Nashua, NH 03063.

MC 166179 (Sub-4–2TA), filed July 8, 1983. Applicant: ALLPOINTS DISTRIBUTION SERVICES, INC., 711 Jorie Boulevard, Oak Brook, IL 60521. Representative: Thomas M. O'Brien, Sullivan & Associates, Ltd., 180 North Michigan Avenue, Suite 1700, Chicago, IL 60601. *Contract irregular: 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 Tricoast Container Corporation of City of Industry, CA. Supporting shipper: Tricoast Container Corporation, 315 S. 7th St., City of Industry, CA 91746–0537.

MC 168168 (Sub-4–1TA), filed July 7, 1983. Applicant: HAROLD LEBON d.b.a. LEBON TRANSPORTATION, 81 East 12th Street, Worthington, MN 56187. Representative: Harold LeBon, 506 West lake Avenue, Worthington, MN 56187. *Contract* Irregular: *Twist ties, plastic articles, wire and related items,* between points in Nobles County, MN and other points in the U.S., under continuing contract with Bedford Industries of Worthington, MN. Supporting shipper: Bedford Industries, 1659 Rowe Ave., Worthington, MN 56187.

MC 168544 (Sub-4–1TA), filed July 7, 1983. Applicant: BRIAN L. FRANKIE TRUCKING, Route 1, Box 82, Thompsonville, IL 62890. Representative: Vandermoere & Company, Inc., 2957 South East Street, Indianapolis, IN 46225. *Common,* Irregular: *General commodities, fertilizer,* from Mt. Vernon, IN, to all points in IL. Supporting shipper: Mid-State Fertilizer, P.O. Box 625, Benton, IL 62812.

MC 168690 (Sub-4–1TA), filed July 8, 1983. Applicant: JMJ CARTAGE, INC., 444 Buckeye Drive, Wheeling, IL 60090. Representative: Irwin D. Rozner, 134 North LaSalle Street, Chicage, IL 60602. *Empty cans and soybean oil in cans,* between Chicago, IL and Kenosha, WI. Supporting shipper: Standard Container Co., Highway 84 West, Homerville, GA 31634.

MC 169048 (Sub-4–1TA), filed July 6, 1983. Applicant: TOMCO TRUCKING CO., INC., 1385 N. North Branch Street, Chicage, Illinois 60622. Representative: Thomas Mize, 1385 N. North Branch Street, Chicago, Illinois 60622. *Contract* irregular: *Boxed wire and electrical cable, bundled electrical conduit, transformers on skids and boxed electrical fittings,* from Chicage, IL to points in IL, WI, and IN. Supporting shipper: Weinstein & Koontz, Inc., 1385 N. North Branch, Chicago, IL 60622.

MC 169052 (Sub-4–1TA), July 6, 1983. Applicant: MICHAEL J. WILKIN AND JUDY WOODS d.b.a. LEFT LANE EXPRESS, R.R. 2, Box 13A1, P.O. Box 28, Albany, IN 47320. Representative: Harold C. Jolliff, 3242 Beech Drive, Columbus, IN 47203; (812) 379–2556. Contract irregular: *General commodities,* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Del Amo Shippers' Association, Inc., of Seal Beach, CA. Supporting shipper: Del Amo Shippers' Association, Inc., P.O. Box 160, Seal Beach, CA 90740.

MC 169087 (Sub-4–1TA), filed July 7, 1983. Applicant: WARNER INTERSTATE EXPRESS, INC., 9001 South Cicero, Lot 92, Oak Lawn, IL 60453. Representative: James O'Grady, 8550 W. Golf Road, Niles, IL 60648; (312) 827–6191. *General Commodities, including those having a prior or subsequent movement by air, rail, or water, excepting commodities in bulk, classes A & B explosives, and household goods,* between points in the states of IL, IN, WI, MI, OH, IA, and MO. Supporting shippers: J L Consolidators, 1015 Warrenville Road, Lisle IL; Rail Services Inc., 3700 W. 47th Street, Chicago IL; Transportation Rail Service Inc., 3750 W. 47th Street, Chicago IL.

MC 169112 (Sub-4–1TA), filed July 8, 1983. Applicant: P.D.Q. EXPRESS CORPORATION, 1786 Eloise Drive, Muskegon, MI 49444 Representative: E.C. Zeller, 1786 Eloise Drive, Muskegon, MI 49444. *Parcels, packages, tapes, documents,* between State of Michigan, Lower Peninsula, West of U.S. 27, Specific points to be served include: Muskegon, Grand Rapids, Traverse City and Kalamazoo, MI. Supporting shippers: Viking Press., 1162 W. Broadway, Muskegon, MI 49441. Muskegon Wire Corporation, 2121 Latimer Dr., Muskegon, MI 49442.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 169000 (Sub-6–1TA), filed July 14, 1983. Applicant: ROBERT BLACKWELL d.b.a. BLACKWELL TRUCKING, 127 Perraud Dr., Folsom, CA 95630. Representative: Robert Blackwell (same as applicant). *Contract carrier,* Irregular Routes: *Candy and related products,* from Richmond, CA to points in IL, NY, NJ, NH, GA, OH, TX, PA for the account of California Peanut, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: California Peanut Co., 1015 Chesley, Richmond, CA.

MC 169228 (Sub-6–1TA), filed July 14, 1983. Applicant: R. E. KELLY, 8947 N.E. 4th Ave., Portland, OR 97211. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. *Contract carrier:* irregular routes: *Machinery,* from points in Multnomah County, OR to points in Caribou County, ID, for 270 days, for Monsanto Company. Supporting shipper: Monsanto Company, 800 N. Lindberg Blvd., St. Louis, MO 63167.

MC 138505 (Sub-6–8TA), filed July 15, 1983. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 7465 E. Peakview, Englewood, CO 80111. Representative: Kenneth R. Cunningham, Jr. (same as applicant). *Contract Carrier,* Irregular routes: *General Commodities except class A and B explosives and commodities in bulk,* from Phoenix, AZ to points within a one hundred (100) mile radius of Salt Lake City, UT, for the account of Cyclops Corporation, Silo Division, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cyclops Corporation, Silo Division, 2202 South 7th Street, Phoenix, AZ 85038.

MC 169263 (Sub-6–1TA), filed July 15, 1983. Applicant: A.V.L. INC., 2039 Village Lane, Solvang, CA 93463. Representative: Richard B. Felder, 1000 Potomac St., NW., Suite 501 Washington, D.C. 20007. *Horses* between points in the U.S. (except AK and HI) for 270 days. Supporting shippers: There are eleven shippers. Their statements may be examined at the Regional Office listed above.

MC 169264 (Sub-6–1TA), filed July 15, 1983. Applicant: LOUIS ROBINETTE, 3410 Park St., Eureka, CA 95501. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579. *Contract Carrier,* irregular routes: *Lumber, wood products, mill equipment, materials and supplies used in connection therewith, tractors, trucks, trailers, parts, materials and supplies used in connection therewith,* between AZ, CA, CO, ID, OK, KS, OR, NV, NM, MT, SD, ND, NE, TX, UT, WA and WY, for 270 days. Supporting shippers: There are five (5) shippers. Their statements may be examined in the office listed.

MC 169282 (Sub-6–1TA), filed July 15, 1983. Applicant: VALLEY LIME, INC., 6070 State Hwy. 214, Gervais, OR 97026. Representative: Edward Ferschweiler (same as applicant). *Contract Carrier,* Irregular routes: *Food and related products,* between points in OR and WA, for 270 days for the account of Carnico. Supporting shipper: Carnico, 3100 Paterson Road, Riverbank, CA 95367.

MC 169261 (Sub-6–1TA), filed July 15, 1983. Applicant: MARTIN S. SUNDE d.b.a. S.M.S. TRUCKING, 4305 220th E., Spanaway, WA 98387. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421. *Cabinets and appliances and materials, equipment and supplies used in the manufacture and distribution of cabinets and appliances,* between points in Pierce County, WA on the one hand, and, on the other hand, points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Monitor, a division of L. J. Kelly Co., 3000 So. Alaska, Tacoma, WA 98409.

MC 168824 (Sub-6–1TA), filed July 11, 1983. Applicant: PYREDUCT, INC., 2276 Valley View Dr., El Cajon, CA 92021. Representative: Alistair MacCabe, 2067 First Ave., San Diego, CA 92101. *General commodities* for the U.S. Government, between points in the U.S., for 270 days. Supporting shipper: U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041.

MC 730 (Sub-6–26TA), filed July 11, 1983. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. E. Allish (same address as above). *General Commodities* (except Classes A and B explosives and household goods as defined by the Commission) between points in AK for 270 days. Supporting shippers: There are 8 shippers. Their statements may be examined in the office listed.

MC 168892 (Sub-6–1TA), filed July 11, 1983. Applicant: ROBERT L. SCHIMMEL, 2500 Wagon Circle Rd., West of Rawlins, Carbon County, WY 82301. Representative: Charles E. Greenhawt, P.O. Box 1470, Rawlins, WY 82301. (1) *Mobile Homes, Houses moving on wheels, Mobile Home Trailers, and Trailers other than freight,* between points in WY and points in the U.S. except AK and HI for 270 days. Supporting shippers: Down To Earth Mobile Homes, Inc., 1409 Beachcraft, Rawlins, WY 82301; Quality Mobile Homes, 1115 E. Cedar, P.O. Box 110, Rawlins, WY 82301.

MC 163728 (Sub-6–1TA), filed July 11, 1983. Applicant: MORLEY TRUCK LINES, INC., 1001 North Grove St., Anaheim, CA 92806. Representative: Roger E. Marken, 727 W. Seventh St., Suite 540, Los Angeles, CA 90017. *General commodities* (except classes A and B explosives, household goods commodities in bulk and hazardous waste material) between points within CA and the counties of Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, San Diego, Riverside and Imperial, having prior or subsequent movement in interstate commerce for 270 days. Supporting shippers: Southern California Motor Delivery, Inc., 633 South Maple, Montebello, CA 90640; Washoe County Shippers Association, P.O. Box 12380, Reno, NV 89510; and Syntex Labs, Inc., 3401 Hillview Ave., Palo Alto, CA 94304.

MC 168571 (Sub-6–1TA), filed July 7, 1983. Applicant: ACE WEAVER d.b.a. SUPER CHIEF TRUCKING, INC., 7638 Millbrook Ave., Dublin, CA 94568. Representative: Asahel H. Weaver (same as above). *Contract carrier,* irregular routes, *General commodities,* except class A and B explosives, between points in CA for 270 days, for the account of CF Forwarding, Inc., of Oakland, CA. Supporting shipper: CF Forwarding, Inc., 7700 Edgewater Dr., Suite 325, Oakland, CA 94621.

MC 151137 (Sub-6–2 TA), filed July 12, 1983. Applicant: RAPIDO FREIGHT LINES, INC., P.O. Box 12435, San Diego, CA 92112. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting *General Commodities* (Except Household Goods, Classes A and B Explosives and Commodities in Bulk), Between points in CA and AZ for 270 days, an underlying ETA seeks 120 days authority. Supporting shipper: The Price Company, 2657 Ariane Dr., San Diego, CA 92117

MC 167543 (Sub-6–2 TA), filed July 11, 1983. Applicant: WYOMING TOWING SERVICE, P.O. Box 1017, Rawlins, WY 82301. Representative: Doris M. Paulsrud (same address as applicant). Transporting *Bulk petroleum products and wrecker service for disabled and wrecked vehicles* in and between WY, CO and UT for 270 days. Supporting shippers: There are six shippers. Their statments may be examined at the Regional office listed.

MC 41098 (Sub-6–TA), filed July 13, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F.

Wohlstetter, 1700 K St., N.W., Washington D.C. 20006. *Contract carrier*, irregular routes, *machinery* between points in the U.S. under continuing contract(s) with ATM Installation Company of State College, PA for 270 days. Supporting shipper: ATM Installation Co., 2650–A Clyde Ave., State College PA 16801.

MC 41098 (Sub-6–TA), filed July 13, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006. *Contract carrier*, irregular routes, *household goods* between points in the U.S. under continuing contract(s) with Atex, Inc. of Bedford, MA for 270 days. Supporting shipper: Atex, Inc., 32 Wiggins Ave., Bedford, MA 01730.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-19874 Filed 7-22-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on August 24, 1983. Petitions for reconsideration must be filed by August 15, 1983. Petitions for stay must be filed by August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, D.C. 20423; or call (202) 289–4357 in the D.C. metropolitan area; of (800) 424–5403 Toll-free outside the D.C. area.

Decided: July 15, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC–F–15025]

Convoy Express, Inc.—Control Exemption—Associated Transports, Inc.

Addresses: Send Pleadings to:

(1) Office of Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423, and

(2) Petitioner's representative, Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirements of prior review and approval under 49 U.S.C. 11343(a)(3), the acquisition of control of Associated Tanksports, Inc. (No. MC–30378) by Convoy Express, Inc. and in turn by Auto Convoy Co. (No. MC–59531) which controls Convoy Express, Inc.

[No. MC–F–15221]

Curry Motor Freight Lines, Inc.—Purchase Exemption—Pioneer Express, Inc.

Addresses: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423, and

(2) Petitioner's representative, Thomas F. Sedberry, Small, Craig & Werkenthin, 2600 Austin National Bank Tower, Austin, TX 78701.

Pleadings should refer to No. MC–F–15221.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Curry Motor Freight Lines, Inc., (Curry) (MC–60087) of the interstate operating rights of Pioneer Express, Inc., (MC–155341) authorizing the transportation of general commodities (except classes A and B explosives), between Oklahoma City, OK and Shamrock, TX, over U.S. Hwy 66 and Interstate Hwy 40, serving all intermediate points and serving Arapaho, Bessie, Cordell and Burns Flat, OK, as off-route points. Curry intends to join the newly acquired authority with its existing authority at Shamrock in order to provide a direct, through service between Oklahoma City and points located generally in the Texas panhandle region.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-19876 Filed 7-22-83; 8:45 am]

BILLING CODE 7035-01-M

Elimination of Annual Report Schedules

AGENCY: Interstate Commerce Commission.

ACTION: Notice of elimination of annual report schedules.

SUMMARY: The Interstate Commerce Commission is reviewing the data that carriers submit in the various annual reports to the Commission to identify schedules which the Commission no longer uses to fulfill its regulatory responsibilities. Shown below are the schedules which we have identified as containing data we no longer need. By this notice we are requesting: (1) Comments from the public on the appropriateness of eliminating the schedules; and (2) recommendations for further eliminations.

DATES: Written responses should be filed with the Commission within 45 days.

ADDRESS: Responses should be mailed to: Bryan Brown, Jr., Section of Accounting and Reporting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: William Norris, 202–275–7448.

SUPPLEMENTARY INFORMATION: The Commission has identified the following schedules as being unnecessary to perform its regulatory functions and will eliminate them beginning with the reports for the year ending December 31, 1983.

Form R–1 Schedules:

225 Transfers from Government Authorities
363 Operating Leases
364 Lessee Disclosures
419 Renumerations from National Railroad Passenger Corporation
715 Highway Motor Vehicle Operations
716 Highway Motor Vehicle Enterprises in which the Responent has a Direct or Indirect Financial Interest During the Year
727 Ten-Year Summary of Track Maintenance
800 Contracts, Agreements, etc.
850 Competitive Bidding—Clayton Antitrust Act

Form M Schedules:

250 Statement of Sole Proprietorship or Partnership Capital

Form M–H Schedules:

240 Statement of Retained Earnings
250 Statement of Sole Proprietorship or Partnership Capital
260 Notes to the Financial Statements
400 Lease
550 Equipment and other Long-Term Obligations
801 Officers, Directors, Employees, Service and Compensation-Household Goods Carriers (e thru m).

Form MP-1 Schedules:

550 Equipment and Other Long-Term Obligations
775 Transfers From Government Authorities
850 Net Income From Noncarrier Operations
875 Net Income From Nonoperation Property

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-19972 Filed 7-22-83; 8:45 a.m.]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Agency Forms Under Review

July 21, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer Larry E. Miesse—202-633-4312

Extension

- Office of Justice Assistance, Research and Statistics (OJARS)

Department of Justice
Supplement to S.F. 424, Application for Federal Assistance (Nonconstruction Programs)
On Occasion
Businesses and other for-profit, Non-profit institutions, Individuals or Households, State and local governments, Small businesses or organizations
Application used in accordance with OMB Circulars A-102 and A-110 to determine applicants needs for funds: 250 respondents; 6,500 hours; not applicable under 3504(h).
Rob Veeder—395-4814

- Immigration and Naturalization Service

Department of Justice
Application to Preserve Residence for Naturalization Purposes
On Occasion
Individuals or households
Used to determine eligibility for preserving residence for naturalization purposes for an alien who intends to be absent from the United States for continuous period of one year or more: 3,000 respondents; 750 hours; not applicable under 3504(h).
Rob Veeder—395-4814

- Drug Enforcement Administration

Department of Justice
Notification of Suspension or Revocation of License of Practitioner
On Occasion
State or local governments
Uniform reporting vehicle used by State governments to report to DEA actions that limit or revoke the State licenses upon which DEA registration is based: 4,535 respondents; 680 hours; not applicable under 3504(h).
Rob Veeder—395-4814

Drug Enforcement Administration
Department of Justice
Application for Registration (Type B), Application for Registration Renewal (Type B)
On Occasion (registration) Annual (renewal)
Businesses or other institutions, individuals or households
Manufacturers, distributors or dispensers of controlled substances: 10,000 responses; 5,000 hours; not applicable under 3504(h)
David Reed—395-7231

Drug Enforcement Administration
Department of Justice
Application for Permit to Import Controlled Substances for Domestic and/or Scientific Purposes
On Occasion
Individuals or households, state or local governments, Business or other for-profit organizations, federal agencies or employees, non-profit institutions, small businesses or organizations
Provides standard information data needed for reports to the United Nations of legitimate traffic of narcotics into the United States and provides a basis for issuance of an import permit: 15 respondents, 36 hours; not applicable under 3504(h)
Rob Veeder—395-4814

Drug Enforcement Administration
Department of Justice
Application for Registration—Narcotic Treatment Program, Application for Registration Renewal—Narcotic Treatment Program
On Occasion (application), Annual (renewal)
Individuals or households, Small businesses or organizations
Practitioners who dispense narcotic drugs to individuals for maintenance or detoxification treatment must register with the DEA under the Narcotic Addict Treatment Act; registration is needed for control measures and is used to prevent diversion: 782 respondents; 391 hours; not applicable under 3504(h).
Rob Veeder—395-4814

Drug Enforcement Administration
Department of Justice
Application for Registration (Type A), Application for Registration Renewal (Type A), Application for Registration Delinquency (DEA 224, 224a, 224b)
On Occasion (application and delinquency), Annual (Renewal)
Individuals or households, small businesses or institutions
Used for registration under the Controlled Substances Act to control measures over legal handlers of controlled substances and monitor their activities: 750,000 respondents; 150,000 hours; not applicable under 3504(h).
Rob Veeder—395-4814

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 83-19981 Filed 7-22-83; 8:45 am]

BILLING CODE 4410-01-M

Guidelines for Victim and Witness Assistance

AGENCY: Department of Justice.

ACTION: Notice, Issuance of Guidelines for Victim and Witness Assistance

SUMMARY: The Department of Justice has developed internal guidelines for use by its personnel in responding to the needs and concerns of victims of and

witnesses to crimes. These guidelines incorporate the requirements of section 6 of the Victim and Witness Protection Act of 1982, Pub. L. No. 97–291, 96 Stat. 1248, 1256 (1982), *to be codified at* 18 U.S.C. 1512 *note*, as well as assistance concepts developed by the Department itself and the President's Task Force on Victims of Crime.

DATE: These guidelines became effective on July 9, 1983 when they were signed by the Attorney General.

FOR FURTHER INFORMATION CONTACT: Cary Copeland, Office of Legislative Affairs, united States Department of Justice, Room 1142, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530 (202–633–4117).

SUPPLEMENTARY INFORMATION: The Guidelines were developed by an internal Department of Justice task force and have been distributed to all components of the Department. They are intended to help Department personnel identify the kinds of assistance that will be most useful to criminal victims and witnesses. They are being published for their informational value to the public.

Dated: July 16, 1983.

Theodore B. Olson,

Assistant Attorney General, Office of Legal Counsel.

GUIDELINES FOR VICTIM AND WITNESS ASSISTANCE

I. General Considerations

A. Background

The Victim and Witness Protection Act of 1982 (VWPA), Pub. L. 97–291, was enacted "to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process; to ensure that the federal government does all that is possible within limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of defendants; and to provide a model for legislation for state and local governments." Section 6 of the VWPA requires the Attorney General to develop and implement guidelines for the Department of Justice consistent with the purposes of the Act.

These guidelines set forth procedures to be followed in responding to the needs of crime victims and witnesses. They are intended to ensure that responsible officials, in the exercise of their discretion, treat victims and witnesses fairly and with understanding. The guidelines are also intended to enhance the assistance which victims and witnesses provide in criminal cases and to assist victims in recovering from their injuries and losses to the fullest extent possible consistent with available resources.

Finally, in addition to implementing Section 6 of the VWPA, these guidelines also reflect the view of the Department of Justice that the needs and interests of victims and witnesses have not received appropriate consideration in the federal criminal justice system. Thus, these guidelines incorporate victim and witness assistance concepts beyond those set out in the VWPA, in particular, pertinent recommendations of the President's Task Force on Victims of Crime.

B. Application

These guidelines apply to those components of the Department of Justice engaged in the detection, investigation or prosecution of crimes. They are intended to apply in all cases in which individual victims are adversely affected by criminal conduct or in which witnesses provide information regarding criminal activity. Of course, these guidelines do not apply to individuals involved or reasonably believed to have been involved in the criminal offense. Under these guidelines, special attention should be paid to victims and witnesses who have suffered physical, financial or emotional trauma as a result of violent criminal activity. The amount and degree of assistance provided will, of course, vary according to the individual's needs and circumstances.

C. Definitions

1. A "victim" is generally defined as someone who suffers direct or threatened physical, emotional or financial harm as the result of the commission of a crime. The term "victim" also includes the immediate family of a minor or a homicide victim. Federal departments and agencies shall not be considered a "victim" for purposes of Part II of these guidelines.

It should be noted that, because of the nature of federal criminal cases, it will often be difficult to identify the victim or victims of the offense. In many cases, there will be multiple victims. The provision of assistance in such circumstances must be determined on a case-by-case basis.[1] In some cases, extension of the full range of victim services would be inappropriate because of the nature of the victim. Sound judgment will, therefore, be required to make intelligent decisions as to the degree of victim services and assistance given. Department personnel should always err on the side of providing rather than withholding assistance.

2. A "witness" is defined as someone who has information or evidence concerning a crime, and provides information regarding his knowledge to a law enforcement agency. Where the witness is a minor, the term "witness" includes an appropriate family member. The term "witness" does not include defense witnesses or those individuals involved in the crime as a perpetrator or accomplice.

3. A "serious crime" is defined as a criminal offense that involves personal violence, attempted or threatened personal violence or significant property loss.

D. Responsibility

The responsibility to decide whether the provisions discussed in Part II of these guidelines should be applied initially or should be continued in a particular case is shared between that component of the Department responsible for investigating violations of federal law and the United States Attorneys' offices or Department attorneys who are responsible for prosecuting the perpetrators when they are identified. In cases where the United States or the public generally are the victims, victim services will normally be inappropriate (*e.g.*, tax evasion and narcotics trafficking); but in virtually all cases there will be witnesses who will be entitled to witness services.

For cases in which the United States Attorney's office has become involved, the responsible official shall be the United States Attorney in whose district the prosecution is pending. For cases in which a litigating division of the Department of Justice is solely responsible, the responsible official shall be the chief of the section having responsiblility for the case. The Department attorney handling the case shall perform the same duties under these guidelines as are required of an Assistant United States Attorney.

For cases under investigation, but in which the United States Attorney's office or Department of Justice litigating division has not assumed responsiblity, application of these guidelines will be the responsibility of the following officials:

1. With respect to offenses under investigation by the Federal Bureau of Investigation, the responsible official shall be the Special Agent in Charge of the Division having primary responsibility for conducting the investigation;

[1] Victim assistance should not be denied solely because there are multiple victims of an offense. For example, in a federal case involving a large-scale fraud scheme, it may be possible to extend victim services and assistance to a representative or representatives of the many victims of the crime.

2. With respect to offenses under investigation by the Drug Enforcement Administration, the responsible official shall be the Special Agent in Charge of the office having primary responsibility for the investigation; and

3. With respect to offenses under investigation by the Immigration and Naturalization Service, the responsible official shall be the District Director or Chief Patrol Agent of the office having primary responsibility for conducting the investigation.

The responsibility for deciding that the provisions of Part II should be applied or continued may be delegated. The component of the Department making the decision that the provisions of Part II should apply or continue to be applied must ensure that they are in fact applied either through its own resources or through coordination with other components of the Department or other agencies.

United States Attorneys' offices, litigating divisions and investigative agencies shall designate or employ one or more persons specifically for the purpose of carrying out the provisions of Part II. Smaller offices or components may have no need for such a victim-witness coordinator on a full-time basis. In every office, however, each responsible official shall designate one individual as the primary contact for victim-witness services.

All components of the Department shall cooperate with one another to the maximum extent possible in providing the services described in Part II. All components of the Department shall keep on file a written description of the procedures and materials used to provide assistance to victims and witnesses in individual cases. All components of the Department shall work with appropriate components of other federal agencies that investigate violations of federal law to assist them in providing services to victims and witnesses consistent with those described in Part II. Finally, all components of the Depatment shall take all steps necessary to coordinae their victim-witness service efforts with State and local law enforcement officials. Coordination of there efforts will take place, at minimum, through the Law Enforcement Coordinating Committees (LECC).

Where a victim or witness resides outside the judicial district in which the case is being prosecuted, the United States Attorney in the prosecuting district (or section chief of the litigating division) may, if necessary, seek the assistance of the United States Attorney's office in the district of residence in counseling, assisting or consulting with the victim or witness.

II. Services to victims and witnesses

The responsible official should ensure that the following services are provided and that personal contact is initiated with victims and witnesses whenever possible.

A. Referral Services

Victims should receive information by the most appropriate and timely means, regarding available assistance. Department personnel should assist victims in contacting, where appropriate, the specific person or office which will provide the following:

1. Emergency medical and/or social services;

2. Compensation for which the victim may be entitled under applicable law and how to begin the process of applying for it; and

3. The availability of appropriate public or private programs that provide counseling, treatment, or support.

Victim witness assistance coordinators should develop and maintain accurate resource material that identify available counseling and treatment programs in their jurisdictions.

B. Information Services

Victims and witnesses of serious crimes who provide a current address or telephone number should be advised of the following information in a timely manner. As a general rule, investigative components will be responsible for points 1 and 2, and prosecutive components for points 3 through 11.

1. Steps that may, if warranted, be taken to protect the victim, his family, and witnesses from intimidation;

2. The arrest or formal charging of the accused;

3. Scheduling changes and/or continuances affecting their appearance or attendance at judicial proceedings;

4. The release or detention status of the accused;

5. The acceptance of a plea of guilty or nolo contendere or the results of a trial;

6. The date set for sentencing if the defendant is found guilty;

7. The sentence imposed including the date on which the defendant may be eligible for parole; and

8. For victims, the opportunity to address the court at the time of sentencing.

If the victim or witness has requested notice and has provided the responsible official with a current address or telephone number, he or she shall be advised in advance of the defendant's release from custody. In the event of an escape by the defendant, such victim or witness shall be apprised as soon as practicable. Moreover, a victim should be notified in advance of any parole hearing under the procedures specified above.

C. Consultation Services

Consistent with the interests of justice, Department officials should consult victims of serious crimes to obtain their views and provide explanations regarding the following:

1. The release of the accused pending judicial proceedings and the conditions thereof;

2. The decision not to seek an indictment or otherwise commence a prosecution;

3. The proposed dismissal of any or all charges, including dismissal in favor of State prosecution;

4. Any continuance of a judicial proceeding;

5. The proposed terms of any negotiated plea including any sentencing recommendation to be made by the prosecutor;

6. The proposed placement of the accused in a pretrial diversion program;

7. The proposed proceeding against the accused as a juvenile defendant;

8. Restitution as described in Part IV; and

9. Presentation to the court of the victim's views regarding sentencing.

It is recognized that consultation services must be limited in some cases to avoid endangering the life or safety of a witness, jeopardizing an ongoing investigation or official proceeding or disclosing classified or privileged information.

D. Other Services

In addition to the services described above, additional assistance should be extended as follows:

1. Department officials should avoid, to the extent possible, disclosing the addresses of victims and witnesses. Prosecutors should resist attempts by the defense to obtain the addresses of victims and witnesses;

2. To the extent possible, victims and other witnesses for the prosecution who are called as witnesses in any judicial or administrative proceeding should be afforded a waiting area, removed from and out of sight and earshot of the defendant and defense witnesses;

3. Property of any victim or witness which is held for evidentiary purposes should be maintained in good condition and promptly returned. If the property is not to be returned promptly, an explanation should be given to the

victim or witness as to the property's significance in any criminal prosecution;

4. Upon request by a victim or witness, the responsible official should assist in notifying:

a. The employer of the victim or witness if his cooperation in the investigation or prosecution of the crime causes his absence from work; and

b. The creditors of the victim or witness, where appropriate, if the crime or his cooperation in its investigation or prosecution affects his ability to make timely payments;

5. Responsible officials should establish programs to assist Department employees who are victims of crime;

6. Victims or witnesses should be provided informaiton or assistance with respect to transportation, parking, translator services and related services; and

7. Responsible officials shall ensure that sexual assault victims are not required to assume the cost of physical examinations and materials used to obtain evidence; if a victim is billed for such an examination or materials, the victim shall be reimbursed therefor by the appropriate component of the Department.

III. Victim Impact Statement

The responsible official should ensure that the appropriate U.S. Probation Officer is fully advised of the information in his possession pertinent to preparation of the victim impact statement required by Rule 32(c)(2) of the Federal Rules of Criminal Procedure so that the report will fully reflect the effects of the crime upon victims as well as the appropriateness and amount of restitution. The victim should be apprised that the Probation Officer is required to prepare a victim impact statement which includes a provision on restitution. The victim should be advised as to how to communicate directly with the Probation Officer if he or she so desires. Consistent with available resources and their other responsibilities, federal prosecutors should advocate the interests of victims at the time of sentencing.

IV. Restitution

Restitution may be ordered under 18 U.S.C. 3579. Consistent with available resources and their other responsibilities, federal prosecutors should advocate fully the rights of victims on the issue of restitution unless such advocacy would unduly prolong or complicate the sentencing proceeding.

V. Obstruction of Justice

Victims or witnesses should routinely receive information on the prohibition against victim or witness intimidation and harassment and the remedies therefor. The responsible official should, if warranted, advise the component of the Department having the enforcement responsibilities as set forth in 28 CFR 0.179a, of instances involving intimidation or harassment of any victim or witness.

VI. Training

All components of the Department of Justice covered by the provisions of these guidelines should, beginning not later than 30 days after the issuance of these guidelines, provide training to existing and new employees concerning their responsibilities in carrying out these guidelines and provide written instructions to appropriate subcomponents to ensure that the provisions of this part are implemented.

Further, all training units conducted or supported by the Department of Justice shall develop programs which address victim assistance from the perspective of the personnel they train. These units include the FBI Academy at Quantico, the Attorney General's Advocacy Institute, and field training conducted by the FBI and DEA. Through agreements between the Departments of Justice and Treasury, similar efforts shall be undertaken at the Federal Law Enforcement Training Center at Glynco, Georgia.

VII. Non-Litigability

These guidelines provide only internal Department of Justice guidance. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any person in any matter civil or criminal. Nor are any limitations hereby placed on otherwise lawful litigative prerogatives of the Department of Justice. Rather, these guidelines are intended to ensure that responsible officials, in the exercise of their discretion, treat victims and witnesses fairly and with understanding.

Approved this 9th day of July, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-20011 Filed 7-22-83; 8:45 am]

BILLING CODE 4410-01-M

Bureau of Justice Statistics

Bureau of Justice Statistics Advisory Board; Meeting

The Bureau of Justice Statistics Advisory Board will meet on August 5–6, 1983 at the Mark Hopkins Hotel in San Francisco, California. The session on August 5th is scheduled to begin at 9:00 a.m. and end at 4:30 p.m. The session on August 6th will begin at 9:00 a.m. and end at 12 noon.

During the course of the meeting, the Board will be briefed by Dr. Steven Schlesinger, Director, BJS, on the reorganization of BJS, on budget matters, and on pending legislation to reauthorize BJS. BJS staff will make presentations on the National Report and the Careers in Crime study. Larry Stirling, Assemblyman for the Seventy-Seventh District, State of California and a member of the Board, will speak on the uses of data from the perspective of a state legislator. Gary Cooper, Executive Director of SEARCH Group, Inc. in Sacramento, Calif., will discuss the organization's role with respect to criminal justice statistics and information system development. James Galvin and Bradford Smith of the National Council on Crime and Delinquency Research Center will talk about data collection problems associated with the National Corrections Series, including Uniform Parole Reports and National Probation Reports.

The meeting will be open to the public. The meeting room will be accessible to the handicapped. Approximately ten seats will be available for the public on a first-come-first-served basis.

Minutes of the meeting will be available upon request 30 days after the meeting.

Inquiries may be addressed to Paul D. White, Bureau of Justice Statistics, 633 Indiana Ave., NW., Washington, D.C. 20531, telephone (202) 724–7770.

Dated: July 18, 1983.

Steven R. Schlesinger,

Director, Bureau of Justice Statistics.

[FR Doc. 83-20012 Filed 7-22-83; 8:45 am]

BILLING CODE 4410-18-M

Drug Enforcement Administration

Michael C. Barry, M.D.; Revocation of Registration

On April 5, 1983, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) directed an Order to Show Cause to Michael C. Barry, M.D., 100 Hepburn Road, Clifton, New Jersey 07013 (Respondent) seeking to revoke DEA Certificate of Registration AB8825474 previously issued to Respondent. There are two statutory predicates for the Order to Show Cause under 21 U.S.C. 824(a)(2) and 824(a)(3). Respondent was convicted on August 26, 1982, in the Superior Court of New

Jersey, Law Division—Criminal, Bergen County, of one count of conspiracy to dispense controlled substances, 13 counts of complicity in dispensing diazepam, felony convictions relating to controlled substances. The New Jersey Board of Medical Examiners ordered the temporary suspension of Respondent's medical license on November 10, 1982, thereby terminating his authority to possess, dispense, prescribe or otherwise handle controlled sustances in New Jersey.

Respondent submitted a letter in which he stated his conviction was being appealed and he would agree to a suspension "without prejudice" of his DEA Certificate of Registration. He also submitted to DEA his statement to the Board of Medical Examiners. Respondent did not request a hearing under 21 CFR 1301.48(d) even though he was given the opportunity to do so. Accordingly, the Acting Administrator finds that Respondent waived his opportunity for a hearing under 21 CFR 1301.54(d), and enters this final order on the record as it appears. 21 CFR 1301.54(e).

DEA has consistently held that when a registrant or applicant is without authority to handle controlled substances under the laws of the state in which he practices or intends to practice DEA is without lawful authority to issue or maintain a registration. See *Floyd A. Santner, M.D.*, Dk. No. 79–23, 47 FR 51831 (1982); *Henry Weitz, M.D.*, 46 FR 34858 (1981); *Marshall S. Tuck, M.D.*, Dk. No. 80–28, 45 FR 85845 (1980); *James Waymon Mitchell, M.D.*, Dk. No. 79–16, 44 FR 71466 (1979). Since Dr. Barry lacks authority to possess, dispense, administer or otherwise handle controlled substances in New Jersey, the Acting Administrator has no choice but to revoke the DEA registration previously issued to Dr. Barry.

As to Respondent's request that this agency suspend his registration "without prejudice," the Acting Administrator notes that Respondent is free to reapply at any time. This agency has consistently held that a conviction, as that term is used in 21 U.S.C. 824(a)(2), is final even though the applicant or registrant may be pursuing his appellate remedies. See *Faunce Drug Store*, Dk. No. 82–3, 47 FR 30122 (1982) and cases cited therein. Should Respondent reapply, DEA will evaluate his application in light of his circumstances at the time of the application. At the present time DEA need not wait until Respondent exhausts his appellate remedies before revoking Respondent's registration.

It is the decision of the Acting Administrator to revoke the Certifciate of Registration formerly issued to Respondent. Accordingly, pursuant to the authority vested in the Attorney General by Section 304 of the Controlled Substances Act, 21 U.S.C. 824 and redelegated to the Acting Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that DEA Certificate of Registration AB8825474 issued to Michael C. Barry, M.D., be, and it hereby is revoked. Any pending applications for registration or reregistration are hereby denied.

Dated: July 19, 1983.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 83-20050 Filed 7-22-83; 8:45 am]

BILLING CODE 4410-09-M

Kenneth K. Birchard, M.D.; Revocation of Registration

On April 6, 1983, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) directed an Order to Show Cause to Kenneth K. Birchard, M.D., 9000 Patricia Street, Chalmette, Louisiana 70043, seeking to revoke DEA Certificate of Registration AB1144548 previously issued to Dr. Birchard. The statutory predicate under 21 U.S.C. 824(a)(3) for the Order to Show Cause is the summary suspension of Dr. Birchard's medical license on November 22, 1982 by the Louisiana State Board of Medical Examiners, thereby terminating Dr. Birchard's authority to possess, dispense, administer or otherwise handle controlled substances in Louisiana. The Order to Show Cause was sent registered mail, return receipt requested, to Dr. Birchard's address in Chalmette but was returned as "moved, left no address." The Order to Show Cause was then sent registered mail, return receipt requested, to counsel for Dr. Birchard in New Orleans, who received it on April 18, 1983. Thirty days have elapsed and DEA has not received a reply to the Order to Show Cause. Therefore, the Acting Administrator finds under 21 CFR 1301.54(e) that Dr. Birchard has waived his opportunity for a hearing.

DEA has consistently held that when a registrant or applicant is without authority to handle controlled substances under the laws of the state in which he practices or intends to practice, DEA is without lawful authority to issue or maintain a registration. See *Floyd A. Santner, M.D.*, Dk. No. 79–23, 47 FR 51831 (1982); *Henry Weitz, M.D.*, 46 FR 34858 (1981); *Marshall S. Tuck, M.D.*, Dk. No. 80–28, 45 FR 85845 (1980); *James Waymon Mitchell, M.D.*, Dk. No. 79–16, 44 FR 71466 (1979). Since Dr. Birchard is without authority to possess, dispense, administer or otherwise handle controlled substances in Louisiana, the Acting Administrator has no choice but to revoke the DEA registration previously issued to Dr. Birchard.

It is the decision of the Acting Administrator to revoke the DEA registration previously issued to Dr. Birchard. Accordingly, pursuant to the authority vested in the Attorney General by Section 304 of the Controlled Substances Act, 21 U.S.C. 824 and redelegated to the Acting Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that DEA Certificate of Registration AB1144548 previously issued to Kenneth K. Birchard, M.D., be, and it hereby is, revoked and any pending applications for registration be and are hereby denied.

Dated: July 18, 1983.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 83-20048 Filed 7-22-83; 8:45 am]

BILLING CODE 4410-09-M

Wendell B. Garren, M.D., Denial of Application

On March 28, 1983, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) directed an Order to Show Cause to Wendell B. Garren, M.D., 3530 Fleming Avenue, Pittsburgh, Pennsylvania 15212 (Respondent) seeking to deny an application for DEA registration Respondent executed on September 1, 1982. The statutory predicate under 21 U.S.C. 824 (a)(2) for the Order to Show Cause was Respondent's conviction on June 23, 1981 in the Court of Common Pleas of Dauphin County, Commonwealth of Pennsylvania of four counts of unlawful delivery of a controlled substance by a practitioner, a felony conviction relating to controlled substances. Respondent submitted his position on the matters of law and fact under 21 CFR 1301.54(c), specifically waiving his opportunity for a hearing. The Acting Administrator enters this final order on the record as it appears, taking into consideration Respondent's submission. 21 CFR 1301.54(d) and (e).

The Acting Administrator finds that Respondent pled *nolo contendere* to four counts of unlawful delivery of a controlled substance by a practitioner. The controlled substances included morphine and meperidine (Demerol). Respondent was placed on five years probation under the condition that he

not administer, dispense or prescribe controlled substances during the probationary period.

The Acting Administrator is not satisfied that Respondent is capable of responsibly handling controlled substances, given his admitted former addiction.

Based upon Respondent's conviction, the Acting Administrator concludes that there is a lawful basis for the denial of the application for DEA registration executed by Respondent and that under the facts and circumstances in this case, the application should be denied. Therefore, under the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), the Acting Administrator of the Drug Enforcement Administration hereby denies the application for DEA registration executed on September 1, 1982.

In his submission Respondent stated that he is employed as a staff physician at Mayview State Hospital, Bridgeville, Pennsylvania 15017. 21 CFR 1301.76(a) provides that a "registrant shall not employ as an agent or employee who has access to controlled substances any person who has had . . . his registration revoked at any time." The Acting Administrator finds that the employment of Respondent as a physician at Mayview State Hospital is in the public interest, and that the public interest will be served if Respondent is permitted to remain employed at Mayview State Hospital. Accordingly, the Acting Administrator waives the prohibition of 21 CFR 1301.76(a) with respect to the employment of Wendell B. Garren, M.D. as a physician at Mayview State Hospital. See *Joseph Bruce Friedman, M.D.*, docket No. 81-17, 46 FR 58621 (1981); *Joseph Henry Pritchett, M.D.*, Docket No. 81-12, 47 FR 26053 (1982); *Frank T. Riforgiato, M.D.*, 47 FR 50589 (1982). The Acting Administrator grants this waiver with the understanding that even though the Respondent may have physical "access" to controlled substances, he is not authorized to prescribe, sign medication orders for, administer, possess, or dispense any controlled substances himself in the course of his employment.

The denial of Respondent's application and the waiver of 21 CFR 1301.76(a), to the extent set forth above, are both effective immediately upon publication of this notice.

Dated: July 18, 1983.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc 20048 Filed 7-22-83; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506:

Date: August 11, 1983.
Time: 8:00 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review Fellowships for Independent Study and Research applications in European History to 1815, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1984.

Date: August 17, 1983.
Time: 8:00 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Fellowships for Independent Study and Research applications in Music and Dance, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1984.

Date: August 19, 1983.
Time: 8:00 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Fellowships for Independent Study and Research applications in American History to the 20th Century, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1984.

Date: August 16, 1983.
Time: 8:00 a.m. to 5:30 p.m.
Room: MO7E.
Program: This meeting will review Fellowships for Independent Study and Research applications in European History, since 1815, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1984.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings 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 about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83-19984 Filed 7-22-83; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-155]

Consumers Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), for operation of the Big Rock Point Plant located in Charlevoix County, Michigan.

The amendment would make several revisions to the Administrative Controls Section of the Technical Specifications. One proposed change would incorporate the revised working hour guidelines of NRC Generic Letter 82-12. Another proposed change would add a second auxiliary operator to the minimum shift crew. The rest of the proposed changes are purely administrative. These changes are in accordance with the licensee's application for amendment dated December 20, 1982.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14671, April 6, 1983). One of the examples of actions involving no significant hazards considerations relates to purely administrative changes [Example (i)] to the Technical Specifications. Most of the proposed changes are purely administrative. Another example of actions involving no significant hazards considerations relates to changes that constitute an additional limitation, restriction, or control not presently included in the Technical Specifications [see Example (ii)]. The incorporation of the NRC's working hour guidelines and the addition of a second auxiliary operator to the minimum shift crew constitute such additional controls.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By August 24, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the basis for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Dennis M. Crutchfield: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of the **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Judd L. Bacon, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the

Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Dated at Bethesda, Maryland, this 19 day of July 1983.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-20025 Filed 7-22-83; 8:45 am]

BILLING CODE 7590-01-M

Draft Commission Policy Statement on Engineering Expertise on Shift

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Draft Commission Policy Statement regarding Engineering Expertise on Shift.

SUMMARY: This draft Policy Statement proposes NRC's position of ensuring that adequate engineering and accident assessment expertise is provided to the shift supervisor. The draft Policy Statement would allow licensees, and applicants for operating licenses, to combine the Senior Reactor Operator and Shift Technical Advisor functions. In addition, the guidance would provide some flexibility in meeting the new requirements of 10 CFR 50.54(m). It is not the intent of this draft Policy Statement to reduce the present requirements for shift technical capabilities, but to allow for the integration of the capabilities into the normal operating crew.

DATES: Submit comments by September 23, 1983. Comments received after that date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments, suggestions, or recommendations to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch. Copies of comments received may be examined in the NRC Public Document Room, 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: James A. Norberg, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–443–7863, or Clare Goodman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301–492–4894.

SUPPLEMENTARY INFORMATION:

Background

Following the Three Mile Island (TMI) accident, a number of studies and investigations conducted by the NRC, the industry, and others recommended changes in the numbers, qualifications, and organization of nuclear power plant personnel. One of these recommendations was that engineering expertise be available to the shift supervisor for the purpose of improving the plant operating staff's capabilities for responding to abnormal conditions and for evaluating operating experience.

The initial response to this recommendation was the establishment, on an interim basis, of the position of Shift Technical Advisor (STA) as described in an October 30, 1979 letter to all operating nuclear power plants. NUREG–0578 (July 1979) [1] and NUREG–0585 (October 1979) established that the purpose of the STA is to provide engineering expertise and advice to the shift supervisor in the event of abnormal or accident conditions. Following issuance of NUREG–0578 and NUREG–0585, the NRC issued a series of letters and reports to clarify the details of the STA job function and to present an acceptable approach for implementation. Four documents were prepared by the NRC for all operating nuclear power plants: two letters from NRC officials (September 13, 1979 and October 30, 1979): NUREG–0660 (May 1980): and NUREG–0737 (November 1980). In addition, the Institute for Nuclear Power Operations (INPO) issued a report (April 1980) providing "interim guidance" to utilities in formulating their STA programs which were referenced in NUREG–0737. The INPO report also provides guidance on education and training recommended for STA candidates.

At this time, the optimum manner of providing engineering and accident assessment expertise to the shifts is still under evaluation. In the interim, the Commission is issuing this new policy guidance to reassert the Commission's belief that adequate engineering and accident assessment expertise must be available to the operating crew at all operating nuclear power plants. In addition, this new guidance will provide some flexibility in meeting the new requirements of 10 CFR 50.54(m). This new guidance is not intended to dilute the present requirements for shift technical capabilities, but is intended to allow for the integration of these capabilities into the normal operating crew.

[1] Referenced materials are available at the NRC Public Document Room at 1717 H Street, NW., Washington, DC.

Policy Guidance

The Commission continues to stress the importance of providing engineering and accident assessment expertise on-shift. Therefore, licensees of operating plants and applicants for operating licenses should establish policies that will ensure that at least one individual with this expertise is on shift whenever a nuclear power unit is in an operational mode other than cold shutdown or refueling as defined by the unit's technical specifications. At this time, there are no changes proposed for formal education of operators and senior operators not fulfilling the engineering and accident assessment function.

The intent of this policy guidance can be accomplished by either of the following alternatives:

1. Continuation of an approved STA program, or

2. Assignment of an individual with the following qualifications to the operating shift crew as one of the Senior Operators required by 10 CFR 50.54(m):

a. Baccalaureate degree or equivalent in engineering or related sciences, and

b. Licensed as a senior operator on the particular nuclear power unit(s), and

c. Specific training in the response to and analysis of plant transients and accidents, plant design and layout, capabilities of instrumentation and controls in the control room, and training in the relationship of accident conditions to offsite consequences and protective action strategies.

For individuals fulfilling the engineering and accident assessment function, as delineated in Alternative 2 Part a. above, equivalency shall be defined as:

(a) Professional Engineer License, or

(b) Successful completion of the Engineering in Training (EIT) examination, or

(c) *Successful completion of the technical portions of an accredited, four year engineering degree program.*

If the second alternative is selected, the separate STA position may be eliminated. However, it is not the intent

of this policy guidance to dilute the engineering and accident assessment expertise on shift, but only to incorporate these qualifications in a member of the operating crew. In addition, total shift manning will need to be sufficient to provide staffing to handle emergency preparedness as discussed in Supplement 1 to NUREG–0737 (December 1982), "Requirements for Emergency Response Capability" (Generic Letter 82–33).

Licensees may apply for modification to their Technical Specifications or Safety Analysis Reports to eliminate the STA position, if they commit to providing a required Senior Operator on shift with the qualifications described in Alternative 2 above. Acceptance of such modifications will be subject to NRC finding that the proposal meets the intent of this policy statement. Special attention will be given to multi-unit sites with common control rooms and dual licensed senior operators with regard to the total number of licensed staff.

Invitation To Comment

Commissioner Roberts would like to receive public comments on the need for some form of "or equivalent" provision in the Policy Statement and the standards to be met in establishing equivalency.

Dated at Washington, DC, on this 19th day of July 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83–20028 Filed 7–22–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–302]

Florida Power Corp., et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–72, issued to Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainsville, City of Kissimme, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees), for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida.

The proposed amendment would change the Crystal River Unit 3 Technical Specifications to increase the time interval between certain functional tests of engineered safeguards logic circuits on an interim basis until appropriate control circuit modifications can be made at Crystal River Unit 3. Specifically, the frequency of the channel functional test of the manual actuation portion of the engineered safeguards system would be changed from monthly to once each 18 months during plant shutdown. In addition, the scope of channel functional testing of several automatic actuation logic circuits would be revised to prevent undesirable operation of certain components during plant power operation. Alternate tests of these circuits would be specified which would accomplish the intended purpose of the testing but would result in eliminating undesirable consequences of performing the testing. The request for this change was made by the licensees' application for amendment dated January 14, 1983, and supplemented on January 20, 1983, July 6, 1983 and July 14, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment is not likely to (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of guidance regarding actions not likely to involve significant hazards considerations is a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. In this case, the licensees have requested approval to change the frequency of certain channel functional tests involving manual and automatic actuation of logic circuits of the engineered safeguards including high pressure injection, low pressure injection, reactor building cooling and reactor building isolation. Although the actuation circuit design allows testing of individual initiation signals, the system design does not permit on line testing in many cases without actuating the system and imposing potential adverse consequences on the reactor systems. Consideration of this amendment request required an assessment of the potential adverse effects of performing these tests on a less frequent basis as compared to performing the testing as currently specified. The revised test frequencies approved by this amendment are based on the provisions for testing permitted by Section D.4 of Regulatory Guide 1.22 where actuated equipment is not tested during reactor operation and will be consistent with test frequencies included in Standard Technical Specifications. Specifically, Position D.4 of Regulatory Guide 1.22 excludes the requirement to test actuated equipment during reactor operation where such action could adversely affect safety or operability of the plant, the probability of protection system failure is acceptably low without such testing, and it can be routinely tested when the reactor is shutdown. The NRC staff requested the licensee to indicate what experience they have had on failure of these types from tests that had been conducted since the plant went into commercial operation in early 1977. Based on a review of the testing and maintenance history of these systems, no failures were identified to have occurred in the logic matrix relay contacts or associated wiring. Therefore, the staff concludes that the provisions of Section D.4 of Regulatory Guide 1.22 are met with the licensees proposed interim surveillance test program. The staff has required testing of all channels in the automatic logic circuits by the licensee before restart from the current refueling outage.

Interim relief for testing of these items was given in License Amendment No. 61 dated January 24, 1983 for the period January 24, 1983 through the end of Fuel Cycle 4 (March 1983). The licensees have committed to a long-range program to install circuit modifications where possible, to enable complete testing during power operation. Therefore, the Commission proposes to determine that the amendment will involve no significant hazards considerations.

The Commission is seeking public comments on this proposed

determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By August 24, 1983, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to S. A. Brandimore, Florida Power Corporation, Vice President and General Counsel, P.O. Box 14042, St. Petersburg, Florida 33733.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida.

Dated at Bethesda, Maryland, this 20th day of July 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-20026 Filed 7-22-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Granting Relief From ASME Code Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules

for Inservice Inspection of Nuclear Power Plant Components", to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees), which revised the inservice inspection program for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The ASME Code Requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of the date of issuance.

This action permits Florida Power Corporation to use the provisions of the 1977 edition of the ASME Code, Section XI, rather than the 1974 version of the Code, regarding the inservice inspection of certain components. This action also authorizes relief from or substitution for certain types of non-destructive examination of some piping welds where total compliance with ASME Code requirements is impossible or impractical. These reliefs reflect the as-built conditions of the plant.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the licensee's letters dated March 14 and 25, 1983, and (2) the Commission's letter to Florida Power Corporation dated July 13, 1983. 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 Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. A copy of item (2) 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 13th day of July 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-20029 Filed 7-22-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-537]

U.S. Department of Energy, Project Management Corporation, Tennessee Valley Authority (Clinch River Breeder Reactor Plant); Rescheduled Evidentiary Hearing

July 19, 1983.

Please take notice that the evidentiary hearing previously scheduled and described in this Construction Permit Licensing proceeding (48 FR 23944), will commence on Monday, August 8, 1983 at 2:00 p.m., local time, at the Holiday Inn, Main Ballroom 420 S. Illinois Avenue, Oak Ridge, Tennessee. The hearing will continue August 9–12, commencing daily at 8:30 a.m., local time.

It is so ordered.

Dated at Bethesda, Maryland, this 19th day of July, 1983.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Chairman, Administrative Judge.

[FR Doc. 83-20027 Filed 7-22-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on August 4–6, 1983, in Room 1046, 1717 H Street NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on July 20, 1983.

The agenda for the subject meeting will be as follows:

Thursday, August 4, 1983

8:30 a.m.–8:45 a.m.: Opening Remarks (Open)—The ACRS Chairman will report briefly on matters of current interest regarding ACRS activities.

8:45 a.m.–9:45 a.m.: Meeting with Director, NRC Office of Inspection and Enforcement (Open)—The Director of the Office of Inspection and Enforcement will brief the ACRS on current programs and activities of the Office of Inspection and Enforcement.

9:45 a.m.–11:00 a.m.: ACRS Subcommittee Activities (Open)—The members will hear and discuss the report of the cognizant Subcommittee chairman regarding Environmental Protection Agency proposed emission standards for radionuclides, proposed revisions to 10 CFR Part 71, a proposed NRC policy on responding to transportation accidents, NRC staff position on low level waste form and classification, and the status of a review of radiological emergency preparedness requirements.

11:00 a.m.–12:00 Noon: Recent Operating Experience and NRC Actions (Open)—The members will hear reports of recent operating experience and NRC actions in connection with BWR pipe cracking.

1:00 p.m.–3:00 p.m.: Meeting with representatives of the Institute of Nuclear Power Operations (Open)—Representatives of the Institute of Nuclear Power Operations will brief the Committee on activities of the Institute.

Portions of this session will be closed as necessary to discuss Proprietary Information.

3:00 p.m.–6:00 p.m.: ACRS Subcommittee Activity (Open)—The members will hear and discuss the report of the cognizant Subcommittee chairman on the future scope of ACRS activities.

Friday, August 5, 1983

8:30 a.m.–9:30 a.m.: Future ACRS Activities (Open)—The members of the Committee will discuss anticipated Subcommittee and full Committee activities.

9:30 a.m.–10:30 a.m.: On-Shift Engineering Expertise (Open)—The members will discuss a proposed NRC Rule on requirements for on-shift operating personnel.

10:30 a.m.–11:30 a.m.: Fitness for Duty (Open)—The members will hear and discuss a proposed NRC Rule concerning fitness requirements for personnel having unrestricted access to nuclear plant protected areas.

11:30 a.m.–12:30 p.m.: ACRS Subcommittee Activity (Open)—The Committee will hear a report by the cognizant Subcommittee chairman on proposed revisions to the operational controls for the plutonium air transportable Model-2 package (PAT-2).

1:30 p.m.–3:30 p.m.: Safety Goal Evaluation Plan (Open)—The Committee will discuss the proposed plan for evaluating the proposed NRC Safety Goals.

3:30 p.m.–5:30 p.m.: Indian Point, Units 2 and 3 (Open)—The Committee will hear a report by NRC Staff representatives and will discuss issues raised at the recent Indian Point Hearings.

5:30 p.m.–6:30 p.m.: ACRS Subcommittee Activity (Open)—The Committee will discuss the proposed prioritization of unresolved generic issues for allocation of NRC Staff resources.

Saturday, August 6, 1983

8:30 a.m.–12:30 p.m.: Preparation of ACRS Reports to NRC (Open)—The Committee will prepare reports regarding items discussed during the course of this meeting.

1:30 p.m.–2:00 p.m.: ACRS Subcommittee Activity (Open)—The Committee will hear reports on and discuss activities of designated Subcommittees, including items such as consideration of the test program planned for the B&W Test Facility and of the proposed NRC Staff initiative in the area of construction quality assurance.

2:00 p.m.–3:00 p.m.: Severe Accident Policy (Open)—The Committee will discuss SECY 82–1B, the proposed NRC Severe Accident Policy Statement.

3:00 p.m.–3:15 p.m.: Miscellaneous (Closed)—This session will be closed to discuss information that relates solely to the internal personnel rules and practices of the agency.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 1982 (47 FR 43474). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Acting Executive Director (M. W. Libarkin) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)) and information that relates solely to the internal personnel rules and practices of the agency (5 U.S.C. 552b(c)(2)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the Acting ACRS Executive Director, Mr. M. W. Libarkin (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. EDT.

Dated: July 19, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–20039 Filed 7–22–83; 8:45 am]

BILLING CODE 7590–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before August 30, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

Copies: Copies of the proposed forms, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653–8538.

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395–4814.

FORMS SUBMITTED FOR REVIEW:

Title: SBIC Financial Reports.
Form No.: SBA 468, Parts I, II, III.
Frequency: Annually.
Description of Respondents: Licensees concerning the furnishing of long-term loans and equity capital to Small Business concerns.
Annual Response: 492.
Annual Burden Hours: 8,364.
Type of Request: Extension (burden adjustment).

Title: SBIC License Application, Personal History Statement, Qualifications of Management Statement, and License Instructions.
Form No.: SBA 415, 415A, 415B.
Frequency: On Occasion.
Description of Respondents: Companies who want to be considered for license as Small Business Investment Company.
Annual Response: 160.
Annual Burden Hours: 12,800.
Type of Request: Extention (burden adjustment).

Title: Disaster Survey Worksheet.
Form No.: SBA 987.
Frequency: On Occasion.
Description of Respondents: Businesses, both profit and not for profit, Individuals who have sustained damage are surveyed.
Annual Response: 4,000.
Annual Burden Hours: 333.
Type of Request: New.

Dated: July 20, 1983.

Richard Vizachero, Jr.,

Acting Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 83–20079 Filed 7–22–83; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace System Users Review: FAA Aviation Weather Plan; Meeting

A public meeting will be held on August 18, 1983, at the Federal Aviation Administration (FAA) headquarters, 3rd floor Auditorium, 800 Independence Avenue, SW., Washington, D.C. 20591. This one day meeting will convene at 9 a.m. The purpose of the meeting is to review the proposed FAA Aviation Weather Plan, and provide an open forum for comment on the plan by

National Airspace System users. Meeting will be open to the public.

Additional information regarding the meeting may be obtained from Mr. James Dziuk, FAA/ADL-12, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone number (202) 287-0018.

Issued in Washington, D.C., on July 15.

Neal A. Blake,

Deputy Associate Administrator for Engineering.

[FR Doc. 83-19944 Filed 7-22-83; 8:45 am]

BILING CODE 4910-13-M

[Summary Notice No. PE-83-17]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activites. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before August 15, 1983.

The comment period on the petitions of World Airways, Inc. and Transamerica Airlines (48 FR 31763; July 11, 1983) has been extended to August 1, 1983.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on July 20, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23680	Air-Lift Associates, Inc.	14 CFR 135.244 (a)(1), (a)(2), (b)(2), and (b)(3).	To permit petitioner to use pilots in command for commuter flights without the pilot flying 15 hours with a qualified check pilot prior to assignment on the commuter route.
22279	Pacific Coast Airlines	14 CFR 61.31(a)(1)	To permit Apollo Airways presently qualified HP-137 pilots in command to operate the HP-137 recertificated in accordance with SFAR-41 without processing type rating for the recertificated airplane.
17324	Gulf Air	14 CFR Parts 21, 61, 63 and 91	To permit petitioner to operate two leased, U.S.-registered L-1011 aircraft using a FAA approved master minimum equipment list and an FAA-approved airworthiness maintenance program.
23675	Executive Air Fleet Corportion	14 CFR Parts 21 and 91	To permit petitioner to operate various aircraft using a FAA approved minimum equipment list.
21961	Deere & Company	14 CFR 91.45	To permit petitioner to conduct certain ferry flights with one engine inoperative in a Lockheed L-1329 JetStar without obtaining a special flight permit for each flight.
20090	Sierra Academy of Aeronautics	14 CFR 61.63(d) (2) and (3), 61.157(d)(1)	To permit petitioner to complete a portion of the practical test for the issuance of an airline transport pilot certificate or a type rating to be added to any grade of pilot certificate by substituting for the flight tests required by §61.63(d) (2) and (3) the test requirements in Appendix A to Part 61, limited to the items and procedures for testing in an airplane simulator as set forth in Appendix A.
20818	Ransome Airlines	14 CFR 135.429(a) and 135.435	To permit petitioner to employ Societe Nationale industrielle Aerospatiale, Sasmat Rousseau Aviation, Turbomeca, and Ratier-Figeac, all located in France, and Lucas Aerospace Limited, located in England to perform maintenance, preventive maintenance, and alterations on Nord 262 airplanes listed in the operations specifications of Ransome Airlines subject to conditions and limitations.
23626	Tulsair Beechcraft, Inc.	14 CFR 135.159(a)	To permit petitioner to operate a Learjet-55 aircraft carrying passengers under VFR at night under VFR over-the-top without a gyroscopic rate-of-turn indicator combined with a slip-skid indicator.
23608	Landmark Engineering Co.	14 CFR 91.109 and 91.79(b)	To permit petitioner to conduct photographic operations over conjested areas at less than 1,000 feet and conduct operations under VFR at altitudes inconsistent with those specified for direction of flight.
23609	State of Florida Aerial Photography	14 CFR 91.109(a)	To permit petitioner a VFR cruising altitude or flight level in order to facilitate aerial photography operations.
21959	Deere & Company	14 CFR Parts 21 and 91	To permit petitioner to operate a Grumman G-1159 aircraft, three Cessna aircraft, and one Lockheed L-1329 aircraft using a Federal Aviation Administration minimum equipment list.
23643	Denver Charters, Inc.	14 CFR 135.261(b)	To permit petitioner to use flight crewmembers who have had 9 consecutive hours of rest during the 24-hour preceding the planned completion of a flight assignment.
23647	Embry-Riddle Aeronautical University	14 CFR 141.65	To permit petitioner to recommend graduates of its certified flight instructor courses for certificates without taking the Federal Aviation Administration flight or written test.

PETITIONS FOR RECONSIDERATION

Docket No.	Petitioner	Regulations affected	Description of relief sought
*18920	World Airways, Inc.	14 CFR Part 121	Reconsideration of the FAA Denial of the petition to permit petitioner to conduct scheduled passenger service authorized by the CAB over certain routes utilizing the flight following/dispatch system procedures, communication procedures for pilots, an enroute servicing and maintenance procedures of Part 121 that are applicable to supplemental air carriers.
*1898920	Transamerica Airlines, Inc.	14 FR Part 121	Reconsideration of the FAA Denial of the petition to permit petitioner to conduct scheduled passenger service authorized by the CAB over certain routes utilizing the flight following/dispatch system procedures, communication procedures for pilots, an enroute servicing and maintenance procedures of Part 121 that are applicable to supplemental air carriers.

* The comment period on the petitions of World Airways, Inc. and Transamerica Airlines (48 FR 31763; July 11, 1983) is reopened until August 1, 1983.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23635	Deere & Co	14 CFR 61.57(d)	To permit petitioner's pilots in command to credit three takeoffs and landings to a full stop in a visual simulator as night recency experience and also to extend that training period for an additional 90 days until which time that pilot will undergo his next six months simulator training. *Denied 7/5/83.*
23451	Congoleum Aviation Inc.	14 CFR 21.181	To permit petitioner to operate a BAC 1-11-401, N12CZ, a G-159, N11CZ, and a HS-125-700, N10CZ, using a FAA-approved minimum equipment list (MEL). *Granted 7/5/83.*
21792	Aeronaves de Mexico, S.A. ("AM")	14 CFR Portions of Parts 21, 61, 63, and 91	To permit petitioner to continue to operate eight leased U.S.-registered aircraft utilizing a FAA-approved minimum equipment list in conjunction with an FAA-approved continuous airworthiness maintenance and insepction program. *Granted 7/1/83.*
21525	Venezolana Internacional de Aviacion, S.A. (VIASA).	14 CFR Parts 21, 43, 61, and 63	To permit petitioner to continue to operate one Boeing B-747-237C aircraft, N749WA, using a FAA-aproved minimum equipment list (MEL). *Granted 7/1/83.*
21774	Finnair	14 CFR Portions of Parts 21 and 91	Renewal of Exemption 3310 to permit petitioner to operate a leased U.S.-registered McDonnell-Douglas DC-10-30 aircraft, N345HC, using an FAA-approved minimum equipment list in conjunction with an FAA-approved continuous airworthiness maitenance program. *Granted 7/1/83.*
23657	Air St. George Limited	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: 1 BAC-1-11: VRBHS *Granted 6/22/83.*
23572	Grand Canyon Airlines	14 CFR 141.35(e)	To permit Mr. Robert Donaldson to serve as Chief Instructor for petitioner's Twin Otter Ground School without fully meeting experience requirements. *Granted 6/30/83.*
21794	Compania Mexicana de Aviacon, S.A. de C.V. (Mexicana).	14 CFR Parts 21, 43, 91, and 121	To extend Exemption 3261C, as amended to permit petitioner to operate three U.S.-registered, DC-10-15 aircraft using a FAA-approved minimum equipment list and continuous airworthiness maintenance program.*Granted 6/30/83.*
17067	Sis-Q Flying Service, Inc.	14 CFR 91.27	To extend Exemption 2430B for another two years or unless sooner superceded or rescinded, to permit petitioner to ferry its four-engine McDonnell Douglas DC-6 aircraft with one engine inoperative when operating under contract with the U.S. Forest Service for forest fire control. Exemption 2430B terminates on July 31, 1983. *Granted 6/30/83.*
23591	Flying Tiger Line, Inc.	14 CFR 121.3(c)	To permit petitioner to operate its aircraft in scheduled air transportation without a flag air carrier operating certificate. *Partial Grant 6/28/83.*
23565	CIGNA Corporation	14 CFR 21.181	To permit petitioner to operate its aircraft using an FAA-approved minimum equipment list and a continuous airworthiness maintenance program. *Granted 6/27/83.*
23477	Hillenbrand Industries	14 CFR 21.181	To allow petitioner to operate it two G-159 aircraft, N734HR and N834H, and its Lear 35A aircraft N634H, using FAA-approved minimum equipment list (MEL). *Granted 7/8/83.*
23587	Xerox Corporation	14 CFR 21.181	To permit petitioner to operate a Learjet Model 55 aircraft using an FAA-approved minimum equipment list. *Granted 7/8/83.*
23581	Susan L. Swiatek, Michael Swiatek	14 CFR 121.311(b)	To permit petitioner's son Bryan, who has a severe case of cerebral palsy, to be held in the arms of an adult who is occupying a seat, even though Bryan has already reached his second birthday. Byran is 2½ years old and weighs 25 pounds (which is comparable to the weight of a normal 1-year-old). *Granted 7/6/83.*
23607	Herman Miller, Inc.	14 CFR Portions of Parts 21 and 91	To permit petitioner to operate and maintain its Learjet 35A aircraft using a FAA-approved minimum equipment list. *Granted 7/12/83.*

[FR Doc. 83-20036 Filed 7-22-83; 8:45 am]
BILLING CODE 4910-13-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

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 June 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 Exemptions.

Renewal and Party to Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2587-X	DOT-E 2587	Mansfield Oxygen Corp., Mansfield, OH	49 CFR 173.315(a)(1)	To authorize shipment of liquid oxygen in non-DOT specification cargo tanks. (Mode 1.)
2709-X	DOT-E 2709	Hercules, Inc., Wilmington, DE	49 CFR 173.52, 173.93, 177.821, 177.834(L)(1), 177.835(k).	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and Class B explosive liquids. (Mode 1.)
2709-X	DOT-E 2709	U.S. Department of Defense, Washington, DC.	49 CFR 173.52, 173.93, 177.821, 177.834(L)(1), 177.835(k).	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Mode 1.)
3004-P	DOT-E 3004	Big Three Industries, Inc., Houston, TX	49 CFR 173.302, 175.3	To become a party to Exemption 3004. (Modes 1, 2, 4, 5.)
3004-P	DOT-E 3004	Liquid Air Corp., San Francisco, CA	49 CFR 173.302, 175.3	To become a party to Exemption 3004. (Modes 1, 2, 4, 5.)
3095-X	DOT-E 3095	Dowell Inc., Tulsa, OK	49 CFR 173.119(a), 173.245(a), 173.249(a), 173.263(a), 173.264, 173.283, 173.289, 178.342-5, 178.343-5.	To renew; to include additional corrosive liquids; and to revise the cargo tank specification and retest requirements. (Modes 1, 3.)
3109-X	DOT-E 3109	Hydraulic Research Textron, Pacoima, CA	49 CFR 173.301(e), 173.302(a)(1), 175.3	To authorize use of non-DOT pressure vessels, for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, 5.)
3187-X	DOT-E 3187	PPG Industries, Inc., Pittsburgh, PA	49 CFR 173.119(m), 173.21(b), 173.218, 173.221(a)(3).	To authorize tertiary butyl peroxyisopropyl carbonate classed as an organic peroxide, as an additional commodity. (Mode 1.)
3630-X	DOT-E 3630	Mallinckrodt, Inc., Paris, KY	49 CFR 177.839(a), 177.839(b)	To authorize use of a DOT Specification 33A polystyrene case to contain four 5-pint glass bottles of nitric acid. (Mode 1.)
4262-X	DOT-E 4262	Schlumberger Well Services, Houston, TX	49 CFR 172.101, 173.53(u), 173.80	To authorize shipment of charged oil well jet perforating guns with initiators attached. (Modes 1, 3.)
4453-P	DOT-E 4453	Seco, Inc., Greenwood, AR	49 CFR 173.114a(h)(3)	To become a party to Exemption 4453. (Mode 1.)
4990-X	DOT-E 4990	Schenley Distillers, Inc., Cincinnati, OH	49 CFR 173.125	To authorize use of AAR Specification 206W tank car, for transportation of certain flammable liquids. (Mode 2.)
5022-X	DOT-E 5022	United Technologies Corp., Sunnyvale, CA	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1, 2.)
5022-X	DOT-E 5022	Aerojet Strategic Propulsion Co., Sacramento, CA.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1, 2.)
5022-X	DOT-E 5022	The Boeing Co., Seattle, WA	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1, 2.)
5022-X	DOT-E 5022	U.S. Department of Defense, Washington, DC.	49 CFR 174.101(l), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1, 2.)
5746-X	DOT-E 5746	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 173.145, 173.268, 175.3, 176.83(b).	To authorize shipment of contaminated missile components or detanking pumps containing a certain flammable liquid and a corrosive liquid packaged in wooden boxes or metal drums. (Modes 1, 2, 3, 4.)
6007-P	DOT-E 6007	The Boeing Co., Seattle, WA	49 CFR 173.391(b)(5), 175.3	To become a party to Exemption 6007. (Modes 1, 2, 3, 4, 5.)
6007-X	DOT-E 6007	Falcon Safety Products, Inc., Mountainside, NJ.	49 CFR 173.391(b)((5), 175.3	To authorize transport of certain devices containing a greater quantity of polonium-210 that is normally authorized under the provision of 49 CFR 173.391(b). (Modes 1, 2, 3, 4, 5.)
6007-X	DOT-E 6007	Nuclear Products Co., El Monte, CA	49 CFR 173.391(b)(5), 175.3	To authorize transport of certain devices containing a greater quantity of polonium-210 that is normally authorized under the provision of 49 CFR 173.391(b). (Modes 1, 2, 3, 4, 5.)
6016-X	DOT-E 6016	Livingston Medical Products Co., Modesto, CA.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. 49 (Mode 1.)
6126-X	DOT-E 6126	Rhone-Poulenc Inc., Monmouth Junction, NJ.	49 CFR 173.253(a)	To authorize shipment of chloracetyl chloride in DOT Specification 6D/2S or 2SL composite packaging. (Modes 1, 3.)
6397-P	DOT-E 6397	CP Chemicals, Inc., Sewaren, NJ	49 CFR 173.346(a)	To become a party to Exemption 6397. (Modes 1, 2.)
6531-X	DOT-E 6531	Tavco, Inc., Chatsworth, CA	49 CFR 173.302(a)(1), 175.3	To authorize use of non-DOT Specification pressure vessel for the shipment of a nonflammable compressed gas. (Modes 1, 2, 4, 5.)
6702-P	DOT-E 6702	Seragen, Inc., Boston, MA	49 CFR 173.242(a), 173.25, 173.266(c), 175.3.	To become a party to Exemption 6702. (Modes 1, 2, 3, 4.)
6752-X	DOT-E 6752	Pennwalt Corp., Philadelphia, PA	49 CFR 173.301(d)(3), 173.304(a)(2)	To authorize use of DOT specification 3A2400 cylinders forming part of a tube trailer, for shipment of a liquefied flammable compressed gas. (Modes 1, 2, 3.)
6752-X	DOT-E 6752	Pennwalt Corp., Philadelphia, PA	49 CFR 173.301(d)(3), 173.304(a)(2)	To modify exemption to authorize use of DOT Specification 3AAX2200 or 3T2200 tube trailers. (Modes 1, 2, 3.)
6755-X	DOT-E 6755	Lincoln Welding Supply Co., Lincoln, NE	49 CFR 173.315(a)(1)	To authorize shipment of liquid argon, nitrogen, and oxygen in non-DOT specification cargo tanks. (Mode 1.)
6759-X	DOT-E 6759	Austin Powder Co., Cleveland, OH	49 CFR 173.87, 177.835(g)(2)	To authorize transport of Class A or B explosives in an IME 22 container or compartment on the same vehicle with non-mass detonating blasting caps. (Mode 1.)
6759-X	DOT-E 6759	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.87, 177.835(g)(2)	To authorize transport of Class A or B explosives in an IME 22 container or compartment on the same vehicle with non-mass detonating blasting caps. (Mode 1.)
6759-X	DOT-E 6759	Hercules, Inc., Wilmington, DE	49 CFR 173.87, 177.835(g)(2)	To authorize transport of Class A or B explosives in an IME 22 container or compartment on the same vehicle with non-mass detonating blasting caps. (Mode 1.)
6759-P	DOT-E 6759	Mesabi Powder Co., Hibbing, MN	49 CFR 173.87, 177.835(g)(2)	To become a party to Exemption 6759. (Mode 1.)
6759-X	DOT-E 6759	Atlas Powder Co., Dallas, TX	49 CFR 173.87, 177.835(g)(2)	To authorize transport of Class A or B explosives in an IME 22 container or compartment on the same vehicle with non-mass detonating blasting caps. (Mode 1.)
6762-P	DOT-E 6762	Brooks Scientific Inc., Cleveland, OH	49 CFR 173.286(b)(2), 175.3	To become a party to Exemption 6762. (Modes 1, 2, 3, 4.)
6766-X	DOT-E 6766	DuBois Chemical Co., Cincinnati, OH	49 CFR 173.256	To authorize use of DOT Specification MC-311 and MC-312 cargo tanks, for shipment of a corrosive liquid. (Mode 1.)
6769-X	DOT-E 6769	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.314, 173.315	To authorize transport of trifluoromethane in DOT Specification tank cars and cargo tanks. (Modes 1, 2.)
6824-X	DOT-E 6824	Bio-Lab, Inc., Conyers, GA	49 CFR 173.217(a)	To authorize packagings not provided for in the Hazardous Materials Regulations, for shipment of certain oxidizing materials. (Modes 1, 2, 3.)
6824-X	DOT-E 6824	GPS Industries, City of Industry, CA	49 CFR 173.217(a)	To authorize packagings not provided for in the Hazardous Materials Regulations, for shipment of certain oxidizing materials. (Modes 1, 2, 3.)
6826-X	DOT-E 6826	Atlantic Research Corp., Gainesville, VA	49 CFR 173.92(b), 175.3	To authorize use of DOT Specification 15A wooden boxes, for shipment of a class B explosive. (Modes 1, 4.)
6826-X	DOT-E 6826	McDonnell Douglas Astronautics Co., Huntington Beach, CA.	49 CFR 173.92(b), 175.3	To authorize use of DOT Specification 15A wooden boxes, for shipment of a class B explosive. (Modes 1, 4.)
6874-P	DOT-E 6874	Harcros, Inc., Bronxville, NY	49 CFR 172.101, 173.370(a)(13)	To become a party to Exemption 6874. (Modes 1, 2, 3.)
6874-P	DOT-E 6874	Valley Forge International Co., (USA), Diablo, CA.	49 CFR 172.101, 173.370(a)(13)	To become a party to Exemption 6874. (Modes 1, 2, 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6895-P	DOT-E 6895	North American Philips Lighting Corp., Bloomfield, NJ.	49 CFR 173.140(a)(1), 175.3	To become a party to Exemption 6895. (Modes 1, 2, 3, 4.)
6923-X	DOT-E 6923	El Paso Products Co., Odessa, TX	49 CFR 172.101, 173.315(a)(1)	To authorize use of non-DOT specification insulated cargo tanks, for transportation of a flammable gas. (Mode 1.)
6939-X	DOT-E 6939	Warren Petroleum Co., Tulsa, OK	49 CFR 173.315(a)(1), 173.315(c)(1)	To authorize use of an insulated DOT Specification MC-331 cargo tank, for shipment of a flammable gas. (Mode 1.)
6984-P	DOT-E 6984	Mesabi Powder Co., Hibbing, MN	49 CFR 173.103(a), 173.56(g), 177.835(g)(2)(i).	To become a party to Exemption 6984. (Mode 1.)
7052-P	DOT-E 7052	Scientific Columbus, Inc., Columbus, OH	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	Technical Oil Tool Corp., Norman, OK	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	K-V Associates, Inc., Falmouth, MA	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
7060-X	DOT-E 7060	Central Skyport Inc., Columbus, OH	49 CFR 175.702(b), 175.75(a)(3)(i)	To authorize carriage of radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)
7060-X	DOT-E 7060	Charles R. Wall, D.B.A. HZm RAM Air, Cornelius, OR.	49 CFR 175.702(b), 175.75(a)(3)(ii)	To authorize carriage of radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)
7060-X	DOT-E 7060	Federal Express Corp., Memphis, TN	49 CFR 175.702(b), 175.75(a)(3)(ii)	To authorize carriage of radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)
7060-X	DOT-E 7060	Sajen Air, Inc., Manchester, NH	49 CFR 175.702(b), 175.75(a)(3)(ii)	To authorize carriage of radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)
7082-X	DOT-E 7082	Born Free Plastics, Inc., Houston, TX	49 CFR 173.119(a)(b), 173.245(a)(26), 173.249(a)(1), 173.250(a)(1), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.272(i)(9), 173.276(a), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 173.346, 178.19.	To authorize use of non-DOT specification polyethylene container of 55 gallon capacity, for transportation of certain corrosive liquids, class B poisonous liquids, flammable liquids and oxidizers. (Modes 1, 2, 3.)
7282-X	DOT-E 7282	M-R Plastics & Coatings, Inc., Maryland Heights, MO.	49 CFR 173.315(a)(1)	To authorize use of non-DOT specification steel portable tanks for the shipment of certain mixtures of nonpoisonous, nonflammable compressed gases. (Mode 1.)
7413-X	DOT-E 7413	Chilton Metal Products Division, Chilton, WI	49 CFR 173.302(a), 173.304(a)(1), 175.3, 178.42.	To authorize water as an additional mode of transportation. (Modes 1, 2, 3, 4, 5.)
7611-X	DOT-E 7611	Richfood, Inc., Richmond, VA	49 CFR 173.101, 173.87	To authorize transport of certain class C explosives in packagings not presently authorized in 49 CFR 173.101(a). (Mode 1.)
7628-X	DOT-E 7628	Chemtech Industries, Inc., Saint Louis, MO	49 CFR 173.264(a)(11), 173.265(b)(3)	To authorize the use of DOT Specification 111A100W-5 tank cars equipped with a safety relief valve instead of a vent for shipment of certain combustible and flammable liquids. (Mode 2.)
7735-X	DOT-E 7735	Rheem Manufacturing Co., Linden, NJ	49 CFR 173.119, 173.264(a), 173.272(g), 173.346, 173.358, 173.359.	To authorize manufacture, marking and sale of DOT Specification 34 containers, for shipment of certain flammable liquids and corrosive materials. (Modes 1, 2, 3.)
7755-X	DOT-E 7755	Varian Associates, Inc., Palo Alto, CA	49 CFR Parts 100-199	To authorize small quantities of liquid hazardous materials in prescribed packagings essentially without regulation. (Modes 1, 2, 3, 4, 5.)
7822-X	DOT-E 7822	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 172.101, 173.315(a)	To authorize shipment of liquid helium in specifically insulated non-DOT specification, triple shell, portable tanks. (Modes 1, 3.)
7872-X	DOT-E 7872	Magna Corp., Houston TX	49 CFR 173.122(a)(6)	To authorize a portable tank capacity in excess of that set forth in the regulations for a tank transporting a certain flammable liquid. (Modes 1, 2, 3.)
7881-X	DOT-E 7881	FMC Corp., Philadelphia, PA	49 CFR 172.101 column 7(b)	To authorize the stowage of a corrosive solid, n.o.s. below deck when transported by passenger vessel. (Mode 3.)
7963-X	DOT-E 7963	Stauffer Chemical Co., Westport, CT	49 CFR 173.245, 173.356, 173.360(a)(5)	To authorize thiophosgene, Class B poison as an additional commodity. (Modes 1, 2, 3.)
7966-X	DOT-E 7966	The Enterprise Co., Wheeling, IL	49 CFR 173.245(a)(12)	To authorize use of DOT Specification 12B fiberboard boxes having inside steel containers, for transportation of a corrosive material. (Modes 1, 2.)
8016-X	DOT-E 8016	U.S. Department of Agriculture, Washington, DC.	49 CFR 175.3, 175.30, 175.35, 175.40, 175.75, 175.85.	To authorize transport of detonating cord and exploding bridge wire detonators in passenger-carrying aircraft and helicopters. (Mode 5.)
8111-P	DOT-E 8111	Rauter-Stokes, Inc., Cleveland, OH	49 CFR 173.304(a), 175.3	To become a party to Exemption 8111. (Modes 1, 2, 3, 4, 5.)
8129-X	DOT-E 8129	The American Recovery Co., Baltimore, MD.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To authorize shipment of certain waste hazardous materials packed in bottles surrounded by absorbent material overpacked in DOT Specification 37A, 17H, or 6J drums. (Mode 1.)
8129-P	DOT-E 8129	Union Carbide Corp., Danbury, CT	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a part to Exemption 8129. (Mode 1.)
8129-X	DOT-E 8129	Findly Chemical Disposal, Inc., Riverside, CA.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To authorize shipment of certain waste hazardous materials packed in bottles surrounded by absorbent material overpacked in DOT Specification 37A, 17H, or 6J drums. (Mode 1.)
8129-X	DOT-E 8129	Ecollo, Inc., Bladensburg, MD	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To authorize shipment of certain waste hazardous materials packed in bottles surrounded by absorbent material overpacked in DOT Specification 37A, 17H, or 6J drums. (Mode 1.)
8129-P	DOT-E 8129	The Curators of the University of Missouri, Columbia, MO.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	Ford Aerospace Communication Corp., Palo Alto, CA.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	Borg-Warner Chemicals, Inc., Parkersburg, WV.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	Reichold Chemicals, Inc., So. San Francisco, CA.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	Midwest Research Institute, Kansas City, MO.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-X	DOT-E 8129	ARCO Chemical Co., Newtown Square, PA	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To authorize shipment of certain waste hazardous materials packed in bottles surrounded by absorbent material overpacked in DOT Specification 37A, 17H, or 6J drums. (Mode 1.)
8168-X	DOT-E 8168	Container Corp. of America, Wilmington, DE.	49 CFR 173.217, 173.245b, 178.19	To authorize manufacture, marking and sale of non-DOT specification fully removable head polyethylene drums, for shipment of certain corrosive solids and solid oxidizers. (Modes 1, 2, 3.)
8188-X	DOT-E 8188	Owens-Illinois (Plastic Products Division), Toledo, OH.	49 CFR 173.119(a), 173.119(b), 173.125, 173.128(a), 173.245, 173.256.	To authorize manufacture, marking and sale of DOT Specification 34 reusable polyethylene containers, for shipment of flammable liquids and corrosive material. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8196-X	DOT-E 8196	GCS Container Service, SA Chiasso, Switzerland.	49 CFR 173.119, 173.315(a)	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases. (Modes 1, 2, 3.)
8218-X	DOT-E 8218	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.93	To authorize shipment of certain indentified solid propellant explosives, Class B, in non-DOT specification polyethylene-lined Type bags or polyethylene-lined woven polypropylene bags. (Mode 1.)
8232-X	DOT-E 8232	G.C.S. Container Service, Chiasso, Switzerland.	49 CFR 173.123(a), 173.315	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases and a flammable liquid. (Modes 1, 2, 3.)
8239-X	DOT-E 8239	Westinghouse Electric Corp., Horseheads, NY.	49 CFR 173.302	To authorize use of non-DOT specification containers, for the shipment of nonflammable gases. (Modes 1, 2, 3, 4, 5.)
8248-P	DOT-E 8248	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.245, 173.247, 173.271, 178.170.	To become a party to Exemption 8248. (Mode 1.)
8285-P	DOT-E 8285	Northrop Services, Inc., Research Triangle Park, NC.	49 CFR Parts 100-199	To become a party to Exemption 8285. (Modes 1, 2, 3, 4, 5.)
8390-P	DOT-E 8390	Eastman Kodak Co., Rochester, NY	49 CFR 173.272, 178.210, 178.24a	To become a party to Exemption 8390. (Mode 1.)
8445-P	DOT-E 8445	Union Carbide Corp., Danbury, CT	49 CFR Part 173, Subpart D, E, F, & H	To become a party to Exemption 8445. (Mode 1.)
8511-P	DOT-E 8511	Coyne Chemical Co., Philadelphia, PA	49 CFR 173.266(f)	To become a party to Exemption 8511. (Modes 1, 2.)
8511-P	DOT-E 8511	The Chloramone Corp., Allentown, PA	49 CFR 173.266(f)	To become a party to Exemption 8511. (Modes 1, 2.)
8511-X	DOT-E 8511	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.266(f)	To authorize shipment of hydrogen peroxide, in DOT Specification MC-312 cargo tanks and 103CW or 111A60w7 tank cars. (Modes 1, 2.)
8511-P	DOT-E 8511	Montgomery Tank Lines, Inc., Summit, IL	49 CFR 173.266(f)	To become a party to Exemption 8511. (Modes 1, 2.)
8511-X	DOT-E 8511	Interox America, Houston, TX	49 CFR 173.266(f)	To authorize shipment of hydrogen peroxide, in DOT Specification MC-312 cargo tanks and 103CW or 111A60W7 tank cars. (Modes 1, 2.)
8540-X	DOT-E 8540	U.S. Department of Defense, Washington, DC.	49 CFR 176.83(b), Table II	To authorize shipment of oxygen candles in non-DOT specification triple wall corrugated fiberboard boxes. (Mode 3.)
8554-P	DOT-E 8554	Evenson Explosives, Inc., Morris, IL	49 CFR 173.114a, 173.93	To become a party to Exemption 8554. (Model 1.)
8554-P	DOT-E 8554	Austin Powder Co., Cleveland, OH	49 CFR 173.114a, 173.93	To become a party to Exemption 8554. (Mode 1.)
8573-X	DOT-E 8573	Hasa Chemicals, Inc., Saugus, CA	49 CFR 173.217(a)(8)	To reissue exemption as shipper oriented rather than manufacture, mark and sell. (Modes 1, 2, 3.)
8573-X	DOT-E 8573	All Pure Chemical Co., Tracy, CA	49 CFR 173.217(a)(8)	To reissue exemption as shipper oriented rather than manufacture, mark and sell. (Modes 1, 2, 3.)
8573-X	DOT-E 8573	Alstar Co., Saugus, CA	49 CFR 173.217(a)(8)	To reissue exemption as shipper oriented rather than manufacture, mark and sell. (Modes 1, 2, 3.)
8579-X	DOT-E 8579	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 176.410(d)	To authorize shipment of ammonium nitrate fertilizer in multiple-wall paper bags or plastic bags stacked on wooden pallets aboard cargo vessel exempt from spacing criteria. (Mode 3.)
8596-X	DOT-E 8596	Southeastern Plastic Container Co., Arlington, TN.	49 CFR 173.359	To authorize manufacture, marking and sale of DOT Specification 34 polyethylene containers, for shipment of Class B poisonous liquid. (Modes 1, 2, 3.)
8599-X	DOT-E 8599	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.315, 173.316	To authorize shipment of a flammable gas in non-DOT specification super-insulated portable tanks. (Modes 1, 3.)
8602-X	DOT-E 8602	Minnesota Valley Engineering, Inc., New Prague, MN.	49 CFR 172.101, 173.315	To authorize manufacture, marking and sale of non-DOT specification vacuum insulated portable tanks, for shipment or nonflammable gases. (Mode 3.)
8679-X	DOT-E 8679	MicroD International, Corona, CA	49 CFR 172.101(6)(b), 172.400, 173.286, 175.3, 175.30.	To authorize shipment of a water reactive material via air when packaged in the same outside packaging with separately packaged small quantities of a flammable liquid, a corrosive liquid, a corrosive solid, and non-hazardous materials, in non-DOT specification corrugated fiberboard boxes. (Modes 1, 4, 5.)
8736-X	DOT-E 8736	Pressure Transport, Inc., Austin, TX	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To expand exemption to allow servicing of other pipeline sources. (Mode 1.)
8818-P	DOT-E 8818	Ethyl Corp., Baton Rouge, LA	49 CFR 172.102-7, 173.252	To become a party to Exemption 8818. (Mode 2.)
8859-X	DOT-E 8859	AVM Corp., Pittsburgh, PA	49 CFR 173.306(f)(2)(iii), 173.306(f)(3), 175.3.	To authorize shipment of a compressed gas in accumulators which deviate from required test criteria. (Modes 1, 4, 5.)
8870-P	DOT-E 8870	Everpure, Inc., Westmont, IL	49 CFR 172.101, 173.286, 175.3	To become a party to Exemption 8870. (Modes 1, 2, 4, 5.)
8871-X	DOT-E 8871	Chase Bag Co., Oak Brook, IL	49 CFR 173.182, 173.245(b)	To authorize water as an additional mode of transportation. (Modes 1, 2, 3.)
8937-P	DOT-E 8937	Dow Chemical Co., Freeport, TX	49 CFR 173.178	To become a party to Exemption 8937. (Modes 1, 2.)
8982-P	DOT-E 8982	PPG Industries, Inc., Pittsburgh, PA	49 CFR 173.217	To become a party to Exemption 8982. (Modes 1, 2.)
9024-P	DOT-E 9024	SLEMI, Paris, France	49 CFR 173.315	To become a party to Exemption 9024. (Modes 1, 2, 3.)
9039-X	DOT-E 6946	Badger Welding Supplies, Inc., Madison, WI.	49 CFR 173.34(e)(15)(i), 175.3	To authorize use of DOT Specification 3A or 3AA cylinders and ICC-3, 3A, or 3AA cylinders for shipment of certain compressed gases. Cylinders are over 35 years old. (Modes 1, 2, 3, 4, 5.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8957-N	DOT-E 8957	Saber Aviation, Inc., Charlotte, NC	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 air shipment. (Mode 4.)
8965-N	DOT-E 8965	Pressed Steel Tank Co., Inc., Milwaukee, WI.	49 CFR 173.302	To authorize manufacture, marking and sale of non-DOT Specification fiber reinforced plastic hoop wrapped cylinders, for shipment of certain compressed gases. (Mode 1.)
8999-N	DOT-E 8999	Scott Aviation Div. of Figgie International, Inc., Lancaster, NY.	49 CFR 173.154, 175.3, 175.85, Part 172, Subpart C, Subpart D, E.	To authorize transport of emergency oxygen generators without marking, labeling, shipping papers or specification packaging. (Modes 1, 2, 3, 4, 5.)
9010-N	DOT-E 9010	United Technologies Chemical Systems, Sunnyvale, CA.	49 CFR 173.88(e)(2)(ii), 173.92(b)	To authorize transport of a large rocket motor with igniter installed and in a propulsive state. (Mode 1.)
9013-N	DOT-E 9013	Monsanto Co., St. Louis, MO	49 CFR 173.295	To authorize shipment of benzyl chloride in a DOT Specification 17E steel drum of triple seam construction. (Modes 1, 2, 3.)
9017-N	DOT-E 9017	EVA, Eisenbahn-Verkehrsmittel GmbH, Dusseldort, West Germany.	49 CFR 173.264(b)	To authorize use of a non-DOT Specification IMO Type 5 portable tank, for transportation of anhydrous hydrofluoric acid. (Modes 1, 2, 3.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9024-N	DOT-E 9024	ETS Fauvet-Girel, St. Laurent Blangy, France.	49 CFR 173.315	To authorize use of a non-DOT Specification IMO Type 5 portable tank, for transportation of liquefied compressed gases. (Modes 1, 2, 3.)
9030-N	DOT-E 9030	LND Inc., Oceanside, NY	49 CFR 173.302, 175.3	To authorize use of non-DOT specification, metal, single trip, inside container, for shipment of a nonflammable gas. (Modes 1, 2, 3, 4, 5.)
9033-N	DOT-E 7616	The Atchison, Topeka & Santa Fe Railway Co., Chicago, IL.	49 CFR 172.204(a), 172.204(d)	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
9038-N	DOT-E 9038	E. I. du Pont de Nemours & Co., Wilmington, DE.	49 CFR 173.301(d)	To authorize shipment of tetrafluoroethylene in manifolded DOT Specification 3A2400 or 3AA2400 cylinders. (Mode 1.)
9041-N	DOT-E 9041	Hercules Inc., Wilmington, DE	49 CFR 173.100(bb), 175.30	To authorize transport of explosives devices as detonating fuzes, in aluminum trays, packed in a DOT Specification 12H fiberboard box. (Modes 1, 4.)
9046-N	DOT-E 9046	Schenectady Chemicals, Inc., Schanectady, NY.	49 CFR 173.245	To authorize use of stainless steel DOT Specification 57 portable tanks, for transportation of certain corrosive liquids. (Mode 1.)
9048-N	DOT-E 9048	Emerson Electric Co., Statesboro, GA	49 CFR 173.119, 173.304, 173.315	To authorize manufacture, marking and sale of non-DOT Specification conitainers, for transportation of flammable liquids and gases. (Mode 1.)
9051-N	DOT-E 9051	Amerex Corp., Trussville, AL	49 CFR 175.3, 178.50-19	To authorize manufacture, marking and sale of DOT Specification 4B cylinders, with specification marking on the footring. (Modes 1, 2, 3, 4, 5.)
9069-N	DOT-E 9069	Ford Aerospace & Communications Corp., Palo Alto, CA.	49 CFR 172.101 Column 6(b)	To authorize shipment of three rocket motors having excess gross weight, with other authorized hazardous and nonhazardous materials. (Mode 4.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 2587-P	DOT-E 2587	The Great Plains Co. Cheyenne, WY	49 CFR 173.315(a)(1)	To become a party to Exemption 2587. (Mode 1.)
EE 6113-P	DOT-E 6113	Oil Securities, Inc., Los angeles, CA	49 CFR 172.101, 173.315(a)	To become a party to Exemption 6113. (Mode 1.)
EE 7052-P	DOT-E 7052	Technical Oil Tool Corp., Norman, OK	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
EE 8997-N	DOT-E 8997	ISC Technologies, Inc., Lancaster, PA	49 CFR 172.101, 173.56(e)(1), 175.30	To authorize transport of bombs and fuzes, detonating in packaging prescribed in Part 173, Subpart C. (Mode 4.)
EE 9083-N	DOT-E 9083	Williams Strategic Metals, Inc., Wheat Ridge, CO.	49 CFR 173.368	To authorize shipment of arsenical flue dust in flexible intermediate bulk containers. (Mode 1.)
EE 9084-N	DOT-E 9084	Korean Air Lines Co., Ltd., Los Angeles, CA.	49 CFR 172.101(6)(b),175.320(a)	To authorize transport of certain explosives aboard aircraft. (Mode 4.)
EE 9085-X	DOT-E 9085	Air Capitol Wholesale Fireworks, Wichita, KS.	49 CFR 173.51(b), 173.86, Parts 171-178	To authorize a one-time shipment of fireworks (tentative class B explosives). (Modes 1, 2.)
EE 9085-N	DOT-E 9085	Air Capitol Wholesale Fireworks, Wichita, KS.	49 CFR 173.51(b), 173.86, Parts 171-178	To authorize a one-time shipment of fireworks (tentative class B explosives). (Modes 1, 2.)
EE 9093-N	DOT-E 9093	Baker Sand Control, Houston, TX	49 CFR 172.101 column 6(b), 175.30, 175.320(a).	To authorize transport of shaped charges, commercial, Class A explosives. (Mode 4.)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6702-P	Spectrum Laboratories, Inc., Indianapolis, IN	49 CFR 173.242(a), 173.25, 173.286(c), 175.3	To become a party to Exemption 6702. (Modes 1, 2, 3, 4.)
8252-X	Dow Chemical Co., Midland, MI	49 CFR 173.119, 173.245, 173.249	To authorize shipment of various corrosive materials and a flammable liquid in non-DOT specification IMCO type I portable tanks. (Modes 1, 3.)
8993-N	John Brown Engineers & Constructors Ltd., Hampshire, England.	49 CFR 173.134(a)(5)	To authorize shipment of a pyroforic liquid, n.o.s., in non-DOT specification IMO Type V portable tanks. (Modes 1, 2, 3.)

DENIALS

7785-P	Request by Texas Instruments Incorporated, Lewisville, TX to authorize use of nonrefillable, non-DOT specification cylinders, for transportation of a nonflammable gas denied June 14, 1983.

Issued in Washington, DC, on July 12, 1983.

J. R. Grothe, Chief,

Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-19773 Filed 7-22-83; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 83-154]

Decision Concerning Domestic Interested Party Petition Requesting Reclassification of Certain Glassware

AGENCY: Customs Service, Treasury.

ACTION: Notice of decision on petition.

SUMMARY: This document advises the public of Customs decision with respect to a petition filed by a domestic interested party requesting that certain imported glassware should be classified as "other" glassware, rather than as "specially tempered" glassware, and dutiable at a higher rate. The document provides that six of the nine samples that were the subject of the petition are properly classified as pressed and toughened glassware. However, the other three samples are not pressed and will be reclassified for duty purposes.

DATE: Merchandise identified in this decision as having been classified incorrectly, will be appraised and classified at the rate of duty specified in the decision upon entry for consumption or withdrawal from warehouse for consumption after August 24, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lindmeier, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5727).

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1981, a petition was filed with Customs under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), by Libbey Glass Division of Owens—Illinois, Inc. ("petitioner"), an American manufacturer of glassware. The petitioner contended that certain glassware imported by J.G. Durand International ("importer") which has been classified under the provision for glassware which is "specially tempered," in item 546.38, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), is not "specially tempered," and thus is properly classifiable under the provisions for other glassware, according to value, in items 546.52 through 546.68, TSUS.

A notice of receipt of the petition was published in the **Federal Register** on November 12, 1981 (46 FR 55822), advising the public of petitioner's contention and requesting comments on the petition. A notice of extension of time for comment was published in the **Federal Register** on December 7, 1981 (46 FR 59690).

Discussion of Comments and Issues

Of the 37 comments received in response to the notice, 34 expressed general approval of the petition and requested its adoption.

Counsel for the petitioner submitted a comment which asserted the following:

1. The meaning to be ascribed to the term "specially tempered" in item 546.38, TSUS, is the same as that of identical language in items 544.31, TSUS;

2. Glassware which is merely tempered is not properly classified under item 546.38, TSUS; to be classified thereunder, the glassware must be "specifically tempered";

3. Item 546.38, TSUS; requires the merchandise to be pressed; the Durand Grand Vin glasses are not pressed. Other plates made by Durand appear to be produced by centrifugal forming, rather than by being pressed; and

4. Only a breakage test can be used to determine if glassware is tempered enough to be "specially tempered".

Counsel for the importer submitted a comment which stressed the following:

1. Petitioner does not possess standing to file this petition because it is not a manufacturer of tempered glassware of the same class or kind as the tempered glassware of the importer; and

2. The breakage test referred to in Internal Advice (IA 76/136 is not the sole determinant of whether glass is "toughened (specially tempered)". That breakage test is a test appropriate for flat glass used in vehicle glazing. Although the legislative history, Brussels Tariff Nomenclature, and IA 76/136, do not mention properties of specially tempered glass other than its propensity to shatter upon impact, other tests are useful to detemine if glass is specially tempered. Tempered glass exhibits physical changes which are not discernible from an impact test. The test used to determine if flat glass is tempered, is not a test which is properly used as the exclusive test for household drinking glasses because:

a. The shape, thickness, and thermal co-efficient of expansion affect the pattern of breakage of this glass. Thus, a tempered drinking glass because of its shape and thickness may not break into a great many small, round-edged pieces.

b. The meaning of the term "specially tempered" in item 546.38 TSUS, is not the same as the meaning of the same term in item 544.31, TSUS, because item 544.31, describes glass which is very different from the glass in item 546.38.

c. By enacting the TSUS, Congress intended item 546.38, TSUS, to cover glassware which was fully and purposely tempered. "Fully" connotes an article which is tempered throughout.

d. A polariscopic examination of the glass household articles could be used instead of the breakage test in IA 76/136. The polariscopic examination is preferable because it would yield more uniform, easily-administered results.

One other commenter submitted a comment which opposed the petition for the reasons stated below:

1. Since 1962, J. G. Durand & CIE, has exported transparent, molded, and toughened glassware under the name "Arcoroc" and since 1981, the importer has entered opaque, molded, and toughened glassware under the name "Arcopal Restaurant". Each of these types of glass is manufactured by a process to increase its mechanical strength and thermal shock resistance and each type meets the definition of tempered glass embodied in American Society of Testing Materials (ASTM) designation C162-71;

2. The test presently used by Customs, stated in IA 76/136 uses breakage as the sole criterion by which to determine if glass is "specially tempered". Breakage is not the only proper criterion to be used to determine if glass is "specially tempered"; and

3. IA 76/136 indicates that the term "toughened (specially tempered)" denotes a glass which disintegrates into small, round-edged pieces, a test derived from the Explanatory Notes to Heading 70.08 of the Customs Co-operation Council Nomenclature (CCCN). This is incorrect because Heading 70.08 is restricted to flat glass used in doors and autos.

The comments seem to highlight several issues:

- Whether the petitioner has standing to request a reclassification of the subject merchandise;
- The proper definition of the term "toughened (specially tempered)";
- Whether the breakage test embodied in IA 76/136 is the only test to be used to determine if the subject glassware is "pressed and toughened (specially tempered)"; and
- The proper definition of the term "pressed".

In the July 31, 1981, petition, Customs has been requested to determine that nine pieces of imported beverage glassware—Granted Vin (Super Cuvee, Super Savoie, Super Ballon), Artic Stemware (Champagne, Wine, Goblet), and Artic Tumblers (Old Fashioned, Hi Ball, Beverage)—are not properly classified under item 546.38, TSUS. Petitioner's counsel has submitted arguments and breakage tests on each of those nine pieces and other imported glassware as well. Because the scope of

the inquiry is defined by the July 31 petition, we will not consider the classification of glassware which is not described in the petition.

Standing

To come within the language of 19 U.S.C. 1516, the petitioner must demonstrate that the merchandise he produces, manufactures or sells is the same class of kind of merchandise as that which is imported. *The Diamond Match Company v. United States (Winter Wolff & Co., Inc., Party in Interest)*, 45 Cust. Ct. 198, C.D. 2223 (1960); *Star-Kist Foods, Inc. v. United States (Bruno Scheidt, Inc., Party in Interest)*, 37 Cust. Ct. 171, C.D. 1819 (1956); and *The Golding-Keene Company, The Feldspar Corporation v. United States (E. Dillingham, Inc., a/c Rheem Mfg. Co., Party in Interest)* 44 Cust. Ct. 169, C.D. 2172 (1960).

In *Golding-Keene*, supra, the court stated that the class or kind refers to "* * * merchandise * * * sold to the same class of purchasers and * * * used for the same purpose.", at page 173. Customs is satisfied that petitioner's glassware meets that test. Accordingly, petitioner has standing to request a reclassification of the imported merchandise.

Pressed and Toughened (Specially Tempered)

The second issue concerns the proper definition of the phrase "pressed and toughened (specially tempered)". Counsel for the petitioner contends that three of the original nine beverage containers are not "pressed", as evidenced by the fact that each possesses a bulbous portion which is larger than the mouth of the beverage ware, a physical impossibility for pressed glass.

That issue (whether the glass is "pressed") will be discussed below. Counsel also contends that none of the nine beverage containers is "toughened (specially tempered)" because none of them meets the standard for "toughened (specially tempered)" glassware set forth in IA 76/136. Counsel for the importer and another commenter joined this latter issue, contending, *inter alia*, that (1) the beverageware meets the definition of tempered glass in ASTM designation C162–71, (2) the meaning to be ascribed to the term "toughened (specially tempered)" is not the same as that to be ascribed to the same term in item 544.31, TSUS, and (3) the test in IA 76/136 should not be utilized as the sole determinant of whether an article is "toughened (specially tempered)".

Customs believes that the language in item 546.38, TSUS, is subject to interpretation.

In *Nippon Kogaku (USA), Inc. v. United States*, Appeal No. 81–29, February 25, 1982 (Cust. Bull., V. 16, No. 11, pp. 104, 108) the Court of Customs and Patent Appeals was faced with the question of whether a slit lamp microscope was excluded from a tariff provision by a superior heading which excludes microscopes from the provision. In that case, the court stated:

> While we are mindful of the Supreme Court's direction that extraneous aids, such as legislative history, "are only admissible to solve doubt and not to create it", (cite omitted) we note that the "plain meaning" of the word "microscope" in headnote 1(ii) contributes little to our understanding of whether Congress intended to exclude all ophthalmic instruments including a combination of enlarging lenses from classification under item 709.05 as ophthalmic instruments.
>
> As the Supreme court has noted, most recently in *Train v. Colorado Public Interest Research Group, Inc., et al.* 426 U.S. 1, 10 (1975):
>
> "When aid to constructin of the meaning of words, as used in the statute, is available, there certainly can be no 'rule of law' which forbids its use, however clear the words may appear on 'superficial examination'." *United States v. American Trucking Assns.*, 310 U.S. 534, 534–544 (1940) (footnotes omitted). See *Cass v. United States*, 417 U.S. 72, 77–79 (1974). See generally Murphy, Old Maxims Never Die: The "Plain Meaning Rule" and Statutory Interpretation in the "Modern" Federal Courts, 75 Col. L. Rev. 1299 (1975).
>
> We, threfore, find no impediment to review of extrinsic aids to determine the intended scope of the involved classification provision.

Similarly, Customs believes that a review of extrinsic aids is proper to determine the proper meaning of the term "toughened (specially tempered)". Several sources are properly consulted to arrive at the meaning to be ascribed to a tariff provision, including lexicographic sources and legislative history.

According to Webster's Collegiate Dictionary "temper" possesses several meanings: one is "a suitable proportion or balance of qualities * * *, the state of a substance with respect to certain desired qualities"; and "specially" refers to the quality of being special, defined as "distinguished by some unusual quality; esp; being in some way superior * * * readily distinguishable from other of the same category; Unique * * * being other than the usual:

Additional, Extra. "Toughen" is defined as to make tough. In turn "tough" is defined as "strong or firm in texture but flexible and not brittle * * * not easily chewed * * * capable of enduring strain, hardship, or severe labor." Taken together the three terms indicate that the glassware must be stronger than annealed glassware. The fact that the term is "specially tempered" rather than merely "tempered" lends credence to the view that "specially tempered" is interpreted differently than "tempered". This view is supported not only by the definitions of the words, but also by the presumption that each term of a provision has meaning, and that no term is superfluous. Customs also believes that this view is supported by legislative history.

The Tariff Classification Study, C.I.E. 1/64 dated January 2, 1964 (Volume 1), at pages 387–8, states in reference to item 544.31, TSUS, a provision for tempered glass:

> Item 544.31 is a new provision. It covers specially tempered glass that is more resistant to shock than ordinarily tempered glass, and, when broken, disintegrates into small rounded-edge pieces, rendering it particularly adaptable to vehicle glazing. Somewhat lower in cost than laminated glass, it is extensively used as a substitute for laminated glass in the glazing of automobiles. It is currently dutiable under paragraph 230(d) if plain, and under paragraph 218(f) if colored. The proposed rate of duty of 22 percent is a weighted average of estimated current imports.

Thus, the meaning of "specially" can be interpreted in one of three ways. It may refer to (1) increasing the strength of the tempered portions of the glass; (2) increasing the area of the temper itself so that each portion of the glass is tempered, or (3) increasing the amount of the temper and increasing the area of the glassware tempered so that each portion of the glassware has the increased strength and dicing pattern of breakage, characteristic of tempered glass.

Customs is of the option that the first view above enunciates the correct standard for a glass properly classified under item 544.31, TSUS. Heading 70.08 of the Customs Co-operation Council Nomenclature (CCCN) appears to support this interpretation.

The question then becomes whether item 546.38, TSUS, and item 544.31, TSUS, are *in pari materia*. If they are, the phrase "toughened (specially tempered)" in item 546.38 should be interpreted the same as identical language in item 544.31.

According to counsel for the importer, the meaning of the language in item 546.38 is different from the meaning of identical language in item 544.31. Allegedly, item 544.31 describes glass which is different from the glass

described in item 546.38. Thus the provisions are not *in pari materia*.

Customs rejects this theory. Item 546.38, TSUS, the provision under consideration, is not mentioned as a tempered glassware provision in the Tariff Classification Study:

> Items 546.11 through 546.57—These items provide for glassware used in the household or elsewhere for preparing, serving, or storing food or beverages, now dutiable in paragraphs 218(d), (f) and (g) and 230(d); other household glassware articles (excluding principally illuminating articles), not specially provided for * * *. (at page 391)

However, each of these provisions was enacted as part of the Tariff Classification Act of 1962, Pub. L. 87–456. Sturm, *A Manual of Customs Law* (1976), states at page 168, "The provisions of the (TSUS) must be considered *in pari materia*." See *e.g., Venetianaire Corp. of America v. United States*, 60 CCPA 75, 78, C.A.D. 1084, 470 F.2d 1047 (1973).

> Additionally, the Tariff Classification Study states: The proposal divides the glassware into four general categories—categories *based on the character of the glass itself:* * * *. (emphasis added) (at page 391)

Customs believes that this language, coupled with the statement in Sturm, above, indicates that items 546.38 and 544.31 are *in pari materia*, and further that the meaning ascribed to the phrase "toughened (specially tempered)" in item 544.31 should be the same as the meaning of the same phrase in item 546.38. Thus, glass classified under item 546.38 also must dice when broken.

Admittedly, the glass in item 546.38 is used to serve food and beverages and is curved. It may be distinguished on that basis. However, Customs does not believe that a distinction is proper in this case. Such a distinction obscures the fact that both provisions describe glass and that the relevant question concerns the physical characteristic of the glass itself, not its use.

The Breakage Test

In IA 76/136, Customs enunciated the test which it uses to determine if an article is "toughened (specially tempered)."

> An annealed (item) * * * should normally break into a small number of larger pieces, say ten or less (frequently as low as three or five): A tempered disk will break into a large number of pieces the number of which depends upon stress magnitude and distribution. If highly stressed the glass will "dice" *i.e.*, break into a large number of small, rather uniformly shaped pieces.

Counsel for the importer contends that the standard is incorrect, apparently because he believes that the language requires toughened glass to dice, such that each portion of the glass breaks into pieces, all of which are small and round-edged. In turn, petitioner joins the issue, stating that each portion of the imported glassware must dice. Because it does not, it is not toughened. Importer's counsel relies upon a 1977 edition of the *American National Standard Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways*, published by the American National Standards Institute.

Customs has studied the samples submitted by petitioner's counsel. This glassware is used in the household. Thus, Customs recently conducted several tests on six of the samples (designated "Artic Stemware", to include "Champagne", "Wine", and "Goblet", and "Artic Tumblers", to include "Old Fashioned", "Hi Ball", and "Beverage"). These tests were designed to simulate the conditions under which household glassware is used. The samples were subjected to three tests, in addition to the breakage test described in IA 76/136:

> * * * A "thermal shock" and a "counter fall" test were performed on multiple samples of all styles and an additional "nesting" test was applied to the tumblers. The thermal shock test consisted of pouring boiling water into the glass. The nesting test, which was only applied to the tumblers, consisted of stacking glasses as one might for cupboard storage. The counter fall test simulated the accidental knocking of a glass off a kitchen counter.

According to the laboratory report, "None of the imported test samples broke, chipped, or cracked when subjected to thermal shock or nesting. Nearly all of the tumblers survived the counter fall test, while half of the stemware also survived this test."

For purposes of comparison, a quantity of other glassware was purchased and tested. The laboratory report continues:

> By comparison, we evaluated the domestic glassware (both tumblers and stemware) as being resistant to breakage but less resistant than the imported glassware. All domestic glassware tested survived the thermal shock and nesting tests. * * * a higher percentage of tumblers and stemware broke during the counter fall test. Also, considerably less force was required to cause breakage by the center punch test.

Customs has not tested any samples of the Grand Vin Super Savoie or Super Ballon glasses. Subject to this caveat, and with the exception noted below, Customs is satisfied that the samples tested at Customs Headquarters as well as the samples of the glassware illustrated in Attachment 1B of petitioner's July 31, 1981, request to initiate this action are all "toughened (specially tempered)". Although shards of glass as well as the small, round-edged pieces characteristic of a diced glass are present when a sample of glass is broken, Customs is satisfied that this does not preclude the glassware from being "toughened (specially tempered)". This view is supported by page 4 of IA 76/136. There it is stated that the second sample of the merchandise that was the subject of the IA was considered tempered, even though not all of it diced when broken. This view is further supported by the fact that the shape and thickness of the glassware affect the pattern of breakage. These samples are not flat and do vary in thickness from one sample to another and from one portion to another portion of the same article. Accordingly, Customs believes that they are "toughened (specially tempered)", even though they do not break into a large number of small, round-edged pieces without the presence of any shards. The other test results (thermal shock, nesting and counter fall) do not conflict with this conclusion. As to the Grand Vin Super Cuvee, no portion of the sample diced when it was broken.

Pressed

One issue remains. Have the three samples identified as Grand Vin by petitioner, been "pressed"? As stated earlier, petitioner's counsel contends that they are not because the mouth of the stemware is smaller than the largest portion of the inside diameter of the stemware. In an August 16, 1982, letter counsel for the importer concedes that each type of the Grand Vin glassware is not pressed. Customs considers this concession to be determinative of the issue.

Decision of Petition

In accordance with the foregoing, Customs has determined that the petition should be granted in regard to the imported glassware designated "Grand Vin", to include "Super Cuvee", "Super Savoie", "Super Ballon", as that glassware is not pressed. In addition, the "Super Cuvee" did not dice when broken. That merchandise is properly classified under the provisions for other glassware, according to value, in items 546.52 through 546.68, TSUS.

However, as to the imported glassware designated "Artic Stemware", to include "Champagne", "Wine", and "Goblet", and "Artic Tumblers", to include "Old Fashioned", "Hi Ball", and "Beverage", the petition is denied. That merchandise has been properly classified under the provision for

glassware which is "pressed and toughened (specially tempered)" in item 546.38, TSUS.

Authority

This notice is published under the authority of sections 516 (b) and (c), Tariff Act of 1930, as amended (19 U.S.C. 1516 (b), (c)), and section 175.22, Customs Regulations (19 CFR 175.22).

Drafting Information

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

Dated: July 20, 1983.

William von Raab,

Commissioner of Customs.

[FR Doc. 83-20037 Filed 7-22-83; 8:45 am]

BILLING CODE 4820-02-M

VETERANS ADMINISTRATION

Pay and Work Schedules for Nurses and Certain Other Health-Care Personnel

AGENCY: Veterans' Administration.

ACTION: Notice.

SUMMARY: The Veterans' Administration is publishing for public notice the revised version of a proposed VA Circular entitled "Pay and Work Schedules for Nurses and Certain Other Health-Care Personnel" to implement section 2 of the Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982 (Pub. L. 97-251). Under the law, the Administrator of Veterans' Affairs may take the following actions in order to obtain or retain the services of certain health-care personnel in the Department of Medicine and Surgery: (1) Increase rates of additional pay, commonly referred to as premium pay, for nurses and certain other health-care personnel on a nationwide, local or other geographic basis; (2) extend additional pay for Sunday work to all or part of a Saturday tour of duty for nurses and certain other health-care personnel on a nationwide, local or other geographic basis; and (3) provide that nurses who work two regularly scheduled 12-hour tours of duty in the period commencing at midnight Friday and ending at midnight the following Sunday shall be considered, for most purposes, to have worked a full 40-hour basic workweek (i.e., the Baylor Plan). Section 2(d) also requires the Administrator to publish policies in the **Federal Register** to implement subsection (g) of section 4107 of title 38, United States Code, which grants the Administrator the authority to increase minimum, intermediate or maximum rates of basic pay for Department of Medicine and Surgery employees providing direct patient care or services incident to direct patient care, in order to obtain or retain services which would not otherwise be available to veterans.

DATE: This circular is effective July 18, 1983.

FOR FURTHER INFORMATION CONTACT: Charles J. Kelley, Director, Salary and Wage Administration Service (052), Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C. 20420.

SUPPLEMENTARY INFORMATION: On pages 2625 and 2626 of the **Federal Register** of January 20, 1983, a proposed VA circular was published for public notice and comment. Interested persons were given 30 days to submit comments. Eight comments were received.

Several comments were received concerning basic pay levels for specific categories of Department of Medicine and Surgery health-care personnel. We note that Pub. L. 97-251 and this circular are not intended to authorize general pay increases for specific categories of personnel. Basic rates of pay may be increased, however, if such increases are necessary to meet VA recruitment or retention needs.

Two commentators requested clarification of the fringe benefit entitlements for nurses on the Baylor Plan, and one of these commentators requested further information on submitting requests for above-minimum entrance rates or special salary rate ranges. Section 2(c) of Pub. L. 97-251 provides that nurses on the Baylor Plan shall be considered for all purposes (except computation of full-time equivalent employees for the purpose of determining compliance with personnel ceilings) to have worked a full forty-hour basic workweek. Thus, nurses on the Baylor Plan shall be considered full-time employees for the purposes of fringe benefits, such as leave, retirement, life insurance, health insurance, etc. A new paragraph 5c(6) has been added to the circular to clarify the fringe benefits of such employees. Additional guidance concernig requests for above-minimum entrance rates or special salary rate ranges will be included in a forthcoming revision of the VA Personnel Policy Manual. One commentator suggested the 90-day period to review proposed above-minimum entrance rates and special salary rate ranges be reduced to 30 days so VA would be better able to meet its staffing needs for patient care. Section 4107(g)(4) of title 38, United States Code, provides that the Administrator shall, not less than ninety days prior to the effective date of the proposed increase, notify the President of the Administrator's intention to provide such an increase. We believe Section 4107(g)(4) of title 38 would permit implementation of proposed increases if the necessary reviews are completed prior to the expiration of the 90-day period. It would be contrary to law, however, to establish a policy requiring completion of such reviews in a lesser period. Finally, a commmentator expressed concern about the Administrator's authority to extend additional pay for Sunday work to all or part of a Saturday tour and requested clarification of the rationale for including only a part of a Saturday tour of duty for premium pay purposes. Section 2(a) of Pub. L. 97-251 provides that the Adminstrator may extend additional pay for Sunday work to include part or all of a Saturday tour of duty, thereby allowing the Veterans' Administration to conform, as closely as possible, with the pay practices of non-Federal health-care facilities in the local labor market.

On its own motion, the Veterans' Administration made editorial changes and modified the circular as follows:

1. *Appointments.* Nurses on the Baylor Plan are considered to be serving on a full-time appointment. Further, the legislative history of Section 2(c) of Pub. L. 97-251 indicates Congress intended that the Baylor opportunity be offered first to permanent employees and offered to temporary employees only as a last resort to achieve adequate nurse staffing. A new paragraph 5(c)(1) clarifies the nature of appointments for nurses on the Baylor Plan, specifies the preference for permanent employees, and provides that nurses may be placed on the Baylor Plan only at the beginning of an administrative workweek and taken off the Baylor Plan at the end of the administrative workweek. The restrictions on the conversion of nurses to and from the Baylor Plan are necessary because of the different basis for paying these employees. Paragraphs 5c(1) through 5c(4) are renumbered 5c(2) through 5c(5), accordingly.

2. *Leave.* The former paragraph 5c(3) is modified to provide that it does not apply to leave charged on other than an hourly basis (e.g., military leave, funeral leave and home leave).

3. *Overtime.* The former paragraph 5c(4)(b) is clarified by deleting the phrase "or other applicable law" and inserting the statutory provision to

which the phrase applies, i.e., 38 U.S.C. 4107(e)(10).

4. *Additional Rates of Pay.* The former paragraph 5c(4)(d) has been deleted, since it repeated information contained in paragraph 5c(3) of the circular.

5. *Outside Professional Practice.* Under Section 2(c) of Pub. L. 97–251, nurses on the Baylor Plan are full-time employees for all purposes, except the computation of full-time equivalent employment. Thus, a new paragraph 5c(7) has been added to clarify that such nurses are subject to outside professional practice provisions of 38 U.S.C. 4108.

6. *Paid Personnel and Fiscal Operating Instructions.* A revised paragraph 6 advises field stations that operating personnel and fiscal instructions will be issued separately.

7. *Effective Date.* Paragraph 6 has been renumbered paragraph 8 and the effective date of the circular is included in the revision.

8. *Labor Organizations.* A new paragraph 7 has been added to remind local management officials of their labor relations responsibilities.

Dated: July 18, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[Circular 00–83–26]

July 18, 1983.

Pay and Work Schedules for Nurses and Certain Other Health-Care Personnel

1. *Purpose.* The Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982 (Section 2(d), Pub. L. 97–251) requires VA to issue policies concerning its authority to approve higher additional rates of pay, additional pay for Saturday work under 38 U.S.C. 4107(e)(10), increased minimum, intermediate, and maximum rates of basic pay for Department of Medicine and Surgery employees under 38 U.S.C. 4107(g), and policies concerning use of the Baylor Plan under 38 U.S.C. 4107(h).

2. *Definitions.* For the purposes of this circular, the following definitions shall apply:

a. "Above-minimum entrance rate" means an increase in the minimum rate of basic pay for a grade with no corresponding increase in higher intermediate rates or the maximum rate of pay for the grade.

b. "Additional pay" means an additional rate of pay authorized under 38 U.S.C. 4107(e)(2) through (8) and (10). These include tour differential, Sunday pay, holiday pay, overtime pay, Saturday pay, and pay for employees scheduled to be on-call outside their regular duty hours or on a holiday.

c. "Additional pay for Saturday work" means additional pay for all or part of a tour of duty within the period commencing at midnight Friday and ending at midnight Saturday.

d. "Baylor Plan" means two regularly scheduled 12-hour tours of duty contained entirely within the period commencing at midnight Friday and ending at midnight the following Sunday.

e. "Hourly rate of pay" means:

(1) For service on the Baylor Plan, the hourly rate of pay equals the annual rate of basic pay to which the employee is entitled divided by one thousand two hundred and forty eight (1,248).

(2) For all other service, the hourly rate of basic pay equals the annual rate of basic pay to which an employee is entitled divided by two thousand and eighty (2,080).

f. "Nurse" means a nurse or nurse anesthetist appointed under 38 U.S.C. 4104(1) or 4114(a)(1)(A).

g. "Special salary rate range" means increased minimum, intermediate and maximum rates of basic pay for a grade established under 38 U.S.C. 4107(g).

h. "Workweek" means a period of seven (7) consecutive calendar days which shall coincide with the calendar week, Sunday through Saturday.

3. *Above-Minimum Entrance Rates and Special Salary Rate Ranges for Department of Medicine and Surgery Employees.*

a. *Scope.* The Administrator may increase minimum, intermediate and maximum rates of basic pay for any category of:

(1) Physicians, dentists, podiatrists, optometrists, nurses, nurse anesthetists, physician assistants, and expanded-function dental auxiliaries appointed under 38 U.S.C. 4104(1) or 4114(a)(1)(A).

(2) Department of Medicine and Surgery employees paid under the General Schedule who are providing direct patient care services or services incident to direct patient care.

b. *Applicability.* Increased minimum, intermediate, or maximum rates of basic pay may be approved on a nationwide, local, or other geographic basis and may be used only to:

(1) Assist in the recruitment or retention of well-qualified employees where there is evidence of recruitment or retention problems which are being caused by higher non-Federal rates of pay.

(2) Provide basic pay in amounts competitive with, but not exceeding, the amount of the same types of pay that is paid to the same category of health-care personnel at non-Federal health-care facilities in the same labor market.

(3) Achieve adequate staffing at particular facilities.

(4) Recruit personnel with specialized skills, especially those with skills which are difficult or demanding.

c. *Submission of Requests and Approval Authority.*

(1) Requests for above-minimum entrance rates and special salary rate ranges shall be submitted, approved, adjusted or discontinued in accordance with criteria established by the Administrator and published in the VA Personnel Policy Manual, MP–5, Part II.

(2) If the Administrator proposes to increase the minimum, intermediate or maximum rates of basic pay for DM&S General Schedule employees, that proposal shall be forwarded to the President, or designee, who has up to 90 days to review such proposed approvals under the provisions of 38 U.S.C. 4107(g)(4).

d. *Review of Adjustments.* Above-minimum entrance rates and special salary rate ranges authorized under this paragraph shall be reviewed for continued need in accordance with criteria established by the Administrator and published in the VA Personnel Policy Manual, MP–5, Part II.

4. *Increase in Additional Rates of Pay and Additional Pay for Saturday Work.*

a. *Scope and Applicability.* The Administrator is authorized to increase additional rates of pay and extend additional pay for Sunday work to all or part of a Saturday tour of duty for any category of nurses, physician assistants, and expanded-function dental auxiliaries when necessary to obtain or retain their services. Such increases may be approved for any specific Veterans Administration health-care facility and may be made on a nationwide, local, or other geographic basis.

b. *Submission of Requests and Approval Authority.* Increased rates of additional pay, and extension of additional pay to all or part of a Saturday tour of duty, shall be requested, approved, adjusted and discontinued in accordance with criteria established by the Administrator and published in the VA Personnel Policy Manual, MP–5, Part II.

5. *Baylor Plan.*

a. *Scope and Applicability.* The Administrator is authorized to provide that any category of nurse who works two regularly scheduled 12-hour tours of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be considered to have worked a full 40-hour workweek (except for the computation of full-time equivalent employment for personnel ceiling purposes). The Administrator may further provide that nurses working under the Baylor Plan may be paid overtime for all or part of the actual hours of officially ordered and approved service in excess of 40 hours in a workweek, if such an action is necessary to recruit or retain nurses.

b. *Submission of Requests and Approval Authority.*

(1) Requests to use the Baylor Plan, and requests for nurses on the Baylor Plan to receive overtime pay for all or part of the actual hours of officially ordered or approved service in excess 40 hours in a workweek, are to be submitted by facility Directors through appropriate channels to the Administrator for approval in accordance with criteria to be published in the VA Personnel Policy Manual, MP–5, Part II.

(2) The Administrator may:

(a) Authorize the use of the Baylor Plan when necessary to obtain or retain the services of nurses.

(b) Authorize the payment of overtime for all or part of the actual amount of officially ordered and approved service in excess of 40 hours in a workweek.

Note.—Tours of duty under the Baylor Plan shall be computed on an hour-for-hour basis in computing the actual amount of service under this subparagraph.]

(c) Discontinue use of the Baylor Plan at any Veterans' Administration health-care facility.

c. *Miscellaneous Provisions.*

(1) *Appointments.* (a) *Full-time appointment required.* Nurses on the Baylor Plan are considered to be serving on a full-time basis for all personnel management purposes, except for the computation of full-time equivalent employment, or FTEE. Thus, nurses serving on less than a full-time basis must be converted to a full-time appointment before being placed on the Baylor Plan.

(b) *Preference.* When selecting nurses for the Baylor Plan, preference shall be given to qualified nurses appointed udner 38 U.S.C 4104(1).

(c) *Conversions.* A nurse shall be placed on the Baylor Plan only at the beginning of the workweek and taken off the Baylor Plan only at the end of the workweek.

(2) *Holidays.* A nurse on the Baylor Plan shall not be excused from duty as a result of a holiday.

(3) *Hourly Rate of Basic Pay.* The hourly rate of basic pay for nurses on the Baylor Plan shall be computed in accordance with paragraph 2(e) above.

(4) *Leave Charges.* A nurse on the Baylor Plan who is on approved leave during a regularly scheduled 12-hour week-end tour of duty shall be charged five hours of leave for each three hours of absence. Such a nurse shall not, however, be charged leave for absences from any other tour of duty. In addition, this subparagraph does not apply to leave which is not charged on an hourly basis (i.e., military leave, funeral leave, and home leave).

(5) *Additional Rates of Pay.*

(a) A nurse is not entitled to any additional pay for service performed on a regularly scheduled 12-hour tour of duty under the Baylor Plan.

(b) A nurse on the Baylor Plan is entitled to overtime pay under 38 U.S.C. 4107(e) (5) or (10) for performing officially ordered and approved service as follows:

1. Service in excess of 24 hours within the period commencing at midnight Friday and ending at midnight the following Sunday.

2. Service in excess of eight (8) hours on a day other than Saturday or Sunday.

3. Service in excess of 40 hours in a workweek when authorized under this paragraph.

(c) A nurse who performs service outside a regularly scheduled 12-hour week-end tour of duty under the Baylor Plan shall also be eligible for additional pay under 38 U.S.C. 4107(e) (2) through (4), (6) through (8), and (10).

(6) *Employee Benefits.*

(a) Nurses on the Baylor Plan shall be considered full-time employees for the purposes of employee benefits (e.g., retirement, life insurance, health insurance, and periodic step increases).

(b) *Lump-Sum Leave Payments.* The lump-sum leave payments for nurses on the Baylor Plan shall be computed in the same manner as other full-time employees. In other words, when computing such payments, the hourly rate of pay shall be determined by dividing the annual rate of basic pay to which the nurse is entitled by two thousand and eighty (2,080).

(7) *Outside Professional Activities.* Nurses on the Baylor Plan are subject to the outside professional activities restrictions contained in 38 U.S.C. 4108 and VA Personnel Policy Manual MP-5, Part II, Chapter 13.

6. *Paid Personnel and Fiscal Operating Instructions.* Paid personnel and fiscal operating instructions will be issued separately.

7. *Dealing with Recognized Labor Organizations.* Local management should meet its labor relations responsibilities when implementing this circular.

8. *Effective date:* This circular is effective July 18, 1983.

9. *Rescission:* This circular expires August 31, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 83-19991 Filed 7-22-83; 8:45 am]

BILLING CODE 8320-01-M

Privacy Act of 1974; Amendment of Systems Notice; Additional Routine Use Statement

Notice is hereby given that the VA (Veterans Administration) is considering adding a new routine use statement for the system of VA records entitled "Veterans Assistance Discharge System (VADS)—VA" (45VA23) as set forth on page 370 of the **Federal Register** of January 5, 1982. The Military Selective Service Act (50 U.S.C. App. 453) and Presidential Proclamation No. 4771, 45 FR 45247 (1980), requires male citizens of the United States to register with the Selective Service System upon reaching the age of 18 years. The Selective Service System is responsible for administration of the registration process and for assurance of maximum compliance with the law. In accordance with the recommendation of the President's Military Manpower Task Force, the Selective Service System has developed a registration compliance program which is based upon computerized matching. As part of the matching program, the Selective Service System plans to compare their records for individuals who have registered for the draft with the VA's Veterans Assistance Discharge System, which contains information on veterans who have been released from active military service since March 1973. The purpose of the match is to identify men who served on active military duty, but failed to register upon separation or discharge from the service. To date, VADS is the only system of records identified by the Selective Service System which would allow them to ascertain an address for discharged men, therefore enabling them to contact those who have so far failed to comply with the Military Selective Service Act. To provide information required by the match, the VA is proposing to add a new routine use statement. The new proposed routine use No. 13 will permit disclosure of a male veteran's name, address, date of birth and social security number to the Selective Service System for the purpose of conducting a computer match to identify men who served on active military duty but failed to register with the Selective Service System upon separation or discharge from the service. The VA has determined that release of information for this purpose is necessary and a proper use of information in the system of records and that a specific routine use for transfer of this information is appropriate.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed system of records to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before August 25, 1983 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays) until September 9, 1983.

If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Veterans Administration, the proposed routine use statement is effective August 25, 1983.

Approved: July 18, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

In the system identified as 45VA23, "Veterans Assistance Discharge System (VADS)–VA" as set forth on page 370 of the **Federal Register** of January 5, 1982, the following routine use statement is added to read as follows:

SYSTEM NAME:

Veterans Assistance Discharge System (VADS)–VA

* * * * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * * * *

13. The name, address, date of birth and social security number of a male veteran may be released to the Selective Service System for the purpose of conducting a computer match to identify men who served on active military duty but failed to register with the Selective Service System upon separation or discharge from the service.

[FR Doc. 83-20015 Filed 7-22-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 143
Monday, July 25, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

[M-385, July 20, 1983]

TIME AND DATE: 9:30 a.m., July 27, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket 40269, *Visit USA Fare/Export Inland Contract Rate Investigation;* Order on petitions for discretionary review of initial decision. (OGC)
3. H.R. 600, The Foreign Investigation Reorganization Act of 1983; comments to House Government Operations Committee. (Memo 1931, OGC, BDA, BIA)
4. Docket 41415, Rule prohibiting some foreign airlines from advertising and selling seats on their charters before they receive approval for them. (OGC, BIA)
5. Docket 29044, Republication of the "unreasonable burden" provision of the Boar's smoking rule, in response to a Court order. (OGC, OCCCA)
6. Proposal to amend accounting and reporting requirements for small certificated and commuter air carriers. (OC, OEA, BDA, BIA, BCAA, OCCCA, OGC)
7. Proposed Amendment of Part 241 of the Economic Regulations to alter the Passenger Origin-Destination Survey by: (1) Reducing the number of fare basis codes, and (2) extending the reporting requirement for one year until January 1, 1985. (OC, BDA, BIA, OEA, OCCCA, BCAA, OGC).
8. Request for instructions in dealing with contract terms and tariff rules absolving carriers from any responsibility to transport a passenger to the destination airport named on his or her ticket, or to reimburse a passenger for expenses incurred in reaching that airport, where a flight is diverted to another airport in the same general metropolitan area. (OCCCA, OGC, BIA)
9. Docket 41255, Essential air service at Mt. Vernon, Illinois. (BDA)
10. Docket 41521, Metro Airlines' notice of intent to suspend service at Paris, Texas, and McAlester, Oklahoma, on September 5, 1983. (BDA)
11. Docket 41277, Crown Airways' notice of intent to suspend service at Oil City/Franklin, Pennsylvania. (BDA, OCCCA, OC)
12. Dockets EAS-336, EAS-338, and 39374, Essential Air Service at Kingman and Prescott, Arizona. (BDA, OCCCA, OC)
13. Docket 32484, Investigation of the Local Service Class Subsidy Rate: Class Rate IX. (Memo 1928, BDA, OCCA, OGC, OC, BCAA)
14. Docket 41467, Application of Nelson Island Air Service, Inc. for certificate authority to conduct scheduled interstate transportation of persons, property and mail and all-cargo service between certain points in Alaska. (BDA)
15. docket 41353, Application of Bellair Incorporated under Subpart Q for certificate authorizing scheduled passenger and all-cargo service in Alaska. (Memo 1927, BDA)
16. Docket 41453, Application of Midwest Express Airlines, Inc. for a certificate of public convenience and necessity under section 401(d)(1). (Memo 1930, BDA)
17. Commuter carrier fitness determination of Shawano Flying Service, Inc., d/b/a/ Isle Royale Seaplane Service. (Memo 1924, BDA)
18. Docket 41552, application of Trans Carib Air, Inc. for a two-year fitness review. (Memo 1936, BDA, BIA)
19. Docket 41550, Application of GenAir Interntional, Inc. for a two-year fitness review. (BDA)
20. Docket 41122, Application of Powell Air Ltd. for a foreign air carrier permit. (memo 1934, BIA, OGC, BALJ)
21. Docket 41478, *Michigan Peninsula Airways Fitness Investigation;* Order on Review of Staff Action. (OGC)
22. Applications of Sterling Airways A/S and A/S Conair for statements of authorization, to conduct a series of Scandinavian-originating IT charters between Scandinavia and points in Florida, between October, 1983 and April 1984. (BIA)
23. Discussion on Scandinavian Negotiations. (BIA)
24. Discussion on Jamaica Negotiations. (BIA)
25. Discussion on Peoples Republic of China. (BIA)
26. Discussion on Philippine Negotiations. (BIA)

STATUS: 1-21 Open, 22-26 closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1078-83 7-21-83; 3:41 pm]

BILLING CODE 6320-01-M

2

COMMODITY CREDIT CORPORATION

TIME AND DATE: 9:30 a.m., August 1, 1983.

PLACE: Room 104-A Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda to be announced.

CONTACT PERSON FOR MORE INFORMATION Ray F. Voelkel, Secretary, Commodity Credit Corporation, Room 3090, South Building, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013; telephone (202) 447-3451.

[S-1074-83 Filed 7-21-83; 1:31 pm]

BILLING CODE 3410-05-M

3

FEDERAL COMMUNICATIONS COMMISSION

Closed Commission Meeting, Thursday, July 28, 1983

July 21, 1983.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, July 28, 1983, following the Open Meeting, which is scheduled to commence at 2 p.m., in Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—WIOO, Inc., Carlisle, Pennsylvania AM radio comparative renewal proceeding (Docket Nos. 21506-07).

Hearing—2—Applications for Review of Review Board Decision in the Kalamazoo and Portage, Michigan comparative FM proceeding (Docket Nos. 21374 through 21377).

These items are closed to the public because they concern Adjudicatory matters (See 47 CFR 0.603(j)).

The following persons are expected to attend:

Commissioners and their Assistants
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission:

Hearing Item No. 1, July 19, 1983. Commissioners Fowler, Quello, Dawson and Rivera voting to consider this item in Closed Session.

Hearing Item No. 2, July 5, 1983. Commissioners Fowler, Quello, Dawson and Rivera voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the

Commission to complete appropriate action.

Additional information concering this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: July 20, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1075-83 Filed 7-21-83; 3:17 pm]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION

Special Open Commission Meeting, Wednesday, July 27, 1983

July 20, 1983.

The Federal Communications Commission will hold a Special Open Meeting on the subjects listed below on Wednesday, July 27, 1983, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Common Carrier—1—*Title:* In the Matter of MTS and WATS Market Structure, CC Docket No. 78–72, Phase I. *Summary:* The Commission will consider the issues raised in petition for reconsideration of the *Third Report and Order* in this docket (the "Access Charge Order").

Common Carrier—2—*Subject:* Petition of the State of Michigan Concerning the Effects of Certain Federal Decisions on Local Telephone Service. *Summary:* The State of Michigan and the Michigan Public Service Commission (MPSC) have filed a petition requesting the FCC to hold an inquiry into the effects of the AT&T divestiture and certain FCC decisions on local telephone rates and the availability of local service. The Commission will decide whether or not to grant the petition.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: July 20, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1077-83 Filed 7-21-83; 3:18 pm]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Thursday, July 28, 1983 at 2 p.m.

July 21, 1983.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, July 28, 1983, which is scheduled to commence at 2 p.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Order granting a waiver of Section 15.7 of the FCC Rules to American Telecommunications Corp. for a cordless telephone. *Summary:* The Commission reconsiders its Order granting conditional waiver of Section 15.7 for a cordless telephone marketed by American Telecommunications Corp. The Commission will evaluate whether the technical conditions in the waiver may result in harm to the telephone network. Another issue is whether the termination date set for the waiver should be extended.

General—2—*Title:* In the Matter of Applicant Certification of Technical Data Submitted with an Application for Construction or Modification of a Commercial FM Broadcast Station. *Summary:* The Commission will consider whether to issue a notice of inquiry to obtain public comment on the merit and feasibility of accepting (without staff review) applicant certification that the technical data submitted with an application for an FM construction permit or facilities change is correct and in accord with the Rules.

General—3—*Title:* Petitions for waiver filed by several manufacturers of radio frequency (RF) lighting devices. *Summary:* The Commission considers whether to adopt a *Notice of Inquiry* and an *Order Granting Limited Waiver* to obtain information to formulate policy in regard to RF lighting devices and to provide for a waiver of the current rules which apply to RF lighting devices.

Audio—1—*Title:* Application for review filed by Inter American Broadcasters, Inc., licensee of WSDL, Slidell, Louisiana. *Summary:* The Commission considers a request for waiver of the AM minimum power requirements.

Video—1—*Title:* Application for review of staff action filed by P.M. Broadcasting Company, Inc. *Summary:* P.M. Broadcasting Company, Inc., filed an application for review of the action of the Mass Media Bureau returning its application for a low power television station in Portsmouth, New Hampshire, because it did not conform with the Commission's freeze on the acceptance of low power applications.

Video—2—*Title:* Application for review of staff action filed by Family Television Corporation, Inc. *Summary:* Family Television Corporation, Inc., filed an application for review of the action of the Mass Media Bureau returning its application for a new television translator station in Fort Myers, Florida, because it did not conform with the Commission's freeze on the acceptance of television translator and low power applications.

Video—3—*Title:* Application for review of staff action filed by Mountain TV Network, Inc. *Summary:* Mountain TV Network, Inc., filed an application for review of the action of the Chief of the Mass Media Bureau which directed it to submit evidence of its financial ability to construct and operate the 2,379 low power television facilities for which it has filed applications for construction permits.

Policy—1—*Title:* The use of subcarrier frequencies in the aural baseband of television trasmitters. *Summary:* The Commission will consider adoption of a Further Notice of Proposed Rule Making in Docket No. 21323 which looks toward expanding the permissible uses of TV aural baseband subcarriers and providing for the transmission of stereophonic TV sound.

Policy—2—*Title:* Amendment of Part 76, Subpart I of the Commission's Rules and Regulations with Respect to the Cable Television annual Financial Report (FCC Form 326). *Summary:* The Commission will consider whether or not to modify or eliminate the cable television annual financial reporting requirement in Section 76.403 of the Rules.

Policy—3—*Title:* Amendment of the Commission's Rules regarding protection standards for AM Stations in Alaska. *Ssummary:* In response to a Petition for Rule Making filed by the Alaska Broadcasters Association the Commission will consider whether to propose changes in the Commission's Rules regarding protection standards for AM stations in Alaska.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: July 20, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1076-83 Filed 7-21-83; 3:18 pm]

BILLING CODE 6712-01-M

6

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published).

STATUS: Closed meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, July 15, 1983.

CHANGE IN THE MEETING: Deletion. The following additional item will not be considered at an open meeting scheduled for Thursday, July 21, 1983, at 10 a.m.:

Consideration of whether to adopt Rule 17f–5 under the Investment Company Act of 1940

which would permit U.S. and Canadian registered management investment companies under certain conditions to place and maintain their foreign securities, cash and cash equivalents with certain eligible foreign custodians. For further information, please contact Elizabeth K., Norsworthy at (202) 272–2048.

Chairman Shad and Commissioners Evans, Thomas, Longstreth and Treadway determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Robert Lipsher at (202) 272–3195.

July 20, 1983.

[S-1073-83 Filed 7-21-83; 11:10 am]

BILLING CODE 8010-01-M

federal register

Monday
July 25, 1983

Part II

Department of Energy

Economic Regulatory Administration

Amendment to Electric Power System Permits and Reports; Applications, Administrative Procedures and Sanctions; Fees To Pay Costs of Environmental Studies for Transmission Facilities Related to International Border Crossings; Final Rule

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 205

Amendment to Electric Power System Permits and Reports; Applications, Administrative Procedures and Sanctions; Fees To Pay Costs of Environmental Studies for Transmission Facilities Related to International Border Crossings

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby adopts amendments to 10 CFR Part 205 that require applicants for Presidential Permits for the construction, maintenance and operation of electrical transmission lines at the U.S. international borders to pay the costs of preparing and issuing any Environmental Assessment (EA) or Environmental Impact Statement (EIS) necessary for ERA to comply with the National Environmental Policy Act of 1969 (NEPA). Previously, ERA assumed all financial responsibility for preparing such EIS's and for EA's in those instances in which an applicant did not submit an EA to be adopted by ERA under 40 CFR 1506.5(b).

ERA no longer will assume financial responsibility for preparing EA's or EIS's. It will remain possible for applicants to prepare EA's, to be adopted by ERA under 40 CFR 1506.5(b). In addition, ERA is announcing today that it is adopting two alternatives by which applicants, after discussions with ERA, shall pay for EA's and EIS's. The choice of payment method will be made by ERA, after discussions with the applicant. Under Alternative 1, the applicant shall enter into a contractual agreement with an independent third party contractor, selected by ERA. The independent third party contractor may be a Government-owned, contractor-operated National Laboratory, or a private company, qualified to conduct an environmental review and prepare an EA or EIS under the supervision of ERA. Under Alternative 2, the applicant shall submit a fee to ERA to cover the direct costs incurred by DOE in hiring a contractor to prepare the EA or EIS. The costs for which the applicant is responsible include the contractor's expenses to produce the draft and final environmental documents. DOE employee salaries and other fixed costs, as set forth in OMB Circular A-25, will not be charged to the applicant.

As noted above, it will continue to be possible for an applicant to submit an environmental report, prepared at its own expense, for adoption by ERA as an EA pursuant to 40 CFR 1506.5(b). However, this approach is not available when an EIS is required by NEPA.

EFFECTIVE DATE: The amended rules become effective August 24, 1983.

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Division of Petroleum and Electricity (RG-44), Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Forrestal Building, Room GA-017, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-5935

Lise Courtney M. Howe, Office of Assistant General Counsel, International Trade and Emergency Preparedness (GC-11), Department of Energy, Forrestal Building, Room 6A-141, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-2900

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

The authority to issue Presidential Permits pursuant to Executive Order No. 10485 was transferred to the Secretary of Energy by Executive Order No. 12038 (43 FR 4957 Feb. 7, 1978). This responsibility was delegated by the Secretary to the Administrator of ERA (DOE Delegation Order No. 0204-04, October 1, 1977).

The ERA regulations relating to the application for the construction, maintenance and operation of electric power transmission facilities appurtenant to international border crossings were published on October 28, 1980 (45 FR 71558) and are contained in 10 CFR 205.320 *et seq.* The regulations require any person, firm, cooperative, corporation or other entity to obtain a Presidential Permit for the operation of electric power transmission or distribution facilities crossing the border of the United States. They specifically require that each applicant provide information regarding the project, the transmission lines to be covered by the Permit, and the environmental factors and impacts associated with all the transmission facilities and line routing alternatives. Two conformed copies of the application and a filing fee of $150 must accompany the original application. Persons receiving Presidential Permits also are required to file an annual report with ERA detailing by category the kilowatt hours of energy received or delivered and the associated cost and revenue for each month of the preceding calendar year.

Although DOE presently does not require applicants for Presidential Permits to pay the costs of preparing EIS's required by NEPA, DOE does so in another program. *See* 10 CFR 504.9, Environmental Requirements for Certifying Powerplants (Fuel Use Act Coal Conversion Prohibition Order). In addition, such direct payment is consistent with the third party agreement regulations of the Environmental Protection Agency's National Pollutant Discharge Elimination System Program (40 CFR 6.604(g)).

The regulations adopted today by ERA require applicants seeking Presidential Permits pursuant to 10 CFR 205.320 *et seq.* to bear the costs associated with preparing any environmental documentation necessary for ERA to comply with NEPA. Two alternative methods of payment are offered.

Under Alternative 1 *(see* § 205.328), DOE will determine, on the basis of environmental information provided by the applicant pursuant to the requirements of § 205.322 (c) and (d), whether the preparation of either an EA or EIS is required. If required, the applicant will enter into a contractual agreement with an independent third party, which may be a Government-owned, contractor-operated National Laboratory, a privately owned consulting firm, or an otherwise qualified entity. This third party will be selected by ERA and must be qualified to conduct and prepare an EIS under the supervision of ERA. The third party will be required to execute a disclosure document stating that it does not have any conflict of interest, financial or otherwise, in the outcome of either the environmental process or the Permit application (40 CFR 506.518). ERA will approve the information to be developed and supervise the gathering, analysis, and presentation of the information. ERA also will have the authority to approve or modify any statement, analysis, or conclusion contained in the third party-prepared environmental documents. Section 205.328(c) of Alternative 1 provides that ERA may waive the direct payment requirement where such waiver is determined by ERA to be appropriate. If it is determined that an EA is required, the applicant may be permitted to prepare an environmental assessment pursuant

to 40 CFR 1506.5(b) for review and adoption by DOE, or the applicant may enter into a contractual agreement with an independent third party, selected by ERA, who would prepare the EA.

Under Alternative 2 (*see* 10 CFR 205.329), DOE will determine, on the basis of environmental information provided by the applicant pursuant to the application requirements of 10 CFR 205.322 (c) and (d), if the preparation of either an EA or an EIS is required. If either is required, DOE will determine a fee to cover the costs incurred in engaging a contractor to prepare them. The fee will reflect the contractor's charge for preparing the EA or EIS. DOE employee salaries and other fixed costs, as set forth in OMB Circular A-25, will not be charged to the applicant. The necessary environmental studies will proceed once the applicant has submitted the initial fee pursuant to 10 CFR 205.329(d). Any balance of the fee remaining once all costs are incurred will be returned to the applicant. If the fee is insufficient to cover the costs of the environmental study, ERA shall fund the balance of the study, unless the applicant's actions or inactions caused such overruns. As in Alternative 1, ERA may waive the fee payment where such waiver is determined by ERA to be appropriate. If it is determined that an EA is required, the applicant may be permitted to prepare the EA pursuant to 40 CFR 1506.5(b) for review and adoption by DOE, or it may pay a fee as set forth herein.

II. Procedural Matters

A. Environmental Analysis

DOE has determined that these regulations do not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, do not require the preparation of an EIS.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, Pub. L. 96-354 (5 U.S.C. 601-612), requires, in part, that an agency prepare an initial regulatory flexibility analysis for any rule, unless it determines that the rule will not have a "significant economic impact" on a substantial number of small entities. Very few small entities within the meaning of the Regulatory Flexibility Act will be affected in any manner by these regulations because only a limited number of small entities seek such permits. No comments were received on this issue during the comment period on the proposed regulations. DOE hereby certifies that these rules are not likely to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. Therefore, DOE is not required to publish an initial Regulatory Flexibility Analysis under section 603(b) of that Act.

C. Executive Order No. 12291

Section 3 of the Executive Order No. 12291 (46 FR 13193, February 19, 1981) requires that DOE determine whether a rule is a "major rule," as defined by section 1(b) of Executive Order No. 12291, and prepare a Regulatory Impact Analysis for each major rule.

DOE has determined that these regulations are not a major rule under Executive Order No. 12291 and do not require the preparation of a Regulatory Impact Analysis. These rules will be unlikely to result in an annual effect on the economy of $100 million or more. DOE foresees no major increase in costs or prices for consumers, industries, geographic regions, or Federal, State or local government agencies. DOE does not consider it likely that the rules will result in significant adverse effects on competition, employment, investment, or productivity. Therefore, no Regulatory Impact Analysis is required.

Pursuant to section 3(c)(3) of Executive Order No. 12291, these rules were submitted to the Office of Management and Budget for review at least 10 days prior to publication in the **Federal Register.**

D. Paperwork Reduction Act of 1980

The information collection requirement under 10 CFR 205.328 and 205.329 is not subject to clearance under the Paperwork Reduction Act of 1980, Pub. L. 93-511, because 10 CFR 205.320 *et seq.* has been cleared previously (OMB Control No. 1901-0245) through July 31, 1985, and the amendments contained herein are insubstantial within the context of the Paperwork Reduction Act.

III. Procedural History

DOE issued a Notice of Intent (NOI) to review the Fee Structure for International Electric Power System Applications on April 23, 1982 in Docket ERA-R-80-03A (47 FR 18907). Application fees at that time were $500.00 for an export authorization pursuant to section 202(e) of the Federal Power Act and $150.00 for Presidential Permits issued pursuant to Executive Order 10485, as amended. In DOE's opinion, these fees were nominal and probably did not reflect the actual cost of DOE's processing the applications, as required by 31 U.S.C. 9701. DOE received two comments on this NOI. These comments expressed concern that DOE's intent was not clear and that this notice was not being brought to the attention of potentially affected parties. As a result, upon issuance of the subject Notice of Proposed Rulemaking (48 FR 11123), DOE attempted to ensure wide distribution by sending copies to the North American Electric Reliability Council (NERC), Edison Electric Institute (EEI), American Public Power Association (APPA), and the National Rural Electric Cooperative Association (NRECA).

Although the NOI proposed revising the entire fee structure for international electric power system applications, DOE subsequently determined that quantified cost information on units of regulatory activities, as required in *Electronics Industries Ass'n.* v. *FCC*, 554 F. 2d 1009, 1117 (D.C. Cir 1976), was unavailable. Accordingly, DOE currently is unable to develop a fee structure covering all steps of the application process, particularly staff-related costs. However, certain costs external to DOE staff effort, such as the contractor cost of preparing environmental documents required by NEPA, are discernible and therefore are required to be recovered under 31 U.S.C. 9701.

ERA published proposed rules on March 16, 1983, which provided that applicants for Presidential Permits would be required to pay the costs of preparing and issuing any EIS necessary to comply with NEPA. The public was given 60 days in which to comment on these proposed rules. The comments received are available in the DOE public information reading room (Room 1E-190, 1000 Independence Avenue SW., Washington, D.C.).

IV. Analysis of Comments

ERA received a total of nine responses to the proposed rules issued on March 16, 1983. Many of these comments were directed at a series of questions which ERA posed in the Supplementary Information section. Specifically, ERA suggested two alternative methods of payment and requested comments on which method was most appropriate. ERA solicited comments on the appropriateness of requiring applicants to pay the costs associated with NEPA compliance and whether the alternatives as proposed would impact on the overall feasibility of projects. Comments were solicited on whether ERA should put a specific limitation on the costs to be paid by the applicant under the first alternative and how such a limitation might be determined; whether, under the second alternative, it would be preferable to pay the fee on a time basis; and, finally,

on any other suggestions that would make the NEPA process more responsive to the planning requirements of applicants.

While respondents generally opposed the user payment of these fees, none presented a compelling argument. Two respondents favored ERA's collection of such a fee; two claimed exemption from the fees because they were Government non-profit institutions; one suggested that the user pay only part of the costs; and one accepted generally the user responsibility to pay but believed that it should be allowed to prepare the EIS itself. Five of the nine respondents commented on the issue of which alternative for payment was most appropriate. No clear preference for either alternative was indicated. Some commenters suggested that applicants be given a choice of whichever alternative best met their particular situation. Since DOE sees no clear advantage in either alternative irrespective of the particulars of a specific application, both alternatives have been included in the final rule. ERA will decide, after discussions with the applicant, which payment method to use. Thus, ERA is issuing final rules strongly patterned after the proposed rules but reflecting a number of changes and additions derived from the public comments.

In response to the request for specific comments on whether the alternatives as proposed would impact on the overall feasibility of projects, the New York State Public Service Commission expressed the views of several commentors with the statement that "requiring applicants to fund environmental analyses associated with NEPA compliance will only adversely affect the feasibility of projects which are already marginal." El Paso Electric was concerned that there was not a linear relationship between EIS costs and the size of the project. Thus, a small project, such as a 100 MW line, might have nearly the same EIS costs as a 1,000 MW project. ERA contends that the costs incurred in securing all permits and performing all environmental studies regardless of size are part of project specific costs and should be factored into project feasibility. However, if a project was made economically infeasible because of environmental study costs, ERA may assume part of the EIS monetary burden through the "financial hardship" component of the regulations (10 CFR 205.328(c) and 205.329(b)).

One of the commenters requested that the term "financial hardship" be defined so that applicants would know when fees might be waived. This component of the rule was inserted to give ERA flexibility, and it would be contrary to ERA's purposes to define specifically the conditions under which it would apply, because such a definition unintentionally might exclude applicants whose financial condition justifies a waiver. Therefore, ERA will determine upon receipt of each request for waiver whether the applicant's direct payment of environmental fees would constitute a financial hardship.

ERA also asked for comments on whether a specific limitation should be placed on the costs to be paid by the applicant under the first alternative and, if so, how such a limitation might be determined. Five respondents commented on this issue. Two argued that no limit should be placed on costs, while three supported the imposition of a limit. No one suggested a method by which such a limitation might be determined. ERA has concluded that a specific limit should not be defined because it might result in an incomplete EIS which could delay the project and because it is difficult to judge in advance all the issues to be addressed and the extent to which they must be studied. However, ERA is sensitive to the applicant's concern about an open-ended cost component in their proposed project budget and will make every reasonable effort to define probable costs under both alternatives and to fix these costs as additional data become available. Under either alternative the applicant would pay only the costs external to DOE associated with NEPA compliance. Fees charged in excess of this cost will be returned to the applicant.

ERA also may consider the hardship placed on an applicant if unforeseen environmental costs arise, affecting the feasibility of the project. Under such circumstances, ERA would consider waiving the requirement that the applicant bear all the costs of the EIS preparation under 10 CFR 205.328(c) or 205.329(b).

ERA also asked if under the second alternative it would be preferable to pay the fee on a time basis. ERA received one comment which expressed the hope that such time payments would be allowed. ERA agrees that such time payments should be allowed and has added § 205.329(d), providing that 50 percent of the fee is due within 30 days of receipt of the fee information from DOE; 25 percent upon publication of the draft EIS; and the remaining 25 percent upon publication of the final EIS.

Finally, ERA solicited and received a number of general comments on the proposed regulations. Several respondents question whether governmental not-for-profit institutions should be required to pay for environmental costs. In response to this issue, DOE reviewed the relevant statutory language and its legislative history to determine whether State agencies and non-profit institutions are exempt under the statute. DOE notes that 31 U.S.C. 9701(a) provides that:

> It is the sense of Congress that each service or thing of value provided by an agency (except a mixed-ownership Government corporation) to a person (except a person on official business of the United States Government) is to be self-sustaining to the extent possible.

This section is a recodification of 31 U.S.C. 483a, which provided that "any work, service * * * benefit * * * or similar thing of value * * * provided * * * or issued by any Federal agency . . . to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible." The words "(including groups, associations, organizations, partnerships, corporations, or businesses)" were omitted from 31 U.S.C. 9701(a) because they were considered to be included in "persons" under 1 U.S.C. 1. 1 U.S.C. 1 provides that: "the word person may extend and be applied to partnerships and corporations." H.R. Rep. No. 651, 97th Cong., 2nd Sess. 226 (1982).

Non-profit institutions clearly are included within the scope of 31 U.S.C. 9701 as "groups, associations, organizations, partnerships, corporations, or businesses," since none of these words are restricted to profit making enterprises. Indeed, the statutory intent establishing self-sustaining services does not lead to such an exclusion. The statute also does not address directly the issue of whether services provided to a State agency should be self-sustaining to the extent possible. Therefore, DOE has analyzed "the purpose, the subject matter, the context, the legislative history, and the executive interpretation of the statute" as "aids to construction which may indicate an intent, by the use of the term, to bring state * * * within the scope of the law". *United States* v. *Cooper Corp.*, 312 U.S. 600, 605 (1941).

The purpose of 31 U.S.C. 9701 is to recover to the Federal Government the full expenses of providing the services it renders to special beneficiaries. The Committee Report on the Independent Offices Appropriation Act (31 U.S.C.

483a), H.R. Rep. No. 384, 82nd Cong., 1st Sess. 2–3 (1952), stated as follows:

The Committee is concerned that the Government is not receiving full return from many of the services which it renders to special beneficiaries * * *:

It is estimated that in 1952 the Government will receive more than $300,000,000 in fees from sources of the type here under consideration. It seems entirely possible that many of these fees could be raised, and that fees could be charged for other services, of similar types in cases where no charge is now made, to the extent that the Government might realize upwards of $50,000,000 additional revenue.

The bill would provide authority for Government agencies to make charges for these services in cases where no charge is made at present, and to revise charges where present charges are too low, except in cases where the charge is specifically fixed by law or the law specifically provides that no charge shall be made * * *.

The legislative history makes it clear that Congress intended that certain work performed by Federal agencies be self-sustaining whenever possible. The only statutory exemption granted is to persons on official business of the United States Government; all other special beneficiaries are subject to the provisions of 31 U.S.C. 9701. This interpretation also is consistent with OMB Circular A–25, as amended, implementing 31 U.S.C. 9701, which provides as follows:

Except for exclusions specifically made hereafter, the provisions of this Circular cover all Federal activities which convey special benefits to recipients above and beyond those accruing to the public at large * * *. [T]his Circular does not apply to activities of the legislative or judicial branches, the municipal government of the District of Columbia, the Panama Canal Company or the Canal Zone Government. [OMB Circular No. A–25, p. 1 (Sept. 23, 1959)]

DOE believes that it would be inconsistent with the statutory purpose, context, legislative history, and executive interpretation to exempt State and local agencies from the regulations requiring that Presidential Permit applicants bear the costs of NEPA environmental studies.

Finally, DOE notes the court opinion cited by one commentor, *Beaver, Bountiful, Enterprise* v. *Andrus*, 637 F.2d 749 (10th Cir. 1980), which concluded that: "State and local governments and agencies thereof where the lands and resources will continue to serve the general public are, under the law and regulations, entitled to the exemption to which reference is repeatedly made." 637 F.2d 749, 750–57. DOE distinguishes the regulations at issue from the opinion in the *Beaver, Bountiful* case for the following reasons: The Federal Land Policy Management Act, 43 U.S.C. 1701 *et seq.*, which was the statute primarily at issue in *Beaver, Bountiful*, has a specific waiver provision for Federal, State or local government or any agency or instrumentality thereof, and nonprofit corporations and associations, whereas 31 U.S.C. 9701 only exempts Federal agencies, and emphasizes self-sustaining license programs. DOE does not believe that an applicant's status as a State- or municipally-owned utility is sufficient justification for requiring all taxpayers across the United States to subsidize the geographically limited special benefit of reduced energy costs resulting from imported electric energy into a narrow area of the United States.

Furthermore, 31 U.S.C. 483a was recodified as 31 U.S.C. 9701 late in 1982. Although Congress had the opportunity to affirm the logic of *Beaver, Bountiful* by specifically exempting State and local government agencies, instead it exempted only Federal agencies. For these reasons, only applicants engaged in the transaction of official business of the Federal Government will be exempt from 10 CFR 205.328 and 205.329.

One commentor was concerned that the regulations would be applied retroactively to applicants who already had initiated environmental work. ERA understands that concern and the final regulations apply only to new applications received more than 30 days after the publication of these rules.

The Wisconsin Public Service Commission suggested that ERA work closely with State authorities in the NEPA process. Specifically, the Commission suggested that 10 CFR 205.328(d) and 205.329(c) be modified to provide the potential for joint State and Federal environmental review. ERA agrees with the suggestion and has incorporated it into the final rules.

Several commentors wanted to select or have veto power over the contractor chosen to perform the environmental work. ERA cannot include such a provision since it would violate the guidelines of the Council on Environmental Quality (CEQ) contained at 40 CFR 1506.5(c), which require that the EIS be prepared directly by the lead agency or by a contractor selected by the lead agency or cooperating agency. However, ERA will allow an applicant to suggest contractors (such as one which prepared the applicant's environmental report) and will allow for dialogue in the selection process.

Another commentor requested that the applicant be allowed to review the qualifications of potential contractors, monitor progress, and audit the work after completion. ERA agrees with this suggestion since it believes that such vigilance will lead to a better product.

One commentor requested that the applicant itself be allowed to perform the EIS. This also would violate CEQ regulations requiring that the EIS preparer have no financial or other interest in the outcome of the project (40 CFR 1506.5(c)). However, applicants can reduce costs substantially and increase efficiency of the environmental review process by submitting a well prepared environmental report pursuant to 10 CFR 205.322 (c) and (d). Finally, ERA encourages applicants to review recently issued EIS's of similar projects so that the content and style of an acceptable product will be understood.

List of Subjects in 10 CFR Part 205

Administrative practice and procedure, Electric power, Electric utilities, Environment, Filing fees, Reporting and recordkeeping requirements.

(Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101), E.O. 10485, 18 FR 5397, 3 CFR 1949–1953 Comp., p. 970, as amended by E.O. 12038, 43 FR 4957, 3 CFR 1978 Comp., p. 136, Department of Energy Delegation Order No. 0204–4 (42 FR 60726))

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

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

Final Rule

In consideration of the foregoing, the Department of Energy hereby establishes fees and clarifies environmental requirements for Presidential Permit Applicants by amending Part 205 of Chapter II, Title 10, Code of Federal Regulations, by adding § 205.328, Alternative 1, and § 205.329, Alternative 2, to read as set forth below:

PART 205—[AMENDED]

§ 205.328 Environmental Requirements for Presidential Permits—Alternative 1.

(a) *NEPA Compliance.* Except as provided in paragraphs (c) and (e) of this section, when an applicant seeks a Presidential Permit, such applicant will be responsible for the costs of preparing any necessary environmental document, including an Environmental Impact Statement (EIS), arising from ERA's obligation to comply with the National Environmental Policy Act of 1969 (NEPA). ERA will determine whether an environmental assessment (EA) or EIS is required within 45 days of the receipt of the Presidential Permit application and of environmental information submitted pursuant to 10 CFR 205.322 (c) and (d). ERA will use these and other sources of

information as the basis for making the environmental determination.

(1) If an EIS is determined to be necessary, the applicant shall enter into a contract with an independent third party, which may be a Government-owned, contractor-operated National Laboratory, or a qualified private entity selected by ERA. The third party contractor must be qualified to conduct an environmental review and prepare an EIS, as appropriate, under the supervision of ERA, and may not have a financial or other interest in the outcome of the proceedings. The NEPA process must be completed and approved before ERA will issue a Presidential Permit.

(2) If an EA is determined to be necessary, the applicant may be permitted to prepare an environmental assessment pursuant to 10 CFR 1506.5(b) for review and adoption by ERA, or the applicant may enter into a third party contract as set forth in this section.

(b) *Environmental Review Procedure.* Except as provided in paragraphs (c) and (e) of this section, environmental documents, including the EIS, where necessary, will be prepared utilizing the process set forth above. ERA, the applicant, and the independent third party, which may be a Government-owned, contractor-operated National Laboratory or a private entity, shall enter into an agreement in which the applicant will engage and pay directly for the services of the qualified third party to prepare the necessary environmental documents. The agreement shall outline the responsibilities of each party and its relationship to the other two parties regarding the work to be done or supervised. ERA shall approve the information to be developed and supervise the gathering, analysis and presentation of the information. In addition, ERA will have the authority to approve and modify any statement, analysis, and conclusion contained in the environmental documents prepared by the third party. Before commencing preparation of the environmental document the third party will execute an ERA-prepared disclosure document stating that it does not have any conflict of interest, financial or otherwise, in the outcome of either the environmental process or the Permit application.

(c) *Financial Hardship.* Whenever ERA determines that a project is no longer economically feasible, or that a substantial financial burden would be imposed by the applicant bearing all of the costs of the NEPA studies, ERA may waive the requirement set forth in paragraphs (a) and (b) of this section and perform the necessary environmental review, completely or in part, with its own resources.

(d) *Discussions Prior to Filing.* Prior to the preparation of any Presidential Permit application and environmental report, a potential applicant is encouraged to contact ERA and each affected State public utility regulatory agency to discuss the scope of the proposed project and the potential for joint State and Federal environmental review.

(e) *Federal Exemption.* Upon a showing by the applicant that it is engaged in the transaction of official business of the Federal Government in filing the application pursuant to 10 CFR 205.320 *et seq.*, it will be exempt from the requirements of this section.

§ 205.329 Environmental Requirements for Presidential Permits—Alternative 2.

(a) *NEPA Compliance.* Except as provided in paragraph (b) and (e) of this section, applicants seeking Presidential Permits will be financially responsible for the expenses of any contractor chosen by ERA to prepare any necessary environmental document arising from ERA's obligation to comply with the National Environmental Policy Act of 1969 (NEPA) in issuing such Presidential Permits.

(1) ERA will determine whether an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) is required within 45 days of receipt of the Presidential Permit application and of the environmental information submitted pursuant to 10 CFR 205.322 (c) and (d). ERA will use these and other sources of information as the basis for making the environmental determination.

(2) If an EIS is determined to be necessary, ERA will notify the applicant of the fee for completing the EIS within 90 days after the submission of the application and environmental information. The fee shall be based on the expenses estimated to be incurred by DOE in contracting to prepare the EIS (*i.e.*, the estimated fee charges to ERA by the contractor). DOE employee salaries and other fixed costs, as set forth in OMB Circular A–25, shall not be included in the applicant's fee. Fee payment shall be by check, draft, or money order payable to the Treasurer of the United States, and shall be submitted to ERA. Upon submission of fifty percent of the environmental fee, ERA will provide to the applicant a tentative schedule for completion of the EIS.

(3) If an EA is determined to be necessary, the applicant may be permitted to prepare an environmental assessment pursuant to 40 CFR 1506.5(b) for review and adoption by ERA, or the applicant may choose to have ERA prepare the EA pursuant to the fee procedures set forth above.

(4) The NEPA process must be completed and approved before ERA will issue a Presidential Permit.

(b) *Financial Hardship.* Whenever ERA determines that a project is no longer economically feasible, or that a substantial financial burden would be imposed by the applicant bearing all of the costs of the NEPA studies, ERA may waive the requirement set forth in paragraphs (a) and (b) of this section and perform the necessary environmental review, completely or in part, with its own resources.

(c) *Discussions Prior to Filing.* Prior to the preparation of any Presidential Permit application and environmental assessment, a potential applicant is encouraged to contact ERA and each affected State public utility regulatory agency to discuss the scope of the proposed project and the potential for joint State and Federal environmental review.

(d) *Fee Payment.* The applicant shall make fee payment for completing the EIS to ERA in the following manner—(1) 50 percent of the total amount due to be paid within 30 days of receipt of the fee information from DOE;

(2) 25 percent to be paid upon publication of the draft EIS; and

(3) 25 percent to be paid upon publication of the final EIS.

If costs are less than the amount collected, ERA will refund to the applicant the excess fee collected. If costs exceed the initial fee, ERA will fund the balance, unless the increase in costs is caused by actions or inactions of the applicant, such as the applicant's failure to submit necessary environmental information in a timely fashion. If the application is withdrawn at any stage prior to issuance of the final EIS, the fee will be adjusted to reflect the costs actually incurred; payment shall be made by the applicant within 30 days of above referenced events.

(e) *Federal Exemption.* Upon a showing by the applicant that it is engaged in the transaction of official business of the Federal Government in filing an application pursuant to 10 CFR 205.320 *et seq.*, it will be exempt from the requirements of this section.

[FR Doc. 83-19883 Filed 7-22-83; 8:45 am]

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federal register

Monday
July 25, 1983

Part III

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

July 1, 1983.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of July 1, 1983 of 20 rescission proposals and 75 deferrals contained in the first eight special messages of FY 1983. These messages were transmitted to the Congress on October 1, and December 7, and 16, 1982, and January 5, February 1, March 9, April 21, and May 19, 1983.

Rescissions (Table A and Attachment A)

Twenty rescission proposals totaling $1,554 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of July 1, 1983, while Attachment A shows the history and status of each rescission proposed during FY 1983.

Deferrals (Table B and Attachment B)

As of July 1, 1983, $2,926.9 million in 1983 budget authority was being deferred from obligation and another $9.1 million in 1983 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1983.

Information from special messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** listed below:

Vol. 47, FR p. 44524, Thursday, October 7, 1982
Vol. 47, FR p. 55602, Friday December 10, 1982
Vol. 47, FR p. 57230, Wednesday, December 22, 1982
Vol. 48, FR p. 1266, Tuesday, January 11, 1983
Vol. 48, FR p. 5474, Friday, February 4, 1983
Vol. 48, FR p. 11244, Wednesday, March 16, 1983
Vol. 48, FR p. 18978, Tuesday, April 26, 1983
Vol. 48, FR p. 23374, Tuesday, May 24, 1983

David A. Stockman,
Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1983 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$1,554.0
Accepted by the Congress	-0-
Rejected by the Congress	-0-
Pending before the Congress	$1,554.0 a

a. These rescission proposals are still considered to be pending before the Congress, even though the 45-day withholding period has expired.

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TABLE B

STATUS OF 1983 DEFERRALS

	Amount (In millions of dollars)*
Deferrals proposed by the President	$13,508.4
Routine Executive releases (-$7240.1 million) and adjustments ($651.6 million) through July 1, 1983	-6,588.5
Overturned by the Congress	-3,984.0
Currently before the Congress	$ 2,936.0 a

* Detail does not add to total due to rounding.

a. This amount includes $9.1 million in outlays for a Department of the Treasury deferral (D83-16B).

Attachments

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1983

AS OF JULY 1, 1983 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Development Programs							
Appalachian Regional Development programs							
BA	R83- 2		15,133	2 1 83		15,133	4 13 83
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA			15,133			15,133	
DEPARTMENT OF AGRICULTURE							
Agricultural Research Service							
Buildings and facilities							
BA	R83- 3		1,927	2 1 83		1,927	4 13 83
Soil Conservation Service							
Watershed and flood prevention operations							
BA	R83- 4		68,995	2 1 83		68,995	4 13 83
Resource conservation and development							
BA	R83- 5		5,600	2 1 83		5,600	4 13 83
Agricultural Cooperative Service							
Salaries and expenses							
BA	R83- 6		779	2 1 83		779	4 13 83
DEPARTMENT OF AGRICULTURE TOTAL BA			77,301			77,301	
DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration							
Construction							
BA	R83- 1		2,000	12 16 82		2,000	3 25 83
DEPARTMENT OF COMMERCE TOTAL BA			2,000			2,000	
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Compensatory education for the disadvantaged							
BA	R83- 7		133,925	2 1 83		133,925	4 13 83
School assistance in federally affected areas							
BA	R83- 8		5,000	2 1 83		5,000	4 13 83
Special programs and populations							
BA	R83- 9		56,639	2 1 83		56,639	4 13 83
Indian education							
BA	R83- 10		16,128	2 1 83		16,128	4 13 83
Off. of Bilingual Educ. & Minority Lang. Affairs							
Bilingual eduation							
BA	R83- 11		43,523	2 1 83		43,523	4 13 83
Office of Postsecondary Education							
Guaranteed student loans							
BA	R83- 12		900,000	2 1 83		900,000	4 13 83
Higher and continuing education							
BA	R83- 13		68,941	2 1 83		68,941	4 13 83

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1983

AS OF JULY 1, 1983 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Office of Educational Research and Improvement							
Educational research and statistics							
BA	R83- 14		6,225	2 1 83		6,225	4 13 83
DEPARTMENT OF EDUCATION TOTAL BA			1,230,381			1,230,381	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Programs							
Payments for oper of low income housing proj							
BA	R83- 15		69,000	2 1 83		69,000	4 13 83
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA			69,000			69,000	
DEPARTMENT OF THE INTERIOR							
National Park Service							
Construction							
BA	R83- 16		63,600	2 1 83		63,600	4 13 83
DEPARTMENT OF THE INTERIOR TOTAL BA			63,600			63,600	
DEPARTMENT OF TRANSPORTATION							
Federal Highway Administration							
Federal aid highways (trust fund)							
BA	R83- 17		23,200	2 1 83		23,200	4 13 83
Coast Guard							
Nat l recreat. boat. safety & facil. improv.							
BA	R83- 18		5,000	2 1 83		5,000	4 13 83
DEPARTMENT OF TRANSPORTATION TOTAL BA			28,200			28,200	
OTHER INDEPENDENT AGENCIES							
Corporation for Public Broadcasting							
Public broadcasting fund							
BA	R83- 19		45,000a	2 1 83			
OTHER INDEPENDENT AGENCIES TOTAL BA			45,000				
OFF-BUDGET FEDERAL ENTITIES							
Department of Agriculture							
Rural telephone bank							
BA	R83- 20		23,400	2 1 83		23,400	4 13 83
OFF-BUDGET FEDERAL ENTITIES TOTAL BA			23,400			23,400	
TOTAL BA			1,554,015			1,509,015	

a. This is a rescission of FY 1985 funds.

END OF REPORT

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-1-83
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs								
BA	D83- 40	10,000		2 1 83				10,000
International Security Assistance								
Foreign military sales credit								
BA	D83- 21	165,000		12 7 82				
BA	D83- 21A		1,010,000	2 1 83	-525,000			650,000
Economic support fund								
BA	D83- 22	554,720		12 7 82				
BA	D83- 22A		1,347,130	2 1 83	-2,303,629		551,150	149,371
Military assistance								
BA	D83- 29	11,650		12 7 82				
BA	D83- 29A		221,350	2 1 83	-207,650		14,650	40,000
International Development Assistance								
Functional development assistance program								
BA	D83- 1	8,129		10 1 82	-8,129			
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		749,499	2,578,480		-3,044,408		565,800	849,371
DEPARTMENT OF AGRICULTURE								
Agricultural Stabilization & Conservation Service								
Dairy and beekeeper indemnity programs								
BA	D83- 36	7,000		1 5 83		-7,000		
Soil Conservation Sevice								
Watershed and flood prevention operations								
BA	D83- 41	10,329		2 1 83				10,329
Animal and Plant Health Inspection Service								
Salaries and expenses								
BA	D83- 34	2,134		12 16 82				
BA	D83- 34A		4,066	2 1 83				6,200
Forest Service								
National forest system								
BA	D83- 42	108,035		2 1 83	-21,022			87,013
Timber salvage sales								
BA	D83- 2	10,002		10 1 82				
BA	D83- 2A		3,105	2 1 83	-6,897			6,210
Expenses, brush disposal								
BA	D83- 3	44,575		10 1 82	-10,047		8,126	12,659
DEPARTMENT OF AGRICULTURE TOTAL BA		182,075	7,171		-37,961	-7,000	8,126	152,411
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic development assistance programs								
BA	D83- 43	181,900		2 1 83		-181,900		
Economic development revolving fund								
BA	D83- 37	25,350		1 5 83	-25,350			
International Trade Administration								
Operations and administration								
BA	D83- 44	20,100		2 1 83		-20,100		
Participation in U.S. expositions								
BA	D83- 4	3,356		10 1 82	-571			2,785
National Oceanic and Atmospheric Administration								
Operations, research, and facilities								
BA	D83- 71	2,965		4 21 83				2,965
Construction								
BA	D83- 45	3,000		2 1 83				3,000
Promote and develop fishery products and research								
BA	D83- 5	30,619		10 1 82	-30,619			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-1-83
National Bureau of Standards								
Scientific & technical research & services								
BA	D83- 38	6,500		4 5 83				6,500
DEPARTMENT OF COMMERCE TOTAL BA		273,790			-56,540	-202,000		15,250
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								
Shipbuilding and conversion, Navy								
BA	D83- 46	2,400,000		2 1 83	-2,400,000			
Military Construction								
Military construction, all services								
BA	D83- 6	64,063		10 1 82				
BA	D83- 6A		1,166,415	12 7 82	-926,863		46,347	349,962
Family Housing, Defense								
Family housing, Defense								
BA	D83- 23	161,640		12 7 82	-108,640			53,000
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA		2,625,703	1,166,415		-3,435,503		46,347	402,962
DEPARTMENT OF DEFENSE-CIVIL								
Corps of Engineers								
Construction, general								
BA	D83- 47	180,000		2 1 83				180,000
Wildlife Conservation, Military Reservations								
Wildlife conservation								
BA	D83- 7	1,061		10 1 82	-229		-50a	782
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA		181,061			-229		-50	180,782
DEPARTMENT OF ENERGY								
Atomic Energy Defense Activities								
Atomic energy defense activities								
BA	D83- 70	50,000		3 9 83				50,000
Energy Programs								
Energy supply R&D-operating expenses								
BA	D83- 72	15,226		4 21 83	-11,000a			4,226
Energy supply R&D-plant and capital equip.								
BA	D83- 48	91,107		2 1 83				
BA	D83- 48A		b	5 19 83	-28,595		18,540	81,052
Fossil energy research and development								
BA	D83- 8	20,136		10 1 82				
BA	D83- 8A		b	2 1 83	-15,136			5,000
BA	D83- 73	8,750		4 21 83		-8,750		
Fossil energy construction								
BA	D83- 49	20,000		2 1 83				
BA	D83- 49A		6,000	4 21 83				26,000
Energy conservation								
BA	D83- 24	22,803		12 7 82	-22,803			
BA	D83- 74	4,500		4 21 83		-4,500		
Strategic Petroleum Reserve								
BA	D83- 50	57,400		2 1 83		-57,400		
Departmental Administration								
Depart. admin., operating expenses								
BA	D83- 51	21,767		2 1 83	-11,173			10,594
Depart. admin., plant & capital equipment								
BA	D83- 52	12,693		2 1 83				12,693

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-1-83
DEPARTMENT OF ENERGY								
TOTAL BA		324,382	6,000		-88,707	-70,650	18,540	189,565
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Alcohol, Drug Abuse & Mental Health Administration								
Construction & renovation, St. Elizabeths Hospital								
BA	D83- 9	9,714		10 1 82				9,714
Office of Assistant Secretary for Health								
Special foreign currency program								
BA	D83- 10	6,420		10 1 82				6,420
Social Security Administration								
Limitation on administrative expenses								
BA	D83- 53	9,633		2 1 83				9,633
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
TOTAL BA		25,767						25,767
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs								
BA	D83- 54	3,081,153		2 1 83		-3,081,153		
Payments for operation of low income housing								
BA	D83- 30	150,000		12 7 82	-150,000			
Community Planning and Development								
Community development grants								
BA	D83- 31	221,000		12 7 82	-221,000			
Urban development action grants								
BA	D83- 32	234,000		12 7 82				
BA	D83- 32A		10,000	1 5 83		-244,000		
Urban homesteading								
BA	D83- 33	8,000		12 7 82	-8,000			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
TOTAL BA		3,694,153	10,000		-379,000	-3,325,153		
DEPARTMENT OF THE INTERIOR								
Office of Water Research & Technology								
Salaries and expenses								
BA	D83- 25	2,545		12 7 82	-2,545			
National Park Service								
Land acquisition and state assistance								
BA	D83- 11	30,000		10 1 82				
BA	D83- 11A		3,000	2 1 83				33,000
Minerals Management Service								
Payments from proceeds, sale of water								
BA	D83- 39	48		1 5 83				48
Office of Territorial Affairs								
Administration of territories								
BA	D83- 55	3,188		2 1 83		-3,188		
DEPARTMENT OF THE INTERIOR								
TOTAL BA		35,781	3,000		-2,545	-3,188		33,048
DEPARTMENT OF JUSTICE								
Interagency Law Enforcement								
Organized crime drug enforcement								
BA	D83- 56	13,656		2 1 83				13,656
Federal Prison System								
Buildings and facilities								
BA	D83- 35	16,330		12 16 82				
BA	D83- 35A		51,507	5 19 83				67,837

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-1-83
DEPARTMENT OF JUSTICE									
TOTAL BA			29,986	51,507					81,493
DEPARTMENT OF STATE									
International Organizations and Conferences									
Contributions to international organizations	BA	D83- 57	8,111		2 1 83				8,111
Other									
Emergency refugee and migration assistance fund	BA	D83- 12	37,692		10 1 82			-1,844c	35,848
U S bilateral science and technology agreements	BA	D83- 58	2,000		2 1 83				2,000
DEPARTMENT OF STATE									
TOTAL BA			47,803					-1,844	45,959
DEPARTMENT OF TRANSPORTATION									
Urban Mass Transportation Administration									
Urban mass capital fund	BA	D83- 59	229,000		2 1 83		-229,000		
Federal Aviation Administration									
Construction, Metropolitan Washington Airports	BA	D83- 59	500		2 1 83				500
Civil supersonic aircraft development termination	BA	D83- 13	46		10 1 82				46
Facilities & equip (Airport & airway trust fund)	BA	D83- 14	158,485		10 1 82				
	BA	D83- 14A		566,751	2 1 83				725,236
Coast Guard									
Natl recreat boat safety & facil improv	BA	D83- 61	40,000		2 1 83				40,000
DEPARTMENT OF TRANSPORTATION									
TOTAL BA			428,031	566,751			-229,000		765,782
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
State and local government fiscal assistance fund	BA	D83- 15	106,474		10 1 82				
	BA	D83- 15A		305	12 7 82	-51,487		289	55,581
	O	D83- 16	7,909		10 1 82				
	O	D83- 16A		6,537	12 7 82				
	O	D83- 16B		1,498	3 9 83	-21,248		14,378	9,074
Federal Law Enforcement Training Center									
Construction	BA	D83- 17	3,078		10 1 82				3,078
DEPARTMENT OF THE TREASURY									
TOTAL BA			109,552	305		-51,487		289	58,659
TOTAL O			7,909	8,035		-21,248		14,378	9,074
NATIONAL AERONAUTICS & SPACE ADMINISTRATION									
Research and development	BA	D83- 26	34,500		12 7 82				34,500

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-1-83
VETERANS ADMINISTRATION								
Construction, major projects								
BA	D83- 27	4,000		12 7 82				4,000
OTHER INDEPENDENT AGENCIES								
District of Columbia								
Loans to DC for capital investment								
BA	D83- 18	38,832		10 1 82	-38,832			
Interstate Commission on the Potomac River Basin								
Contrib. to Interst. Comm. on Potomac Riv. Basin								
BA	D83- 28	12		12 7 82	-12			
Pennsylvania Avenue Development Corporation								
Land acquisition and development fund								
BA	D83- 19	17,949		10 1 82				
BA	D83- 19A		4,409	12 16 82				22,358
Railroad Retirement Board								
Milwaukee railroad restructuring, administration								
BA	D83- 20	240		10 1 82				
BA	D83- 20A		250	2 1 83				490
Limitation on administration								
BA	D83- 75		2,750	5 19 83				2,750
Small Business Administration								
Business loan and investment fund								
BA	D83- 62	143,000		2 1 83		-143,000		
Surety bond guarantees revolving fund								
BA	D83- 63	3,000		2 1 83		-3,000		
Pollu. cont. equip. contract guar. revolv.								
BA	D83- 64	1,000		2 1 83		-1,000		
Motor Carrier Ratemaking Study Commission								
Salaries and Expenses								
BA	D83- 65	282		2 1 83				282
Tennessee Valley Authority								
Tennessee Valley Authority fund								
BA	D83- 66	47,271		2 1 83				47,271
United States Information Agency								
Salaries and expenses (spec. for. curr. prog.)								
BA	D83- 67	1,344		2 1 83				1,344
Acquis. and construction of radio facilities								
BA	D83- 68	12,437		2 1 83				12,437
United States Railway Association								
Payments for purchase of Conrail securities								
BA	D83- 69	84,000		2 1 83	-83,600			400
OTHER INDEPENDENT AGENCIES TOTAL BA		349,367	7,409		-122,444	-147,000		87,332
TOTAL BA		9,095,450	4,397,038		-7,218,824	-3,983,991	637,208	2,926,881
TOTAL O		7,909	8,035		-21,248		14,378	9,074

a. $5 million of this amount was released prior to transmittal of the message reporting the withholding of $15.2 million.

b. This revision is a technical adjustment that did not increase the amount deferred.

c. This adjustment is being made to reflect actual unobligated balances available on October 1, 1982. All unobligated balances are being withheld from obligation.

END OF REPORT

[FR Doc. 83-20214 Filed 7-22-83; 8:45 am]

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federal register

Monday
July 25, 1983

Part IV

Department of Labor

Employment and Training Administration

Establishment and Functioning of State Employment Services; Proposed Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 602, 603, 604, 651, 652, and 653

Establishment and Functioning of State Employment Services (Wagner-Peyser Act as Amended by Pub. L. 97-300)

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This document proposes new rules at 20 CFR Part 652, implementing the Wagner-Peyser Act as amended by the Job Training Partnership Act (JTPA) (Pub. L. 97-300) regarding establishment and functioning of state employment services. The JTPA amendments to the Wagner-Peyser Act expand the role of Governors and private employers in matters relating to unemployment and the development of a skilled work force, and link more closely the employment service and JTPA programs. The purpose of this publication is to request comment on these proposed rules.

DATES: Comments on the proposed rules must be submitted on or before August 24, 1983.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, Attention: Patrick J. O'Keefe.

FOR FURTHER INFORMATION CONTACT: Patrick J. O'Keefe, Telephone (202) 376-6600.

SUPPLEMENTARY INFORMATION: On October 13, 1982, the President signed into law the Job Training Partnership Act (JTPA), Pub. L. 97-300. The JTPA amendments to the Wagner-Peyser Act have changed most of the legislative language contained in the Wagner-Peyser Act. Therefore, the proposed rules for 20 CFR Part 652 described in this document cover the Wagner-Peyser Act, as amended, and on October 1, 1983, are to replace the regulations at 20 CFR Parts 602, 603, 604, 651.1-651.9, 653 Subparts A and E, which are hereby rescinded as of October 1, 1983. The regulations at 20 CFR Parts 651.10 and 653, Subpart B, pertaining to the provisions of services to migrants and seasonal farmworkers (MSFWs), are retained in accordance with the requirements of the court order and settlement agreement in the case of *NAACP v. Marshall*.

Additional actions related to these proposed rules are as follows:

1. 20 CFR Part 601 will be amended to identify that it will govern administrative procedures associated with only State unemployment insurance program operations.

2. 20 CFR Part 653, Subpart C, will be revised appropriately to indicate that services to veterans, especially disabled and Vietnam-era veterans, shall be provided in accordance with 38 U.S.C. Chapters 41 and 42.

3. A notice will be published in the **Federal Register** announcing that, starting October 1, 1983, the following regulations will apply to related cost reimbursement agreements negotiated with agencies by the Secretary of Labor pursuant to Section 7(c) of the Wagner-Peyser Act: (a) 20 CFR Parts 621, 655, and 656 which establish procedures for administration of the certification of permanent and temporary foreign labor, and (b) 20 CFR Parts 653, Subpart F, and 654 which describe the special responsibilities of employment services related to agricultural worker clearance orders and housing,[1] Defense Manpower Policy No. 4A, and Executive Order 10582 which applies to the determination of areas of substantial unemployment. Also to be included in this notice is a statement that the regulations contained in Part 621 will be transferred to Part 655, as a new Subpart A, to effect consolidation of regulations governing certification of temporary foreign labor.

As a general policy, the provisions of OMB Circulars apply to Wagner-Peyser grants. OMB Circular A-102 as codified in 41 CFR 29-70, and OMB Circular A-87 as codified in 41 CFR 1-15.7, will govern Wagner-Peyser grant administration and cost determination. In the event of a conflict between a requirement of the proposed regulations at Part 652 and any requirement of 41 CFR 29-70 or 41 CFR 1-15.7, the proposed regulations shall govern. The proposed regulations provide for a limited exception to 41 CFR 1-15.7 in the area of fringe benefit and retirement plans. The purpose of this exception is to provide for a transition period to allow State Employment Security Agencies to bring their employees' fringe benefit and retirement plans into conformity with 41 CFR 1-15.7.

Purpose of Wagner-Peyser Act Amendments

The amendments to the Wagner-Peyser Act contained in the JTPA legislation reflect the intent of the Administration and the Congress that Governors and private employers assume expanded responsibilities in matters relating to unemployment and the development of a skilled work force. The JTPA amendments to the Wagner-Peyser Act link more closely the Federal-State employment service and the employment and training programs established under the JTPA and other legislative authority. In addition they involve private employers, through the local Private Industry Councils (PIC's) and the State Job Training Coordinating Councils (SJTCC's) in the planning and oversight of employment service activities. (On December 30, 1982, the Secretary published final regulations in the **Federal Register** (47 FR 58492) at 20 CFR Part 626 to implement the establishment of SJTCC's and PIC's, and the designation of Service Delivery Areas (SDAs)). Finally the amendments provide the Governors an opportunity to review and make recommendations to the Secretary of Labor concerning the disposition or modification of the State plan for public employment services.

The major changes to the Wagner-Peyser Act which will accomplish these purposes include:

(1) Specification of a demographically-based formula for the distribution of funds to States;

(2) Provision for State funding of the employment service on the same cycle as the job training programs authorized by the JTPA;

(3) A requirement that State employment service activities at the local level be planned jointly with the job training delivery system established by the JTPA;

(4) A requirement that local employment service plans are reviewed and certified by the SJTCC;

(5) Provision for the Governor to review the State plan and propose modifications to it; and,

(6) Setting aside up to 10 percent of a State's allotment for use by the Governor in rewarding superior performance, serving special target groups and supporting model programs.

The basic purpose of the programs authorized by the Wagner-Peyser Act amendments is to facilitate the "labor exchange" (i.e., to match jobseekers and employers). In doing this, there is a need for the program to have the capacity to assist jobseekers in finding employment and assist employers in filling jobs. Such a basic labor exchange system should also have the capacity to "clear" these transactions within and across labor markets—including between the States—and, therefore, must have the capacity to classify uniformly the

[1] Services to MSFWs under the provisions of 20 CFR Parts 653, Subpart F, and 654, Subpart E, are mandated during the life of the court order and settlement agreement in the case of *NACP v. Marshall*.

pertinent characteristics of the job openings and jobseekers. Finally, the system must operate to meet the work test requirements of the State unemployment compensation system. The proposed rules require that each State plan and operate a basic labor exchange system containing each of these elements. These provisions have been set in accordance with the authority of the Secretary of Labor, under Section 3(a) of the Wagner-Peyser Act, to develop and prescribe minimum standards of efficiency and to maintain a system for clearing labor between the States, as a means of coordinating and increasing the usefulness of the State public employment services throughout the country.

In the past, the employment service has been the vehicle through which labor market services other than those described above have been provided to the population in general or to specific target groups. One of the Congressional objectives in amending the Act and establishing a demographically-based funding formula was to distinguish between the basic labor exchange system and selected activities that will be funded via reimbursable agreements with the States (e.g., alien labor certification, agricultural worker housing inspection, Targeted Jobs Tax Credit activities, etc.). Since in the past all of these activities were supported by the State agencies through their basic ES grants, a primary effort of this distinction will be to distribute the resources into two broad categories: (a) Formula funded basic services, and (b) reimbursable activities. Obviously, the degree of Federal specification will be greater in the latter category.

Significant Implementation Factors

The public employment service is to be available to all employers and jobseekers. Although there are a few Federal requirements on the provision or targeting of services, the Act gives the States—together with SDA officials—considerable authority to decide the service mix (within the context of Section 7 of the Wagner-Peyser Act) and the segments of the labor market, if any, that are to be emphasized. The provisions of the Act regarding allowable activities (Section 7(a)) are both broad and permissive and the Department will not seek to constrain these through regulations or other administrative mechanisms. The terms and conditions of funds obligated in reimbursable agreements will be specified separately in those agreements.

The proposed regulations provide that nondiscrimination and equal opportunity requirements and procedures will, as appropriate, be governed by the Department's nondiscrimination regulations in 29 CFR Parts 31 and 32. Existing complaint procedures in 20 CFR 658.411 provide further instructions on the handling and referral of complaints alleging discrimination. With respect to discriminatory and affirmative action requests and services and testing, the proposed regulations at § 652.8(j) would replace the detailed, prescriptive formulation of 20 CFR 653.7 and 653.12 with more basic statements of principle and appropriate cross-references to applicable statutory and regulatory guidelines. These proposed changes are not intended to diminish any existing protections. The Department continues to recognize the validity of the §§ 653.7 and 653.12 formulations and continues to recognize the ultimate responsibility of the Federal government to ensure nondiscrimination and equal opportunity. However, consistent with the Wagner-Peyser Act's increased responsibility of the States, the Department proposes to replace the detailed formulations of the existing regulations to permit the States more latitude in developing their own plans for compliance.

The proposed regulations require the State to provide public notice on how resources are to be distributed within the State, and to specify the schedules and procedures that are to be applied in developing plans for the State's entire allotment. The State may design or choose any method of resource distribution within the State; it does not have to allocate dollar amounts, but may use other measures of resources if it deems that to be more appropriate.

An aggregation of all plans jointly developed and agreed to by the employment service and officials for each SDA does not necessarily comprise the entire State plan to be prepared by the State agency (designated under Section 4 of the Wagner-Peyser Act). The reason for this is that the State plan under Section 7(a) of the Act also must include a description of services administered or operated across areas or on a statewide basis (e.g., centralized intra-state and inter-state clearance activities for matching applications and job orders taken throughout the State, etc.). Finally, the State plan under Section 7(a) of the Act submitted to the Secretary for approval, is to contain narratives as required by the proposed rules for 20 CFR Part 652, and should not have as an attachment each plan for local components for each SDA which has been certified by the SJTCC.

The existing Employment Security Manual will not be applicable to funds appropriated under the amended Wagner-Peyser Act. The Secretary intends to conduct a special review of the Employment Security Manual and select useful portions to be incorporated in technical assistance guides to be issued to the States to use at their discretion.

To minimize recordkeeping burdens, § 652.8(d) establishes that the basic documentation relating to assistance to particular jobseekers or employers need only be retained for one year. The purpose of this section is to clarify the record retention requirements where applications or job orders are used to assist jobseekers and employers.

Several actions will be taken at that Federal level to assure that States are in compliance with the Wagner-Peyser Act, related regulations, and State plans. Among such actions are the review of State plans for approval, field monitoring activities, financial audits, program evaluations, and special investigations.

The Secretary of Labor intends to develop and issue performance standards for use of Governors in providing performance incentives pursuant to Sections 13(a) and 7(b)(1), respectively, of the Wagner-Peyser Act.

Rulemaking Certifications

The proposed rules are procedural in character and give direction to States on the implementation of programs under the Wagner-Peyser Act. Therefore, these rules are not classified as "major" under Executive Order 12291 on Federal regulations, and no regulatory impact analysis is required.

The Department has determined that these rules will have no "significant economic impact upon a substantial number of small entities" within the meaning of Section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354.91 Stat. 1164 (5 U.S.C. 605(b)). The only direct recipients of Federal funds under these regulations are the Governors and/or designated State agencies.

Paperwork Reduction Act

The information collection requirements set forth in these rules, as well as the forms necessary to implement them are being submitted to the Office of Management and Budget for its review and approval as required by the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

List of Subjects in 20 CFR Part 652

Grant programs—Labor, Employment service programs.

PARTS 602, 603, 604 AND 653—[REMOVED]

Subpart A and E—[Removed]

§§ 651.1 through 651.9 [Removed]

Accordingly, the Code of Federal Regulations is amended by removing 20 CFR Parts 602, 603, 604, 651.1–651.9, and 653 Subparts A and E, and by adding Part 652 as follows:

These regulations implement all provisions of the Wagner-Peyser Act, as amended by the Job Training Partnership Act (JTPA), known hereafter as the Act. It is the intention of the Secretary of Labor that the States exercise broad authority in implementing the provisions of the Act.

PART 652—ESTABLISHMENT AND FUNCTIONING OF STATE EMPLOYMENT SERVICES

Sec.

Authority: Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 *et seq.*

§ 652.1 Definitions.

Except as provided below, the definitions contained in Section 2 of the Act apply to these regulations.

"Act" means the Wagner-Peyser Act, as amended (29 U.S.C. 49 *et seq.*).

"Department" means the United States Department of Labor (DOL), including its agencies and organizational units.

"Director" means the chief official of the United States Employment Service.

"Governor" means the chief executive of any State.

"JTPA" means the Job Training Partnership Act (29 U.S.C. 1501 *et seq.*).

"State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"State agency" means the State governmental unit designated pursuant to section 4 of the Act to cooperate with the United States Employment Service in the operation of the public employment service system.

"State Job Training Coordinating Council (SJTCC)" means the entity within a State appointed by the Governor under section 122 of the Job Training Partnership Act which reviews and certifies the employment service plan.

§ 652.2 Scope and purpose of the employment service system.

The basic purpose of the employment service system is to improve the functioning of the nation's labor markets by bringing together individuals who are seeking employment and employers who are seeking workers.

§ 652.3 Basic labor exchange system.

At a minimum, each State shall administer a labor exchange system which has the capacity:

(a) To assist jobseekers in finding employment;

(b) To assist employers in filling jobs;

(c) To facilitate the match between jobseekers and employers;

(d) The State will participate in a system for clearing labor between the States, including the use of standardized classification systems issued by the Secretary pursuant to JTPA section 462(c)(3); and

(e) The work test requirements of the State unemployment compensation system will be met.

§ 652.4 Allotment of funds and grant agreement.

(a) *Allotments.* The Secretary shall provide planning estimates in accordance with section 6(b)(5) of the Act. Within 30 days of receipt of planning estimates from the Secretary, the State shall make public the substate resource distributions, and describe the process and schedule under which these resources will be issued, planned and committed. This notification shall include a description of the procedures by which the public may review and comment on the substate distributions, including an appeals process by which the State will resolve any complaints.

(b) *Grant Agreement.* In order to establish a continuing relationship under the Act, the Governor and the Secretary shall sign a Governor/Secretary Agreement, which shall consist of a statement assuring that the State shall comply with the Act and all applicable rules and regulations. Consistent with this Agreement and Section 6 of the Act, State allotments will be obligated through a Notification of Obligation.

§ 652.5 Services authorized.

The sums allocated to each State pursuant to section 6 of the Act shall be used consistent with an approved plan pursuant to § 652.7 of these regulations. At a minimum, each State shall provide the basic labor exchange elements defined at § 652.3 of these regulations.

§ 652.6 State planning process and plan.

(a) The State agency designated pursuant to section 4 of the Act shall prepare and submit to the Secretary, through the Governor, an annual plan for providing services and activities within the State as authorized under section 7(a) of the Act. The Secretary shall establish a date by which plans shall be received by the Secretary; such plans:

(1) Shall be developed in accordance with the processes established by the State under § 652.4(a) of these regulations;

(2) Shall be consistent with section 8 of the Act;

(3) Shall include assurances that the State agency and all other recipients of funds under the Act will comply with the Act and applicable law, rules and regulations; and

(4) Shall, in addition to the requirements of section 8(d) of the Act, contain a description of each of the following:

(i) The overall goals and objectives of the State agency and their relationship to the Governor's annual statement of goals and objectives pursuant to section 121(a) of the JTPA;

(ii) The overall services to be provided by the State agency in implementation of section 7(a) of the act, as planned pursuant to paragraph (a)(1) of this section; and

(iii) The State agency plans for meeting the requirements of a basic labor exchange system, including a description of how:

(A) Jobseekers will be assisted in finding employment;

(B) Employers will be assisted in filling jobs;

(C) The match between jobseekers and employers will be facilitated;

(D) The State will participate in a system for clearing labor between the States, including the use of standardized classification systems issued by the Secretary pursuant to section 462(c)(3) of JTPA; and

(E) The work test requirements of the State unemployment compensation system will be met.

(b) Plans submitted to the Secretary pursuant to section 8(b)(5) of the Act shall include:

(1) The State agency submission pursuant to paragraph (a) of this section, including the State agency's proposals for the component(s) in dispute;

(2) The alternative(s) proposed jointly by the appropriate PIC(s) and CEO(s);

(3) The SJTCC's proposed resolution; and

(4) Any comments or alternative(s) the Governor may submit relating to the disputed component(s).

(c) The Governor shall describe the use of resources set-aside pursuant to section 7(b) of the Act. Such description may be provided:

(1) As a separate component of the State plan developed pursuant to paragraph (a) of this section; or

(2) As a separate submission to the Secretary, timed to coincide with the submission of the State plan to the Secretary.

§ 652.7 Review and approval of plans.

(a) Within 30 days of receipt of the plans submitted pursuant to § 652.6 of these regulations, the Secretary shall provide written notification of his determination to the Governor, the State agency and the SJTCC. Any notice of disapproval shall include an explanation of the reasons for such determination. The Secretary shall approve such plans unless:

(1) They fail to conform to a specific provision of the Act and applicable law and regulations; or

(2) The description pursuant to § 652.6(a)(4)(iii) of these regulations indicates that the services to be provided are not reasonably appropriate and adequate to achieve the requirements of a basic labor exchange system as described in § 652.3 of these regulations.

(b) Where alternative plans, or components, are submitted pursuant to sections 8(b)(5) or 8(c) of the Act, the Secretary shall, within 30 days of receipt of such plans, assure their conformity with § 652.6 of these regulations and choose one of the alternatives and thereby resolve the dispute.

(c) The Secretary's determination pursuant to paragraph (a) of this section may be appealed pursuant to 20 CFR 658.707 through 658.711.

(d) The Secretary's determination pursuant to paragraph (b) of this section is final.

(e) Modifications of plans already approved by the Secretary shall be developed, submitted and reviewed pursuant to §§ 652.6 and 652.7 of these regulations.

§ 652.8 Administrative provisions.

(a) *Administrative Requirements.* (1) The Employment Security Manual shall not be applicable to funds appropriated under the Wagner-Peyser Act, as amended. Except as provided for in paragraph (f) of this section, administrative requirements and cost principles applicable to grants under this Part 652 are as specified in 41 CFR Part 29–70 and 41 CFR Part 1–15.7.

(2) Nondiscrimination and equal opportunity requirements and procedures, including complaint processing and compliance reviews, will be governed by the provisions of 29 CFR Parts 31 and 32.

(b) *Management systems, reporting and recordkeeping.* (1) The State shall ensure that financial systems provide fiscal control and accounting procedures sufficient to permit preparation of required reports, and the tracing of funds to a level of expenditure adequate to establish that funds have not been used in violation of the restrictions on the use of such funds (Sec. 10(a)).

(2) The financial management system and the program information system shall provide federally-required records and reports that are uniform in definition, accessible to authorized Federal and State staff, and verifiable for monitoring, reporting, audit and evaluation purposes (Sec. 10(c)).

(c) *Reports Required.* (1) Each State shall make reports pursuant to instructions issued by the Secretary and in such format as the Secretary shall prescribe.

(2) The Secretary is authorized to monitor and investigate pursuant to section 10 of the Act.

(d) *Special Administrative and Cost Provisions.* (1) Prior approval authority, as delineated in various sections of 41 CFR 29–70 and 41 CFR 1–15.7, is delegated to the State except that the Secretary reserves the right to require transfer of title on nonexpendable Automated Data Processing Equipment (ADPE), in accordance with provisions contained in 41 CFR 29.70.215. The Secretary reserves the right to exercise prior approval authority in other areas, after providing advance notice to the State.

(2) Application for financial assistance and modification requirements shall be as specified under this Part 652.

(3) Cost of promotional and information activities consistent with the provisions of the Act, describing services offered by employment security agencies, job openings, labor market information, and similar items are allowable.

(4) Each State shall retain basic documents for the minimum period specified below:

(i) Work Application: One year.

(ii) Job Order: One year.

(5) Costs of employer contributions and expenses incurred for State agency fringe benefit plans that do not meet the requirements in 41 CFR 1–15.711–13 and 711–10 are allowable, provided that:

(i) For retirement plans, on behalf of individuals employed before the effective date of this part, the plan is authorized by State law and previously approved by the Secretary; the plan is insured by a private insurance carrier which is licensed to operate this type of plan; and any dividends or similar credits due to participation in the plan are credited against the next premium falling due under the contract;

(ii) For retirement plans on behalf of individuals employed after the effective date of this Part, and for fringe benefit plans other than retirement, the Secretary grants a time extension to cover an interim period if State legislative action is required for such employees to be covered by plans which meet the requirements of 41 CFR 1–15.711–13 and 711–10. During this interim period, State agency employees may be enrolled in plans open to State agency employees only. No such extension may continue beyond the 60th day following the completion of the next full session of the State legislature which begins after the effective date of this part;

(iii) For fringe benefit plans other than retirement, the Secretary grants a time extension which may continue until such time as they are comparable in cost to those fringe benefit plans available to other similarly employed employees of the State on the condition that there are no benefit improvements. The Secretary may grant this time extension if the State agency can demonstrate that the extension is necessary to prevent loss of benefits to current State agency employees, retirees and/or their fringe benefit plan beneficiaries, or that it is necessary to avoid unreasonable expenditures on behalf of the employee or employer to maintain such fringe benefits for current employees and retirees. At such time as the cost of these fringe benefit plans become equitable with those available to other similarly employed State employees, the time extension will cease and the requirements of 41 CFR 1–15.711–13 and 711–10 will apply;

(iv) Requests for time extensions under this section will include an opinion of the State Attorney General, that either legislative action is required to accomplish compliance with 41 CFR 1–15.711–13 and 711–10 or, for paragraph (d)(5)(iii) of this section that such compliance would result in either loss of current benefits to State agency employees and retirees or unreasonable expenditures to maintain these benefits. Such requests will be filed with the Secretary no later than 30 days after the effective date of this Part; and

(v) time extensions granted relative to paragraph (d)(5)(iii) of this section require a signed statement by the State agency Administrator, that no improvements have been made to fringe benefits under the extension and that

the plan(s) is (are) not consistent with those available to other similarly employed State employees, for each year of the extension. Documentation supporting the affidavit shall be maintained for audit purposes.

(6) Payments from the State's Wagner-Peyser allotment made into a State's account in the Unemployment Trust Fund for the purpose of reducing charges against Reed Act funds (section 903(c) of the Social Security Act, as amended (42 U.S.C. 1103(c)) are allowable costs, provided that:

(i) The charges against Reed Act funds were for amounts appropriated, obligated, and expended for the acquisition of automatic data processing installations or for the acquisition or major renovation of State owned office buildings; and

(ii) With respect to each acquisition or improvement of property pursuant to paragraph (f)(6)(i) of this section, the payments are accounted for in the State's records as credits against equivalent amounts of Reed Act funds used for administrative expenditures.

(e) *Disclosure of Information.* (1) The Secretary shall assure the proper disclosure of information pursuant to section 3(b) of the Act.

(2) The information specified in section 3(b) and other Sections of the Act, shall also be provided to officers or any employee of the Federal Government or a State government lawfully charged with administration of unemployment compensation laws, employment service activities under the Act or other related legislation, but only for purposes reasonably necessary for the proper administration of such laws.

(f) *Audits.* (1) At least once every 2 years, the State shall prepared or have prepared an independent financial and compliance audit covering each full program year not covered in the previous audit, except that funds expended pursuant to section 7(b) of the Act shall be audited annually.

(2) The Comptroller General and the Inspector General of the Department shall have the authority to conduct audits, evaluations or investigations necessary to meet their responsibilities under sections 9(b)(1) and 9(b)(2), respectively, of the Act.

(3) The audit, conducted pursuant to paragraph (f)(1) or (f)(2) of this section, shall be submitted to the Secretary who shall make an initial determination. Such determinations shall be based on the requirements of the Act, regulations, and State plan.

(i) The initial determination shall identify the audit findings, state the Secretary's proposed determination of the allowability of questioned costs and activities, and provide for informal resolution of those matters in controversy contained in the initial determination.

(ii) The Secretary shall not impose sanctions and corrective actions without first providing the State with an opportunity to present documentation or arguments to resolve informally those matters in controversy contained in the Secretary's initial determination. The informal resolution period shall be at least 60 days from issuance of the initial determination and no more than 170 days from the receipt by the Secretary of the final approved audit report. If the matters are resolved informally, the Secretary shall issue a final determination pursuant to paragraph (f)(3)(iii) of this section which notifies the parties in writing of the nature of the resolution and may close the file.

(iii) If the matter is not resolved informally, the Secretary shall provide each party with a final written determination by certified mail, return receipt requested. In the case of audits, the final determination shall be issued not later than 180 days after the receipt by the Secretary of the final approved audit report. The final determination shall:

(A) Indicate that efforts to resolve informally matters contained in the initial determination have been unsuccessful;

(B) List those matters upon which the parties continue to disagree;

(C) List any modifications to the factual findings and conclusions set forth in the initial determination;

(D) Establish a debt if appropriate;

(E) Determine liability, method of restitution of funds and sanctions; and

(F) In the case of a final determination imposing a sanction or corrective action, offer an opportunity for a hearing in accordance with 20 CFR 658.707 through 658.711.

(G) The final determination constitutes final agency action unless a hearing is requested.

(g) *Sanctions for Violation of the Act.* (1) The Secretary may impose appropriate sanctions and corrective actions for violation of the Act, regulations, or State plan, including the following:

(i) Requiring repayment, for debts owed the Government under the grant, from non-Federal funds;

(ii) Offsetting debts arising from the misexpenditure of grant funds, against amounts to which the State is or may be entitled under the Act, provided that debts arising from gross negligence or willful misuse of funds shall not be offset against future grants. When the Secretary reduces amounts allotted to the State by the amount of the misexpenditure, the debt shall be fully satisfied;

(iii) Determining the amount of Federal cash maintained by the State or a subrecipient in excess of reasonable grant needs, establishing a debt for the amount of such excessive cash, and charging interest on that debt in accordance with the Debt Collection Act of 1982;

(iv) Disapproving the State plan, thus not providing the certification noted in section 5(b) of the Act; and

(v) Imposing other appropriate sanctions or corrective actions, except where specifically prohibited by the Act or regulations.

(2) To impose a sanction or corrective action, the Secretary shall utilize the initial and final determination procedures outlined in paragraph (f)(3) of this section.

(h) *Other violations.* Violations or alleged violations of the Act, regulations, or grant terms and conditions except those pertaining to audits or discrimination shall be determined and handled in accordance with 20 CFR Part 658, Subpart H.

(i) *Fraud and abuse.* Any persons having knowledge of fraud, criminal activity or other abuse shall report such information directly and immediately to the Secretary. Similarly, all complaints involving such matters should also be reported to the Secretary directly and immediately.

(j) *Nondiscrimination and Affirmative Action Requirements.* States shall:

(1) Assure that no individual be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any services or activities authorized under the Act because of age, race, sex, color, religion, national origin, handicap, political affiliation or belief. All companies alleging discrimination shall be filed and processed according to the procedures in 29 CFR Part 31;

(2) Assure that discriminatory job orders will not be accepted except where the stated requirement is a bona fide occupational qualification (BFOQ). See, generally, 42 U.S.C. 2000(e)–2(e), 29 CFR Parts 1604, 1606 and 1625.

(3) Assure that employers' valid affirmative action requests will be accepted and a significant number of qualified applicants from the target groups(s) will be included to enable the employer to meet its affirmative action obligations.

(4) Assure that employment testing programs will comply with 41 CFR Part 60–3, 29 CFR Part 1627 and 29 CFR Part 32.

Signed at Washington, D.C. this 21st day of July 1983.

Raymond J. Donovan,

Secretary.

[FR Doc. 83-20148 Filed 7-22-83; 8:45 am]

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Monday
July 25, 1983

Part V

Department of Transportation

Federal Aviation Administration

Air Traffic and General Operating Rules; Standard Instrument Approach Procedures; Denver (Stapleton); Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 23709; Notice No. 83-10]

Air Traffic and General Operating Rules; Standard Instrument Approach Procedures; Denver (Stapleton) LDA/DMB RWY 35R

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposed to adopt, as a final rule, a new "offset" standard instrument approach procedure (SIAP), for runway 35 right ("35R") at Stapleton International Airport, Denver, Colorado ("DEN"), that would permit simultaneous (and non-simultaneous) approaches to runways 35L and 35R. This SIAP would, if adopted, be used during specified conditions of wind, ceiling, and visibility. During those weather conditions, the new procedure would increase efficiency and reduce congestion in the flow of air traffic arriving at Denver from other points in the air traffic system. When the proposed procedure is not being used, other approved approaches to runway 35R would continue to be used.

DATES: Comments must be received on or before September 8, 1983.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Rules Docket (AGC-204), Docket No. 23709, 800 Independence Avenue, S.W., Washington, D.C. 20591.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impacts that might result from adoption of this proposal are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 23709." The postcard will be dated, time stamped, and returned to the commenter. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

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

The procedure proposed herein was previously issued on May 27, 1983, and published in Part 97 (14 CFR Part 91) as a final rule (48 FR 24037, May 31, 1983). Concerns were raised by some airspace users and others following the adoption of this procedure regarding the use of the "offset" approach at DEN. This procedure, as proposed for DEN, involves a combination of elements that, as combined, is new in the national airspace system. These elements are (1) the use of simultaneous approach procedures (2) and offset localized, and (3) an LDA/DME (Localizer Type Directional Aid/Distance Measuring Equipment) approach. This specific combination of elements is referred to, in this Notice, by the nontechnical term "offset approach."

The FAA has determined that the application of this new offset approach procedure, at Stapleton, may benefit from an additional opportunity for public comment. Accordingly, the current SIAP has been cancelled by amendment to Part 97 issued on July 15, 1983. Due to charting schedules, the effective date of this cancellation (and removal from charts) is September 1, 1983. A procedure similar to the cancelled SIAP is hereby proposed, in this Notice, for additional public comment.

As discussed herein the FAA recognizes that there are elements in the proposed procedure which, although proven extensively, have not been combined in regular service in the National Airspace System. Accordingly, the use of this procedure with application of simultaneous IFR approaches to runways 35L/R at Stapleton would be carefully evaluated over the period of the first year's operation. An additional assessment of operational and procedural benefits would be made and recorded as a part of this evaluation. In addition, copies of facility directives, publications and letters to airmen issued to support the procedure, as well as records of user meetings, would be evaluated locally, regionally, and nationally.

An environmental assessment of the impacts of the proposed SIAP was made, in accordance with FAA Order 1050.1C, prior to the first adoption of the procedure. Based on that assessment, a finding of no significant impact (FONSI) was issued. These documents have been placed in the Docket for public comment.

Discussion

Stapleton International Airport (DEN), Denver, Colorado, is a major "hub" airport in the National Airspace System. It is the nation's fifth busiest air carrier airport and ranks among the highest in weather-related delays (second to Chicago-O'Hare in 1982). From January through June, 1983, Stapleton experienced more arrival weather-related delays than any other airport in the nation. Some of the most significant reasons for this high delay factor are: precipitous terrain (Rocky Mountain Range) to the west; constantly changing weather; and location of the airport with respect to communities. The main deterrent to reducing congestion and delays at DEN is the limited runway separation; i.e., 900 feet for runways 08/26 and 1,600 feet for runways 17/35. Existing Runways 35L and 35R, with the current final approach courses, do not allow simultaneous operations during IFR weather conditions because of the lack of minimum separation of at least 4,300 feet, as required by current standards. Consequently, when wind dictates north approaches DEN becomes, in effect, a "one runway" airport.

The FAA and other concerned entities have been engaged in numerous efforts to resolve or relieve air traffic delay problems at Stapleton. Much information has been developed including the DEN Delay Analysis Reports, the Denver Task Force Delay Study dated March, 1980; and the DEN Master Plan Study, May, 1981. These documents have been placed in the Docket for review. Resulting in procedural changes have assisted in some delay reduction; however, they do not afford relief in the most critical period: that is during marginal weather conditions when DEN basically becomes a one-runway airport with an arrival rate of approximately 33 aircraft per hour. When this occurs, resultant delays expand throughout the entire air traffic control system linking DEN to major air transportation centers throughout the U.S. and overseas.

Until recently, no procedures had been developed which would increase the acceptance rate of DEN when weather conditions were below a ceiling of 2,200 feet with a visibility of 3 miles. On January 18, 1980, the Denver Air Traffic Control Tower initiated a procedure providing for multiple arrival flows and dual approaches to runways 17L and 8R, and to runways 17/L and 26L. This procedure was designed to increase hourly arrival rates from 30/35 to 55/60 arrivals during periods when weather conditions are such that visual approaches cannot be conducted. This involves ceilings below 2,200 feet and visibility of at least 3 miles but above VFR minima (1,000 feet and 3 miles). Evaluation of this procedure has shown an arrival rate increase averaging 17 aircraft per hour. In addition, in December, 1982, Denver Tower initiated dual approaches to runways 8R/17L when weather conditions are 700 foot ceiling and 2 miles visibility or better. These changes do not, however, alleviate the problems during IFR weather conditions (ceiling less than 1,000 feet and visibility less then 3 miles) when north approaches are required.

In late 1980, the FAA received substantial public guidance in its effort to research all feasible proposals which may have the potential of providing DEN with the capability of handling simultaneous IFR approaches. After an indepth study of numerous proposals, two surfaced as potentially feasible means of reducing air traffic delays. One was the reduction of existing runway separation standards for simultaneous instrument approaches and the other was the implementation of an LDA/DME approach procedure. The former is still being studied by the FAA. The remaining proposal is the subject of this rulemaking action.

DEN's traffic count in 1981 was 479,766, of which 315,981 were air carriers (65.8 percent), and 98,964 (20.6 percent) were general aviation aircraft. In 1982, the percentage of air carriers increased to 66.8 percent. Presently, the IFR hourly demand rate between the hours of 8 a.m. and 9 p.m. local time averages 50 arrivals and 49 departures. In IFR weather conditions, acceptance rate is 33 arrivals and approximately the same for departures. According to FAA forecasts, yearly traffic activity at DEN will reach 545,000 operations in 1985 and 576,000 in 1990. Therefore, with forecasts of major traffic increases at DEN, action is necessary now to anticipate and alleviate delays associated with projected traffic levels. In addition, since the most critical weather conditions, and most serious air traffic congestion problems, occur during the winter, there is a clear public need to initiate this procedure as soon as possible.

The concept of an offset LDA/DME approach procedure has been applied in the Lambert/St. Louis International Airport Runway 12L LDA/DME approach procedure now in effect. However, due to the many differences in these two airports (including airport layout, geographical constraints, and elevation) it was recognized that different and innovative procedures would be required for implementation of such an approach, at DEN, in conjunction with the use of an "offset" procedure, in which a small change in heading is made at a specified distance from the runway threshold.

To evaluate the feasibility of an LDA/DME approach procedure at DEN, a study was conducted. This study examined climatological data, flight restrictions, runway data, environmental impacts, and facility placement. The study disclosed that the proposal was feasible. Further study was made to finally determine its practicability.

The resultant study was divided into six interrelated segments:

Weather Analysis
Runway selection
Operational and economic benefits
Air Traffic and Flight Standards procedures/criteria
Environmental impacts
Facility placement and cost

Airport capacity at present is not normally exceeded by demand when weather conditions are above visual approach minimums (ceiling 2,200 feet and visibility 3 miles). With this in mind, it was determined that the study should identify benefits derived when weather conditions are below visual approach minimums. Based on this premise, the following was disclosed:

—Procedures would provide maximum benefits if established on runway 35L/R. This is based in part on wind, compatible procedures, runway separation, and location of the airport traffic control tower (ATCT) with respect to the missed approach point (MAP) for the procedure.
—Based upon Flight Standards criteria, it was determined that this procedure should only be utilized when weather conditions are above basic VFR.
—Air Traffic procedures/criteria would have to be modified or established to accommodate this procedure.
—With the implementation of an LDA/DME approach procedure, additional areas would be exposed to aircraft noise. In accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable regulations and policies, an environmental assessment and appropriate environmental findings would be required (this is discussed above).
—Evaulation of facility placement disclosed that the placement of an LDA/DME, a minimum of 4,300 feet east of runway 35L centerline, was not practical. However, a location approximately 900 feet east of runway 35R centerline and 3,500 feet north of the threshold was practical. This, however, would require an offset of approximately 3.5 degrees to accommodate other criteria.

Original Procedure: "Side Step" Approach

The LDA/DME runway 35R approach procedure, which was initially considered, commenced at a 13-mile DME fix separated from the runway 35L approach course by approximately 9,000 feet laterally and 300 feet vertically. The procedure converged to the MAP (3.6 DME fix) and was separted from the runway 35L approach course by 4,400 feet laterally and 500 feet vertically. Lateral separation was accomplished by offsetting the approach course by 4 degrees from runway heading. Lateral separation was accomplished by offsetting the approach course by 4% from runway heading. From the MAP a visual maneuver, referred to herein in non-technical terms as a "side step" maneuver to runway 35R, was required.

Through the cooperation of an operator, this procedure was evaluated in a Boeing 727 visual flight simulator by a group of 18 pilots, conducting 90 approaches. A special program was put

into the flight simulator for this purpose. Industry was represented by six airlines and representatives of the Air Lines Pilots Association and Allied Pilots Association. This evaluation was conducted from November 30 to December 4, 1981. Each pilot flew four approaches with minimums of 1,000 feet/3.5 miles (ceiling/visibility) and one with 800 feet 2.5 miles.

In general, the approaches were considered by the pilot group as successful with only one go-around resulting from over-shooting the extended runway centerline. Throughout the evaluation, none of the simulated approaches adversely affected simulated simultaneous traffic to runway 35L. The MAP for the procedure was approximately 4,400 feet east and 3,000 feet south of the runway 35L threshold. The maneuver area for the "side-step" procedure was basically abeam or north of the runway 35L threshold.

A review of pilot comments indicated that an LDA/DME approach concept to runway 35R, simultaneously with an ILS approach to runway 35L, at minimums of at least 1,000 feet and 3.5 miles was safe, practical, and flyable. Based on the favorable results of the flight simulation, the next phase studied was simulation from an air traffic control standpoint. This was accomplished by use of an Enhanced Target Generator Program at the Denver tower. Results of this simulation disclosed that the procedure was feasible and could provide relief in terms of aircraft delays at DEN during certain limited weather conditions.

During this time period, one airline provided a Boeing 737 to conduct an actual flight test of the side-step procedure. The test was flown at night on December 11, 1981, with favorable results. However, these flight test results indicated that further improvements could be achieved.

Modified Procedure: "Offset" Approach

Following these studies, a modified LDA/DME procedure was designed which is the proposal for this rulemaking action and which (unlike the prior "side-step" proposal) fully complies with the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). This procedure provides for a straight-in, non-precision LDA/DME procedure with offset navigation facilities, without waivers to the TERPS criteria. (Limited waivers were associated with the side-step proposal). This procedure, involving a unique combination of simultaneous approaches with the use of an offset localizer and using an LDA/DME procedure) is referred herein, in non-technical terms, as an "offset" approach.

As noted in the Summary, this procedure could be utilized in both simultaneous and non-simultaneous modes with Runway 35L. It would, however, be used only when the reported ceiling is between 1,000 feet and 2,200 feet, and when visibility is 3 miles or greater (except that a ceiling of 1,300 feet would be required for the first 60 days of operation). The localizer is located northwest of Runway 35L. Approaching aircraft would intercept a 341 degree heading and fly the localizer inbound to the missed approach point (MAP). Lateral separation of 4300 feet would be provided with respect to aircraft using Runway 35L (which separation meets the TERPS standard for simultaneous ILS separation) until the aircraft on the LDA/DME approach to runway 35R has reached the MAP. It is only after aircraft have passed the MAP and reached the visual segment of the approach (below 1,000 feet) that lateral separation would, under this proposal become less than 4,300 feet. Specifically, the LDA/DME approach would be terminated at the 4.8 DME fix, three nautical miles from the approach end of Runway 35R. At this point, the aircraft would be separated by 4,461 feet. The aircraft approaching Runway 35R would then proceed in visual meterological conditions, as is the case for any instrument approach procedure after the aircraft has descended to the minimum descent altitude at the MAP and has established visual reference. The proposed LDA/DME approach procedure is designed to require the pilot to remain on the localizer approach course until abeam the Runway 35L threshold. This point occurs at approximately 5,800 feet from the Runway 35R threshold, at an altitude of about 320 to 350 feet above the runway. From this point to the Runway 35R threshold, the pilot would execute a slight right turn (10 degrees, from 341 degrees heading to 351 degrees) in stabilized condition for alignment and landing. No side-step, or any excessive maneuvering, would be required.

Comparison of New Procedure With TERPS Criteria

The FAA has carefully reviewed the criteria in TERPS (specifically including Chapter 9, Section 9, Simultaneous ILS Procedure, FAA Handbook 8260.3B), as it would apply to the use of the LDA/DME concept. The following outlines the technical factors which demonstrate compliance with TERPS. A copy of the TERPS Handbook has been placed in the Docket for public review.

System Components

a. Runways 35L and 35R are served by ILS facilities. However, addition to the ILS on runway 35R, the FAA proposes herein to use offset LDA/DME facilities. The FAA Airman's Information Manual (AIM), page C4–S8–9, paragraph 375, illustrates a simultaneous approach pattern with instructions for utilizing localizer only (glide slope inoperative) for one runway. A copy of that illustration has been placed in the Docket for public review.

b. Terminal radar at DEN would be used to monitor simultaneous operations to runways 35L and 35R and would be required to position the aircraft for the LDA/DME approach to Runway 35R.

c. DME would be required for executing the final approach. As for any localizer-only approach, the airborne localizer receiver would be needed to execute the LDA/DME approach.

Runway Separation

It is proposed to place the following note on the procedure: "Simultaneous approach authorized with runway 35L, fly localizer until abeam 35L threshold." This alignment provides 2,502 feet separation abeam the threshold of 35L.

Initial Approach Segment

The aircraft making the LDA/DME approach to runway 35R would, under this proposal, be radar vectored from the enroute phase to the approach gate. The approach would commence at the 10.0 LDA/DME fix at 8,000 feet MSL.

a. *Altitude Selection.* Under this proposal, the 7500 foot glide slope intercept altitude for the ILS RWY 35L procedure would occur at approximately the same point as the 10.0 LDA/DME final approach fix at 8000 feet MSL. At the 10.0 LDA/DME fix, the aircraft approaching on the LDA/DME facility would be separated laterally by 10084 feet. Vertical separation between aircraft would be approximately 500 feet with the aircraft that is approaching on the ILS to runway 35L being at the lower altitude. During the execution of the LDA/DME approach to runway 35R, altitude control would be based on a controlled descent gradient. From 10.0 to 4.8 LDA/DME, the descent gradient would be 327 feet per nautical mile (fpnm), and from 4.8 LDA/DME to runway 35R, it would be 346 (fpnm). Descent during the approach to runway 35L would be stabilized throughout on the 3.0 degrees glide slope.

b. *Localizer Interception Point.* Under this proposal, aircraft would be radar vectored to the approach gate and would intercept the LDA (localizer) at an angle not greater than 30 degrees.

Final Approach Segment

The final approach segment of the LDA/DME RWY procedure begins on the LDA (localizer) course between 10.0 DME and 4.8 DME, the latter being the missed approach point. The area between the two localizer courses (the ILS to RWY 35L and the LDA/DME to RWY 35R) provides more space for the "no transgression zone" (NTZ) than is specified in TERPS Standards. Since the simultaneous approach terminates at 4.8 DME and visual flight is required to runway 35R, no waiver from TERPS would be needed.

Missed Approach Segment

The missed approach for this simultaneous procedure would occur at the 4.8 LDA/DME fix. At this point an aircraft that could not complete the visual flight portion, requiring execution of the missed approach, would make a climbing right turn to 10,000 feet via heading 040 degrees and follow DEN R-046 to FLOTS intersection to DEN 17 DME to hold. At the MAP the aircraft would be 1000 AGL, laterally separated from the adjacent approach by 4462 feet and vertically separated by 310 feet. Missed approach instructions specifying a straight-ahead climb to at least 400 feet above the Touchdown Zone (TDZ) would not be required since the aircraft would already be 1000 above TDZ.

Wake Turbulence Study

Wake turbulence is not expected in the IFR portion of flight from the 10.0 LDA/DME fix due to more than sufficient lateral separation. From the 4.8 LDA/DME fix to the runway, the aircraft would, under this proposal, be operated in visual conditions, and, at the closest point, would, under former procedures, be separated by 2400 feet laterally and 257 feet vertically. These projected lateral and vertical separation distances were submitted to the Department of Transportation, Research and Special Programs Administration, Transportation Systems Center at Cambridge, Massachusetts for evaluation.

In November, 1982, that evaluation was completed. Following this evaluation, the FAA concluded that wake turbulence standards would be satisfied with certain conditions. It was indicated that heavy aircraft should not use the LDA/DME for simultaneous approach to runway 35R without limitation. This study also resulted in the recommendation for realignment of the LDA final approach to provide 2502 feet separation abeam the threshold of runway 35L and to annotate the procedure to require pilots to fly the localizer course until abeam the runway 35L threshold. For these reasons, the FAA proposes to allow simultaneous approaches for heavy airplanes (over 300,000 pounds or more MGTOW) on runway 35L only. Lighter aircraft using the LDA/DME Runway 35R procedure would be above or ahead of heavy aircraft approaching 35L.

Additional Operational Considerations

In addition to the Cambridge Study recommendation, the FAA proposes to apply the following air traffic management procedures in implementing the proposed SIAP:

1. A departure from the applicable Air Traffic Control Handbook (7110.65C) would be adopted to accommodate the LDA/DME terminology for simultaneous ILS approaches at DEN.

2. The requirement for two separate ILS systems and a minimum of 4,300 feet between parallel runways would not apply to this procedure.

3. A ceiling of 1,300 feet or higher (but not exceeding 2,000 feet) and a visibility of 3 miles or greater reported at the airport, would be the minima for use of these procedures for the first 60 days, after which if appropriate, the minima would be lowered to 1,000 foot ceiling with all other requirements remaining the same.

4. The approach lights for Runway 35R would be operated when simultaneous ILS/LSA/DME approaches are in progress.

5. If the same localizer frequency is used for the Runway 35R ILS system and the Runway 35R LDA, the 35R ILS localizer would be automatically locked out when the LDA mode is used.

6. The authorization to conduct simultaneous IFR approaches to Runways 35R/L would in no way affect the provision of standard departure separation minima for Runways 35R/L.

7. The portion of the visual separation standards, under which pilots are instructed to maintain their own separation visually, would not be applied at any point in this procedure.

Flight Inspection checks

An in-flight evaluation was made by FAA Flight Inspection pilots in turbojet aircraft in October, 1982, to detemine what, if any, operational impact would be imposed by flying the approach as currently proposed. This evaluation also considered visual acuity during the approach. The flight inspection pilot concluded that the approach could be flown safely by following the localizer course as prescribed, then executing a minor (10-degree) turn to the right, and landing with no derogation of safety. There was no apparent conflict in identifying the visual cues associated with runways 35L/R. In addition, the LDA/DME facilities installed to accommodate the proposed procedure were flight checked on May 5, 1983, and found to meet all FAA requirements.

Aeronautical Study Concerning Navigational Aids and Other Public Contacts

In the development of this proposal, the FAA has solicited the views of interested aviation users as well as citizens in concerned communities in a variety of ways. In addition to those mentioned earlier, the following actions have been taken:

1. Notice of proposed construction of the supporting navigational aids (localizer and DME) was circularized in Aeronautical Study No. 82-ANM-128-NR to elicit facts relevant to the effect of the proposal on existing and planned airspace use; other air navigation facilities; airports generally; aircraft operations, procedures and minimum flight altitudes; and the air traffic control system. This study resulted in comments from airlines and user groups and was completed in May, 1983.

2. A presentation of the new procedure and its environmental consequences was made at a public meeting held at the Prairie Middle School, Aurora, Colorado, on March 23, 1983, attended by state and local elected officials and approximately 700 local residents. A local ALPA representative submitted detailed written comments.

3. Numerous informal meetings have been convened with city, county and state officials.

4. A separate effort—Noise Mitigation Study—by local communities funded by Adams County and the cities of Aurora, Commerce City, Brighton, Thornton, and Federal Heights continues, with FAA airport and air traffic personnel represented on the technical committee.

Consideration has been given, in the making of this proposal, to the public responses presented to date as a result of these public contacts.

For the purpose of public review of this proposal, it should be noted that the final SIAP, if adopted, would be similar, if not identical, in all essential details to the LDA/DME approach to runway 35R as issued on May 27, 1983 (and subsequently cancelled, as discussed above). These details were presented in Tabular Form on an FAA Form 8260-5, and were charted on Form AL-114 (FAA), each of which is reproduced below (Figs. 1 and 2, respectively). Nonsubstantial changes may be made in response to public comments.

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

LDA/DME STANDARD INSTRUMENT APPROACH PROCEDURE

FLIGHT STANDARDS SERVICE - FAR PART 97. 25

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL, except HAT, HAA, and RA. Altitudes are minimum altitudes unless otherwise indicated. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or in feet RVR.

TERMINAL ROUTES			
FROM	TO	COURSE AND DISTANCE	ALT

MISSED APPROACH

MAP: I-SSH 4.8 DME

Immediate climbing right turn to 10000 via heading 040 for Radar Vector to FLOTS INT/DEN 17 DME.

ADDITIONAL FLIGHT DATA

FAS OBST: 5498 Stadium LT 394355/1045052

FAC crosses RWY C/L extended 591' from THLD.

Chart:Visual Flight Path MAP to RWY THLD, 341° - 3.0 miles.

1. PT NA SIDE OF CRS _____ OUTBND _____ FT WITHIN _____ MI. OF _____ (FAF)
2. Profile starts at I-SSH 10 DME
3. FAC 341 FAF I-SSH 10 DME DIST FAF TO: MAP 5.2 THLD 8.2
4. MIN ALT I-SSH 10 DME 8000, I-SSH 7DME 7000
8. MSA FROM DEN VORTAC 325-170 8100, 170-325 12600

VAR 12E YR 80

MINIMUMS

TAKEOFF: ☐ STD ☒ SEE FAA FORM 8260-15 FOR THIS AIRPORT ALTERNATE: ☐ NA 1100-3

CAT. →	A			B			C			D			E		
	MDA	VIS	HAT/HAA	MDA	VIS	HAT/HAA	MDA	VIS	HAT/HAA	MDA	VIS	HAT/HAA	MDA	VIS	HAT/HAA
S-35R	6300	3	1027	6300	3	1027	6300	3	1027	6300	3	1027			
Circling		NA			NA			NA			NA				

NOTES

RADAR REQUIRED.

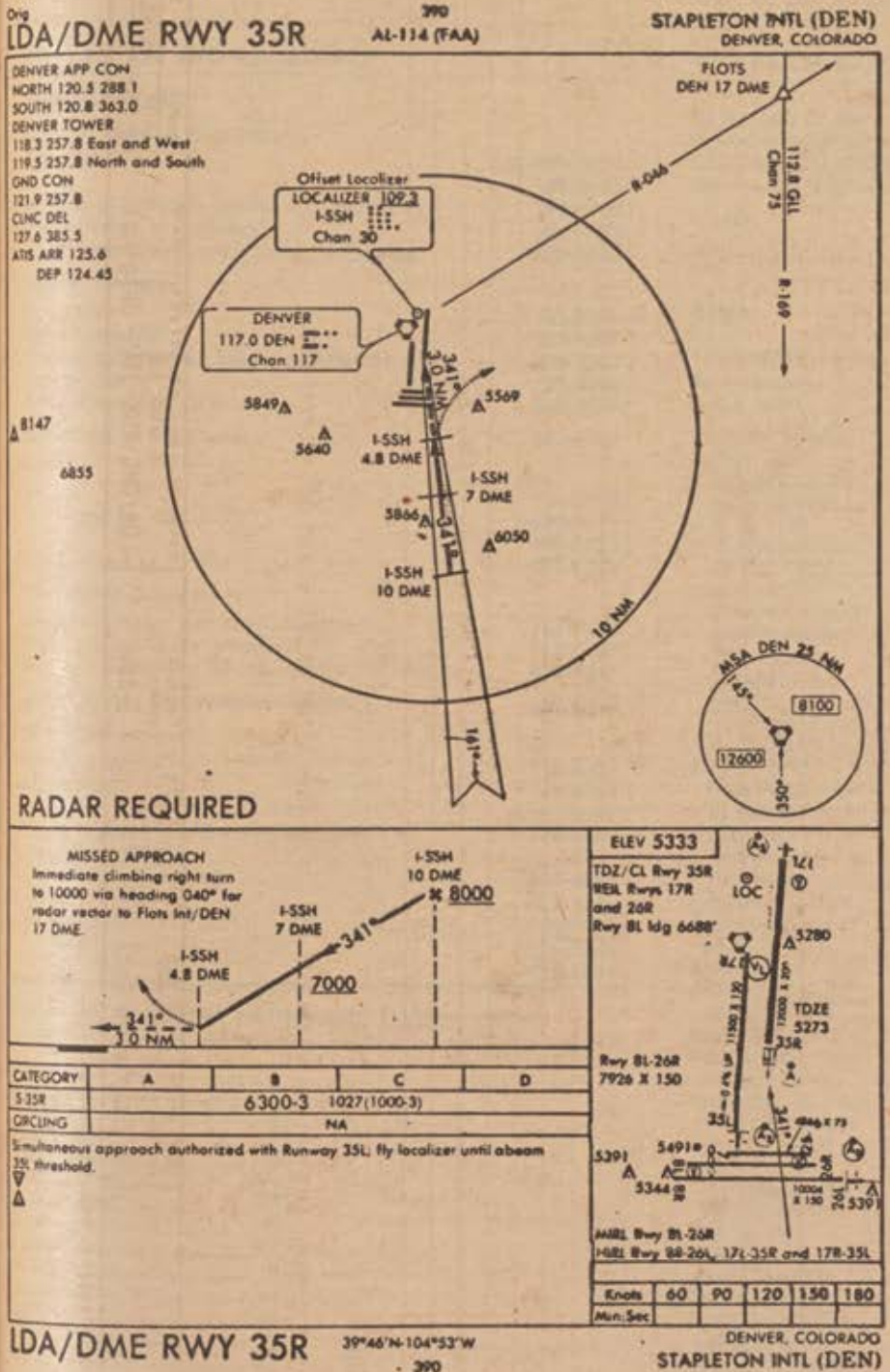
Simultaneous approach authorized with RWY 35L; fly localizer until abeam 35L threshold.

CITY AND STATE	ELEVATION AIRPORT	TDZE	FACILITY IDENT.	PROC. NO.-AMDT. NO.-EFFECTIVE DATE	SUP. / AMDT. / DATED
DENVER, CO	5333 Stapleton Intl	5273	I-SSH	9 JUN 83 LDA/DME RWY 35R, Original	NONE

FAA Form 8260-5 (3-76) SUPERSEDES PREVIOUS EDITION

Figure 1

Figure 2


Orig
LDA/DME RWY 35R
390
AL-114 (FAA)
STAPLETON INTL (DEN)
DENVER, COLORADO
DENVER APP CON
NORTH 120.5 288.1
SOUTH 120.8 363.0
DENVER TOWER
118.3 257.8 East and West
119.5 257.8 North and South
GND CON
121.9 257.8
CLNC DEL
127.6 385.5
ATIS ARR 125.6
DEP 124.45
FLOTS
DEN 17 DME
112.8 GLL
Chan 73
R-044
R-169
Offset Localizer
LOCALIZER 109.3
I-SSH
Chan 30
DENVER
117.0 DEN
Chan 117
341°
3.0 NM
5849
5569
8147
5640
I-SSH
4.8 DME
6855
I-SSH
7 DME
3866
6050
I-SSH
10 DME
10 NM
MSA DEN 25 NM
45°
8100
12600
350°
161°
RADAR REQUIRED
MISSED APPROACH
Immediate climbing right turn to 10000 via heading 040° for radar vector to Flats Int/DEN 17 DME.
I-SSH
10 DME
8000
I-SSH
7 DME
341°
7000
I-SSH
4.8 DME
341°
3.0 NM
ELEV 5333
TDZ/CL Rwy 35R
REIL Rwys 17R and 26R
Rwy 8L ldg 6688'
LOC
5280
TDZE
5273
35R
Rwy 8L-26R
7926 X 150
35L
5491
5291
5344
5391
MIRL Rwy 8L-26R
HIRL Rwy 8R-26L, 17L-35R and 17R-35L
CATEGORY | A | B | C | D
S-35R | 6300-3 1027(1000-3)
CIRCLING | NA
Simultaneous approach authorized with Runway 35L; fly localizer until abeam 35L threshold.
Knots | 60 | 90 | 120 | 150 | 180
Min:Sec
LDA/DME RWY 35R
39°46'N-104°53'W
390
DENVER, COLORADO
STAPLETON INTL (DEN)

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

Proposed Amendment

Accordingly, the FAA proposes to amend § 97.25 SDF–LOC–LDA SIAPs Identified, by adding a standard instrument approach procedure identified as follows:

Effective

Denver, CO—Stapleton Int'l LDA/DME Rwy 35R, Original.

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

Note.—The FAA has determined that this proposal would only involve 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 minimal. This proposal would result in increased efficiency in airspace management and would not place economic burdens on any person. The FAA therefore certifies that this proposal would not, if adopted, have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on July 21, 1983.

Bernard A. Geier,

Acting Director of Flight Operations.

[FR Doc. 83-20179 Filed 7-22-83; 8:45 am]

BILLING CODE 4910-13-M

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