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Wednesday
December 29, 1982

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

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Environmental Protection Agency

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Orange Juice

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a portion of the USDA's amendment to the United States Standards for Grades of Orange Juice appearing on pages 55455–55463 in the **Federal Register** of December 10, 1982, with respect to the minimum and maximum requirements for Brix/Acid Ratio in "Grade A" Canned Concentrated Orange Juice.

EFFECTIVE DATE: December 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Jennings, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–6247.

SUPPLEMENTARY INFORMATION: This document corrects a portion of the USDA's amendment to the United States Standards for Grades of Orange Juice appearing on pages 55455–55463 in the **Federal Register** of December 10, 1982, with respect to the minimum and maximum requirements for Brix/Acid Ratio in "Grade A" Canned Concentrated Orange Juice. An inadvertent typing error resulted in an error in Table V. The requirements for Brix/Acid Ratio should have read (from left to right) Min Max Min Max instead of Max Min Max Min.

§ 52.1557 [Correction]

Accordingly the United States Standards for Grades of Orange Juice, §52.1557, Table V is amended to read as follows:

	Min	Max	Min	Max
°Brix/Acid Ratio.....	11.5:1	20.0:1	12.0:1	20.0:1

in the "Grade A" column. There are no changes in the "Grade B" column.

Since this change is made only to correct an inadvertent error in the original amendment, it has been determined that additional relevant information would not be made available by public participation in rulemaking proceeding on this amendment and good cause is found, under the administrative procedure provisions of 5 U.S.C. 533, that notice and other public procedure with respect to this amendment are impracticable and unnecessary. Furthermore, good cause is found for making this amendment effective less than 30 days after publication in the **Federal Register.**

Done at Washington, D.C. on December 23, 1982.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 82-35223 Filed 12-28-82; 8:45 am]
BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

7 CFR Part 371

Organization, Functions, and Delegations of Authority, Deputy Administrator for Management

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the statement of organization, functions and delegations of authority of the Animal and Plant Health Inspection Service to assign responsibility for administration of the Foreign Service personnel system for APHIS employees serving abroad to the Deputy Administrator for Management and the Human Resources Division. Further, certain organizational realignment within administrative management places safety and health concerns with Administrative Services Division and the responsibility for micrographics, records and communications and telecommunications with the Automated Data Systems Staff.

EFFECTIVE DATE: December 29, 1982.

FOR FURTHER INFORMATION CONTACT: John C. Frey, Animal and Plant Health Inspection Service, USDA, 6505 Belcrest Rd., Hyattsville, MD 20782 (301–436–6466).

SUPPLEMENTARY INFORMATION: The statement of organization, functions, and delegations of authority of the Animal and Plant Health Inspection Service is being amended to delegate to the Deputy Administrator for Management, the functional responsibility for administering the Foreign Service personnel system for employees of APHIS carrying out the missions of APHIS which require service abroad. The Secretary has delegated the responsibility for administering the Foreign Service personnel system for APHIS employees to the Assistant Secretary for Marketing and Inspection Services, who in turn has delegated such authority to the Administrator, Animal and Plant Health Inspection Service (47 FR 49009). In addition, the statement is also being amended to reflect realignments of certain administrative responsibilities whereby the concern for safety and health previously vested with the Human Resources Division is to be placed in the Administrative Services Division; likewise, responsibility for micrographics, records and communications, and telecommunications is being placed with the Automated Data Systems Staff. These changes are made in order to consolidate related functions which will result in better coordination and more effective services.

This rule relates to internal agency management, and therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management, it is exempt from the provisions of E.O. 12291. Finally, this action is not a rule as defined by Public Law 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 371

Organization and functions (Government agencies).

PART 371—ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

Accordingly, 7 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: 5 U.S.C. 301.

2. Section 371.2 is amended by revising paragraph (e)(7) and by adding a new paragraph (e)(10) to read as follows:

§ 371.2 The Office of the Administrator.

* * * * *

(e) * * *

(7) Coordinating General Accounting Office and Office of the Inspector General activities in APHIS.

* * * * *

(10) Providing leadership and coordination for activities associated with APHIS international programs. Administering the Foreign Service personnel system for employees of APHIS in accordance with Section 202(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3922), E.O. 12363, dated May 21, 1982), and the provisions of 7 CFR 2.51 (a)(1).

* * * * *

3. Section 371.5 is amended by revising paragraphs (b)(2) and (b)(3), (c)(2) and (d)(2) through (d)(5) and by adding a new paragraph (d)(6) to read as follows:

§ 371.5 Administrative management.

* * * * *

(b) * * *

(2) Planning, providing staff leadership and assistance to APHIS managers and program leaders in the areas of EEO and Civil Rights; organization; position management; performance appraisal; position classification; salary and wage administration; employee development and training pertaining to executive and managerial development, supervisory, administrative and clerical training and related activities; recruitment and placement, employee relations, and labor management relations.

(3) Providing leadership and coordination for activities associated with APHIS international programs; developing, implementing, and evaluating policies and procedures relating to the Foreign Service personnel system in APHIS.

* * * * *

(c) * * *

(2) Planning, providing staff leadership and operating administrative services and assistance to APHIS managers and supervisors in: real and personal property management and utilization; and procurement of supplies, equipment, and services through competitive and noncompetitive procedures or from established contract sources; safety, health and environmental concerns; providing for the development and control of forms, reports, records security, printing and distribution, mail and shuttle service; and providing overall direction and coordination for the design and construction of APHIS facilities; and directives management.

* * * * *

(d) * * *

(2) Planning directing and conducting studies to determine the feasibility of applying automated data systems and techniques to Agency operations. Determining the advantages of using automated systems and processing in terms of economic and other considerations.

(3) Developing and designing automated data systems, standards, and new and improved methods and techniques for translation into basic program structures relative to systems analysis, computer programming and equipment utilization and capabilities. Assisting Agency managers in determining informational requirements. Analyzing types and volume of data involved, cost of present methods and cost and other advantages of applying electronic data processing.

(4) Developing computer programs to meet objectives of specific programs and projects, including all levels of electronic data processing documentation and the testing or "debugging" of machine programs. Designing procedures and advising in the development of source documents to facilitate the conversion of data from source documents to machine media.

(5) Reviewing and evaluating existing systems and computer programs and implementing improvements.

(6) Planning, managing and/or coordinating agency policies, methods, and procedures for telecommunications, records management, micrographics and correspondence management.

* * * * *

Issued at Washington, D.C., this 20th day of December, 1982.

Harry C. Mussman,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 82-35275 Filed 12-28-82; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 92

[Docket No. 82-089]

Importation of Animals Through the Harry S Truman Animal Import Center

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects references to paragraphs which were amended in a rule concerning the requirements for importing animals into the United States through the Harry S Truman Animal Import Center. This action is needed to correct an administrative oversight which resulted in revising a paragraph which did not exist, revising a paragraph to remove a footnote which was not located in that paragraph and revising a portion of another paragraph which did not exist.

EFFECTIVE DATE: December 28th, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. Melvin Crane, VS, APHIS, USDA, Import-Export Staff, Room 819, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: On May 21, 1982, there was published in the **Federal Register** (47 FR 22079-22082) a final rulemaking document revising certain paragraphs in Title 9, Code of Federal Regulations, § 92.41 (9 CFR 92.41), the regulations concerning the requirements for importing animals through the Harry S Truman Animal Import Center. This rulemaking document contained three references to paragraphs which were revised which were not correct. These incorrect references resulted from a failure to take into account an interim rulemaking document published in the **Federal Register** on September 22, 1981, (46 FR 46784-46787) and affirmed in the **Federal Register** on May 19, 1982 (47 FR 21529) which, among other things, redesignated 9 CFR 92.41(b), (c), and (d) as 9 CFR 92.41(c), (d), and (e), respectively.

Done at Washington, D.C., this 21st day of December, 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

Accordingly, FR Doc. 82-14004, published at 47 FR 22079-22082, May 21, 1982 is corrected as follows:

1. On page 22080, in the middle column, amendatory item 2 should read:

"2. Section 92.41(c)(7) is revised to read:"

2. On the same page, in the middle column, amendatory item 3 should read:

"3. In § 92.41(d), footnote 15 is removed and footnotes 16 and 17 are renumbered 15 and 16, respectively."

3. On the same page, in the middle column, item 4 should read

"4. In § 92.41, paragraph (d), the Cooperative and Trust Agreement is revised to read as follows:"

[FR Doc. 82-35209 Filed 12-28-82; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R-0441; Reg. D]

Reserve Requirements of Depository Institutions; Exemption for First $2 Million of Reservable Liability

Correction

In FR Doc. 82-33317, beginning on page 55204 in the issue of Wednesday, December 8, 1982, in the third column of page 55205, the 20th line from the top, the figure "$20.1 million" should read "$2 million ."

BILLING CODE 1505-01-M

EXPORT-IMPORT BANK OF THE UNITED STATES

12 CFR Part 403

Classification, Downgrading, Declassification, and Safeguarding of National Security Information

AGENCY: Export-Import Bank of the United States.

ACTION: Amendments to rules.

SUMMARY: The Export-Import Bank of the U.S. is amending its rules to conform to the provisions of Executive Order 12356 (47 FR 14874, April 6, 1982) and its implementing directive, Information Security Oversight Office Directive No. 1 (47 FR 27836, June 25, 1982). These orders, effective August 1, 1982, establish procedures and criteria for classifying, declassifying and safeguarding national security information. The Bank's current rules are based upon Executive Order 12065 which was revoked by Executive Order 12356.

EFFECTIVE DATE: December 29, 1982.

FOR FURTHER INFORMATION CONTACT: Warren W. Glick, General Counsel, Export-Import Bank of the U.S., 811 Vermont Avenue, N.W., Washington, D.C. 20571 (202) 566-8334.

SUPPLEMENTARY INFORMATION: On April 2, 1982, the President issued E.O. 12356 "National Security Information," which supersedes E.O. 12065. This new E.O. 12356 and its Implementing Directive published by ISOO became effective August 1, 1982.

PART 403—[AMENDED]

The Export-Import Bank is amending 12 CFR Part 403 to conform with the requirements of E.O. 12356 and its implementing directive. Specifically, references to previous E.O. 12065 and its implementing directive have been replaced with references to E.O. 12356 and its implementing directive. In addition, paragraphs (a), (b), and (c) and the introductory text of § 403.9 are revised to read as follows:

§ 403.9 Mandatory review for declassification.

All information classified under E.O. 12356 or prior executive orders, except information described in § 3.4(b) of the Order, shall be subject to a review for declassification if:

(a) The request is made by a U.S. citizen or permanent resident alien, a Federal agency, or a State or local government and the request describes the document or material containing the information with sufficient specificity to enable the Bank to locate it with a reasonable amount of effort.

(b) A request for classified information under the Order will be processed in accordance with the Order. In such a case, however, the exemptions of the Freedom of Information Act and any other exemptions under applicable law may be invoked by the Bank to deny material on grounds other than classification.

(c) Requests may be addressed to the General Counsel, Export-Import Bank of the United States, 811 Vermont Avenue, NW., Washington, D.C. 20571.

* * * * *

List of Subjects in 12 CFR Part 403

Classified information.

Adrian B. Wainwright,

Vice President—Administration.

[FR Doc. 82-35255 Filed 12-28-82; 8:45 am]

BILLING CODE 6690-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1203

Information Security Program

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This revision is necessary to comply with the provisions of Section 1.2, Executive Order 12356. "National Security Information," dated April 6, 1982. The purpose of the revision is to designate a limited number of NASA officials having original classification authority as prescribed by the Executive Order. This revision accomplishes the stated purpose. Since this regulation involves a national security function, it is exempt from the procedures of 5 U.S.C. 553.

EFFECTIVE DATE: August 1, 1982.

FOR FURTHER INFORMATION CONTACT: Erwin V. Minter, NASA Security Office, Telephone (202) 755-3400.

List of Subjects in 14 CFR Part 1203

Classified information, Foreign relations.

PART 1203—INFORMATION SECURITY PROGRAM

14 CFR Part 1203 is amended by revising Subpart H to read as follows:

Subpart H—Delegation of Authority to Make Determinations in Original Classification Matters

Sec.

1203.800 Delegations.

1203.801 Redelegation.

1203.802 Reporting.

Authority: 42 U.S.C. 2451 et seq., and E.O. 12356.

Subpart H—Delegation of Authority to Make Determinations in Original Classification Matters

§ 1203.800 Delegations.

(a) The NASA officials listed in paragraph (b) of this section are authorized to make, modify, or eliminate security classification assignments to information under their jurisdiction for which NASA has original classification authority. Such actions shall be in accordance with currently applicable criteria, guidelines, laws, and regulations and they shall be subject to any contrary determination that has been made by the Chairperson of the NASA Information Security Program Committee or by any other NASA official authorized to make such a determination.

(b) Designated Officials. (1) *TOP SECRET Classification Authority.*

(i) Administrator.

(ii) Deputy Administrator.

(iii) Associate Deputy Administrator.

(iv) Chairperson, NASA Information Security Program Committee.

(2) *SECRET and CONFIDENTIAL Classification Authority.*

(i) Officials listed in paragraph (b)(1) of this section.

(ii) Associate Administrator for Space Flight.

(iii) Associate Administrator for Space Science and Applications.

(iv) Associate Administrator for External Relations.

(v) Associate Administrator for the Management.

(vi) Associate Administrator for Aeronautics and Space Technology.

(vii) Associate Administrator for Space Tracking and Data Systems.

(viii) General Counsel.

(ix) Chief, NASA Security Office.

(x) Director, International Affairs Division.

(xi) NASA Security Classification Manager.

(xii) Field Installation Directors.

(xiii) Manager, NASA Resident Office—JPL.

(xiv) Installation Security Classification Officers.

(xv) Such other officials as may be delegated original classification authority.

(c) Written requests for original classification authority shall be forwarded to the Executive Secretary, NASA Information Security Program Committee with appropriate justification appended thereto. The Executive Secretary will submit such requests to the Committee Chairperson for a determination by the Committee regarding the validity of the requests. Findings and recommendations of the Committee will then be submitted by the Committee Chairperson to the Administrator for approval.

(d) The Executive Secretary shall maintain a list of all delegations of original classification authority by name or title of the position held.

(e) The NASA Information Security Program Committee shall conduct periodic review of delegation lists to ensure that the officials so designated have demonstrated a continuing need to exercise such authority.

(f) Original classification authority shall not be delegated to persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide.

§ 1203.801 Redelegation.

Redelegation of TOP SECRET, SECRET, or CONFIDENTIAL original classification authority is not authorized.

§ 1203.802 Reporting.

The officials to whom original classification authority has been delegated herein shall ensure that feedback is provided to the Administrator through the NASA Information Security Program Committee. The Chairperson of the Committee shall keep the Administrator currently informed of all significant actions, problems, or other matters of substance related to the exercise of the authority delegated hereunder.

James M. Beggs,

Administrator.

[FR Doc. 82-35287 Filed 12-28-82; 8:45 am]

BILLING CODE 7510-01-M

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14 CFR Part 1203

NASA Information Security Program Committee

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This revision updates the existing regulation on the NASA Information Security Program Committee. These technical changes include 3 changes in the titles of officials, and the deletion of a program office. These changes are made to reflect the current NASA organization.

EFFECTIVE DATE: August 1, 1982.

FOR FURTHER INFORMATION CONTACT: Erwin V. Minter, NASA Security Office, Telephone (202) 755-3400.

SUPPLEMENTARY INFORMATION: The Information Security Program Committee was established to comply with the provisions of Sections 3.4(d) and 5.3(a) of Executive Order 12356, "National Security Information," April 6, 1982. This revision specifically changes § 1203.900 and § 1203.902(a). This regulation involves a national security function and is exempt from the procedures of 5 U.S.C. 553.

List of Subjects in 14 CFR Part 1203

Classified information, Foreign relations.

14 CFR Part 1203, Subpart I is revised to read as follows:

PART 1203—INFORMATION SECURITY PROGRAM

Subpart I—NASA Information Security Program Committee

Sec.

1203.900 Establishment.
1203.901 Responsibilities.
1203.902 Membership.
1203.903 Ad hoc committees.
1203.904 Meetings.

Authority: 42 U.S.C. 2473; E.O. 12356.

Subpart I—NASA Information Security Program Committee

§ 1203.900 Establishment.

Pursuant to Executive Order 12356, "National Security Information," and the National Aeronautics and Space Act of 1958, as amended, there is established a NASA Information Security Program Committee (hereinafter referred to as the Committee) as part of the permanent administrative structure of NASA. The Director, DOD Affairs Division, is designated to act as the Chairperson of the Committee. The Head, Classification Management and Physical Security Section, NASA Security Office, is designated to act as the Committee Executive Secretary.

§ 1203.901 Responsibilities.

(a) The Chairperson reports to the Administrator concerning the management and direction of the NASA Information Security Program as provided for in Subpart B of this part. In this connection, the Chairperson is supported and advised by the Committee.

(b) The Committee shall act on all appeals from denials of declassification requests on all suggestions and complaints with respect to administration of the NASA Information Security Program as provided for in Subpart B of this part.

(c) The Executive Secretary of the Committee shall maintain all records produced by the Committee, its subcommittees, and its ad hoc panels.

(d) The NASA Security Office, NASA Headquarters, will provide staff assistance and support services for the Committee.

§ 1203.902 Membership.

The Committee will be comprised of the Chairperson, Executive Secretary, and one member designated by each of the following NASA officials:

(a) Associate Administrators for:

(1) Aeronautics and Space Technology.

(2) Space Science and Applications.

(3) Space Flight.

(4) Space Tracking and Data Systems.

(5) Management.

(6) External Relations.

(b) Associate Deputy Administrator.

(c) General Counsel.

§ 1203.903 Ad hoc committees.

The Chairperson is authorized to establish such ad hoc panels or subcommittees as may be necessary in the conduct of the Committee's work.

§ 1203.904 Meetings.

(a) Meetings will be held at the call of the Chairperson.

(b) Records produced by the Committee and the minutes of each

meeting will be maintained by the Executive Secretary.

James M. Beggs,

Administrator.

[FR Doc. 82-35286 Filed 12-28-82; 8:45 am]

BILLING CODE 7510-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 229, 230, 231, 239, 240, 241 and 250

[Release Nos. 33-6444; 34-19337; 35-22776; IC-12898; FR-9; S7-936]

Supplemental Disclosures of Oil and Gas Producing Activities

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of final rules for supplemental oil and gas disclosures to require compliance with the provisions of Statement of Financial Accounting Standards No. 69 recently issued by the Financial Accounting Standards Board ("FASB"). These final rules also eliminate certain requirements for oil and gas disclosures set forth in Industry Guide 2 which duplicate requirements in Regulation S-X and the FASB statement. This action is consistent with the commitment announced in Accounting Series Release No. 289 to reexamine existing rules upon the development of an oil and gas disclosure standard by the FASB.

DATE: Effective for companies with fiscal years beginning on or after December 15, 1982, with earlier implementation encouraged. Where the supplemental oil and gas disclosures for years beginning before December 15, 1982, are presented in accordance with SFAS 69, the Commission will automatically waive the requirements of Rule 4-10(k) of Regulation S-X for those years.

FOR FURTHER INFORMATION CONTACT: M. Elizabeth Rader or John W. Albert (202-272-2130), Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1982, the Commission issued Securities Act Release No. 6412 (47 FR 28686) which proposed rules to require compliance with the provisions of an FASB statement of financial accounting standards expected to be issued upon finalization of an April 1982 FASB exposure draft on supplemental oil and gas disclosures. The Commission proposed rule amendments at that time to facilitate its prompt action on a final FASB standard. The Commission also proposed to revise certain disclosure requirements in Industry Guide 2 in order to eliminate duplication with Regulation S-X and the proposed FASB standard. On November 30, 1982, the FASB issued the related final standard as Statement of Financial Accounting Standards No. (SFAS) 69 entitled, "Disclosures about Oil and Gas Producing Activities." This statement supersedes the requirements of several earlier pronouncements [1] and establishes a comprehensive set of supplemental disclosures for oil and gas producing activities.

Summary of Conclusions

The Commission has evaluated the disclosures specified by SFAS 69 and, consistent with its evaluation of the exposure draft, has concluded that they provide adequate information about oil and gas producing activities, particularly because they include a presentation of a standardized measure of discounted future net cash flow relating to proved oil and gas reserves and a reconciliation of such standardized measure from period to period.

The Commission has also determined that this course of action is consistent with its responsibilities under the Energy Policy and Conservation Act of 1975 because the disclosures specified in SFAS 69 will be adequate to ensure the continued availability to the Department of Energy of the information necessary for an energy data base. In this regard, moreover, the Commission will continue to maintain in Regulation S-X its rules on accounting and reporting practices to be used by oil and gas producers in the preparation of the primary financial statements included in filings with the Commission.

Final SFAS 60 Disclosures

The supplemental disclosures adopted under SFAS 69 are substantially the same as those proposed in the exposure draft.[2] The four notable differences between the final standard and the exposure draft are as follows:

(1) A proposed requirement for geographic detail in the statement of changes in the standardized measure was deleted.

(2) Separate disclosure requirements were added for (a) costs incurred for acquisition of existing proved properties, if significant, and (b) affiliated and non-affiliated sales of oil and gas.

(3) Where a significant portion of proved reserve quantities or the related standardized measure of discounted future net cash flows is attributable to minority interests, the final standard requires disclosure of that fact and the approximate minority portion.

(4) The final statment adopts the significance criteria of SFAS 14 "Financial Reporting for Segments of a Business Enterprise" (certain ten percent tests based on total assets, revenues, and pretax operating income) to determine when oil and gas activities are sufficiently significant that the specified disclosures should be provided.

Commisson's Proposed Rules

The proposed rules differed from the FASB exposure draft in only a few respects. First, since the exposure draft required disclosures for "significant" oil and gas operations but did not define "significance," the Commission proposed to retain criteria for determining when oil and gas producing activities are significant. Second, the proposed amendments specified the periods for which the supplementary disclosures should be presented. Whereas the exposure draft called for disclosures only when a "complete set of financial statements" is presented, the Commission proposed that income statement related disclosures be presented for each annual income statement required, and that balance sheet related disclosures be presented for each year-end balance sheet required.

In addition, the Commission specifically encouraged comments concerning the existing Regulation S-X disclosure requirement for separate presentation of amounts of future net revenue from proved reserves applicable to each of the first three succeeding fiscal years. Although this

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[1] Relevant provisions of FASB Statement Nos. 19, "Financial Accounting and Reporting by Oil and Gas Producing Companies," 25, "Suspension of Certain Accounting Requirements for Oil and Gas Producing Companies," 33, "Financial Reporting and Changing Prices," and 39, "Financial Reporting and Changing Prices: Specialized Assets—Mining and Oil and Gas," are amended by this standard.

[2] Publicly traded enterprises are thus required to disclose the following supplemental information about significant oil and gas activities:

—Proved oil and gas reserve quantities.

—Capitalized costs relating to oil and gas producing activities.

—Costs incurred in oil and gas producing activities.

—Results of operations for oil and gas producing activities.

—A standardized measure of discounted future net cash flows relating to proved oil and gas reserves (the "standardized measure").

requirement was not included in the disclosures described by the exposure draft, the Commission believed that it might provide information sufficiently useful to be included in the disclosure package, particularly when near-term cash flows are significantly affected by development and production expenditures.

Finally, the Commission also announced its intention to retain the safe harbor provision in Rule 4–10(k)(9) for disclosures made pursuant to its final rules.

Comments Received

The Commission received 37 letters of comment on its proposal to adopt the disclosure requirements of the FASB exposure draft and to revise Industry Guide 2.

Conformity With FASB Standard—Most commentators approved of the concept of conformity of Commission and FASB disclosure requirements. Their support or opposition to the Commission's specific proposed disclosures generally coincided with their position on the FASB's proposed presentation of a value-based standardized measure of discounted future net cash flows. Consistent with the response received by the FASB, approximately half the commentators supported the standardized measure as providing useful information. The other half contended that value-based information was too unreliable to be meaningful.

Three-year Disclosures of Undiscounted Future Net Revenue—Of the commentators addressing this issue, approximately two-thirds opposed its inclusion in the disclosure package. Supporters reiterated the position in the proposing release that these data were useful in assessing near-term cash flows. Analysts further believed the disclosures should be provided for more than three years. Opponents criticized the disclosure as inappropriate and not cost-beneficial because its objective was similar to that of the standardized measure, although the two items would be computed on different bases. They also viewed the additional disclosure as inconsistent with the objective of reducing disclosure volume.

Revisions of Guide 2—All commentators addressing these proposals supported the elimination of duplicative requirements. The commentators also offered various suggestions for a full reexamination of all the Guide 2 disclosures. These suggestions will be considered in the Commission's upcoming project to reevaluate the Guide 2 disclosures as a whole.

Evaluation of Comments

Based on a review and evaluation of the comment letters, the Commission has concluded that conformity of its disclosure requirements with those of the FASB is desirable. Although the final FASB standard contains certain differences from the exposure draft, the Commission continues to support the FASB's supplemental disclosure package as a whole and to believe that the standardized measure and the reconciliation of period-to-period changes in that standardized measure will provide meaningful and useful information for the assessment of future cash flows from oil and gas producing activities. Accordingly, the Commission is amending its rules for supplemental disclosures of oil and gas producing activities to require compliance with the provisions of SFAS 69. The only differences between the FASB standard and the Commission's rules will relate to certain matters, largely administrative in nature, discussed further in the section entitled "Final Rules." The Commission is also adopting its proposed revisions of Industry Guide 2.

Summary of Operations on the Basis of Reserve Recognition Accounting

By conforming its disclosure requirements with those of the FASB standard, the Commission is eliminating its requirement for a supplemental presentation of an earnings summary based on Reserve Recognition Accounting ("RRA"). The Commission believes that adequate consideration was given to the RRA earnings summary in the development of the FASB's supplemental disclosure package. Although the RRA earnings summary will no longer be required once registrants adopt the provisions of SFAS 69, the Commission encourages registrants who regard the RRA earnings summary as useful and relevant information to furnish the information on a voluntary basis.

Separate Disclosure of Undiscounted Future Net Revenues

As a further result of conforming its disclosure requirements with those of the FASB standard, the Commission will no longer require separate disclosure of the first three years of future net revenues on an undiscounted basis. In this decision, the Commission recognizes commentators' concerns that this disclosure could be redundant or confusing by comparison to the standardized measure. The Commission's primary objective in soliciting specific comments on this disclosure was to ensure that financial statement users have sufficient information to assess the impact of oil and gas producing activities on near-term cash flows and liquidity. The Commission continues to believe that this sort of information may in some circumstances be essential to an understanding of a company's financial position and results of operations. Accordingly, the Commission reminds registrants that disclosures of undiscounted future cash flows from oil and gas operations may be necessary in the Management's Discussion and Analysis of the financial statements. Such disclosures would ordinarily be expected where near-term cash flows are likely to be negative or only at a break-even level, and may be appropriate in other circumstances.

Discussion of Final Rules

The Commission has evaluated the differences between the FASB exposure draft and the final SFAS 69 and believes they are not sufficiently material to require re-exposure of the Commission's proposed rule changes. Overall, they reduce the compliance burden for detailed disclosure (by deleting the geographic breakdown of changes in the standardized measure) while making minor additions (e.g., information on affiliated sales and minority interests) only where necessary to a full understanding of the information presented.

Significance criteria—SFAS 69 also simplifies the compliance process by adopting the SFAS 14 "significance" criteria to determine whether enterprises are subject to its provisions. Thus, the supplemental disclosures are required whenever oil and gas revenues, pre-tax operating profit or loss, or identifiable assets exceed ten percent of comparable combined amounts for the consolidated enterprise. These materiality guidelines differ from the Commission's proposed rules in that the Commission's proposals did not include a revenue test and would have computed the asset test using the standardized measure rather than the historical cost of oil and gas assets.

The Commission believes that in most instances the significance criteria of SFAS 69 will identify the same enterprises as the Commission's proposed tests. Accordingly, in view of its commitment to conform its rules wherever practicable with those of the private sector, the Commission is not adopting its separate proposed significance tests. However, in those circumstances where the discounted present value of a registrant's oil and gas reserves in significantly in excess of

ten percent of consolidated total assets, the Commission expects that the general requirement for disclosure of material amounts will require that some disclosures be made, even if the stated SFAS 14 tests are not met.

Periods Presented—Since the final FASB standard, like the exposure draft, focuses only on complete annual sets of financial statements, the Commission is also adopting its proposal that disclosures related to annual periods be presented for each such annual period for which an annual income statement is required and that balance sheet disclosures be presented for each audited year-end balance sheet required.

Applicability of Commission Requirements—The final rules also specify that the subject supplemental disclosures shall be presented whenever required by the terms of the applicable Federal securities form. The SFAS 69 requirements apply to enterprises which are "publicly traded" as defined by the standard. This FASB definition is both broader and narrower than the class of enterprises currently required to provide supplemental oil and gas disclosures in Commission filings. The FASB definition includes certain small enterprises which although "traded" may not be required to file reports under either the Securities Act or the Securities Exchange Act. However, the FASB definition would not apply to other enterprises filing reports with the Commission such as certain limited partnerships, nor would it apply to companies providing information to investors under the Regulation D exemptions. The Commission recognizes that it has a different constituency and must retain the specific requirements of its various filing forms.

Limited Partnerships—Topic 12–A–3–C of the Staff Accounting Bulletin series currently states that in certain circumstances the staff will not take exception to omission of the value-based RRA disclosures required by Regulation S–X for limited partnerships engaged in oil and gas producing activities. This waiver applies only to value-based disclosures in periodic reports filled on Form 10–K where: (1) The partnership agreement contains buyout provision under which the general partner agrees to purchase the limited partnership interests that are offered for sale, based upon a specified valuation formula, and (2) some form of reserve value information is available to the limited partners pursuant to the partnership agreement. The staff anticipates that this policy will continue to apply to the comparable "standardized measure" disclosures specified in paragraphs 30–34 of SFAS 69. It should be noted, however, that the waiver in the Staff Accounting Bulletin extends only to value-based disclosures and not to reserve quantity disclosures or historical cost based information. In addition, the waiver was not intended to apply to limited partnerships where owners and buyers do not have some sort of value-based information otherwise automatically provided.

Safe Harbor—Since the Commission's requirements for supplemental oil and gas disclosures are being transferred from Rule 4–10(k) of Regulation S–X to a central repository for supplementary financial information in Regulation S–K, the final rules incorporate (within Rule 175 under the Securities Act of 1933 and the related safe harbor rules under the other Federal securities laws) the safe harbor provision set forth in existing Rule 4–10(k)(9). Various conforming changes are also being made to the proxy rules and to the specific filing requirements of certain Commission forms.

Effective Date and Transition

Consistent with the provisions of SFAS 69, the Commission's revised rules shall be effective for fiscal years beginning on or after December 15, 1982. Earlier implementation is encouraged but not required. The Commission strongly encourages but does not require registrants who elect to adopt the provisions of SFAS 69 early to restate the disclosures for prior years so that all information presented will be on a consistent basis.

The Commission's existing requirements in Rule 4–10(k) of Regulation S–X will continue to apply in their entirety to supplemental oil and gas disclosures for fiscal years beginning before December 15, 1982, *unless* the registrant elects to early adopt the disclosures specified by SFAS 69 or to restate disclosures for prior years in accordance with SFAS 69. Where the supplemental oil and gas disclosures for years beginning before December 15, 1982, are presented in accordance with SFAS 69, the Commission will automatically waive the requirements of Rule 4–10(k) for those years.

Codification Update

The "Codification of Financial Reporting Policies" announced in Financial Reporting Release No. 1 (April 15, 1982) (47 FR 21028) is updated to:

1. Remove section 406.02 and add a new Section 406.02 as follows:

406.02 Supplemental Disclosures.

2. Include in Section 406.02 the sections of this release entitled "Summary of Conclusions," "Summary of Operations on the Basis of Reserve Recognition Accounting," "Separate Disclosure of Undiscounted Future Net Revenues," "Discussion of Final Rules," and "Effective Date and Transition," identified as specified below:

a. Summary of Conclusions

b. Summary of Operations on the Basis of Reserve Recognition Accounting

c. Separate Disclosure of Undiscounted Future Net Revenues

d. Discussion of Final Rules

i. Significance Criteria (second paragraph)

ii. Applicability of Commission Requirements

iii. Limited Partnerships

e. Effective Date and Transition

This codification is a separate publication issued by the Commission. It will not be published in the Federal Register/Code of Federal Regulations System.

List of Subjects

17 CFR Parts 210, 229, 230, 231, 239, 240, and 241

Accounting, Reporting and recordkeeping requirements, Securities.

17 CFR Part 250

Accounting, Reporting and recordkeeping requirements, Securities, Utilities.

Text of Final Rules

Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By adding a note to the end of paragraph (k) of § 210.4–10 as follows:

§ 210.4–10 Financial accounting and reporting for oil and gas producing activities pursuant to the Federal securities laws and the Energy Policy and Conservation Act of 1975.

* * * * *

(k) *Disclosure of oil and gas reserve information and historical financial data.*

Note.—*Deletion.* The requirements of this paragraph (k) shall not apply to supplemental disclosures accompanying financial statements for fiscal years beginning on or after December 15, 1982. For fiscal years beginning prior to that date, registrants may substitute the disclosures required under paragraph (c) of Item 302 of Regulation S–K (§ 229.302).

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S–K

2. By revising the title of Part 229 to read as above:

3. By adding paragraph (c) to § 229.302 as follows:

§ 229.302 (Item 302) Supplementary financial information.

* * * * *

(c) Information about oil and gas producing activities.

Registrants engaged in oil and gas producing activities shall present the information about oil and gas producing activities (as those activities are defined in Regulation S–X, § 210.4–10(a)) specified in paragraphs 9–34 of Statement of Financial Accounting Standards ("SFAS") No. 69, "Disclosures about Oil and Gas Producing Activities." If such oil and gas producing activities are regarded as significant under one or more of the tests set forth in paragraph 8 of SFAS No. 69.

Instructions to Paragraph (c).

1. (a) SFAS No. 69 disclosures that relate to annual periods shall be presented for each annual period for which an income statement is required. (b) SFAS No. 69 disclosures required as of the end of an annual period shall be presented as of the date of each audited balance sheet required, and (c) SFAS No. 69 disclosures required as of the beginning of an annual period shall be presented as of the beginning of each annual period for which an income statement is required.

2. This paragraph, together with § 210.4–10 of Regulation S–X, prescribes financial reporting standards for the preparation of accounts by persons engaged, in whole or in part, in the production of crude oil or natural gas in the United States, pursuant to Section 503 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 8383) ("EPCA") and Section 11(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796) ("ESECA") as amended by Section 506 of EPCA. The application of the paragraph to those oil and gas producing operations of companies regulated for ratemaking purposes on an individual-company-cost-of-service basis may, however, give appropriate recognition to differences arising because of the effect of the ratemaking process.

3. Any person exempted by the Department of Energy from any record-keeping or reporting requirements pursuant to Section 11(c) of ESECA, as amended, is similarly exempted from the related provisions of this paragraph in the preparation of accounts pursuant to EPCA. This exemption does not affect the applicability of this paragraph to filings pursuant to the federal securities laws.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

4. By revising paragraph (b)(2) of § 230.175 to read as follows:

§ 230.175 Liability for certain statements by issuers.

* * * * *

(b) * * *

(2) Information which is disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934 and which relates to (i) the effects of changing prices on the business enterprise, presented voluntarily or pursuant to Item 303 or Regulation S–K (§ 229.303 of this chapter), "Management's discussion and analysis of financial condition and results of operations," or Item 302 of Regulation S–K (§ 229.302 of this chapter), "Supplementary financial information," or (ii) the value of proved oil and gas reserves (such as a standardized measure of discounted future net cash flows relating to proved oil and gas reserves as set forth in paragraphs 30–34 of Statement of Financial Accounting Standards No. 69) presented voluntarily or pursuant to Item 302 of Regulation S–K (§ 229.302 of this chapter).

* * * * *

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

5. By removing item 1 and paragraph A of item 3 of the Securities Act Industry Guide 2, Disclosure of Oil and Gas Operations, of Part 231 and redesignating and revising paragraphs B and C of Item 3 as paragraphs A and B respectively, to read as follows:

Guide 2. Disclosure of Oil and Gas Operations.

* * * * *

3. Production

A. For each of the last three fiscal years by the same geographic areas for which production data are required by Statement of Financial Accounting Standards (SFAS) No. 69:

(i) The average sales price (including transfers) per unit of oil produced and of gas produced:

(ii) The average production cost (lifting cost) per unit of production.

B. *Instructions.* Generally, net production should include only production that is owned by the registrant and produced to its interest, less royalties and production due others. However, in special situations (e.g., foreign production) net production before royalties may be provided, if more appropriate. If "net before royalty" production figures are furnished, the change from the usage of "net production" should be noted.

Any part of natural gas liquids production obtained through or from processing plant ownership rather than through leasehold ownership should be reported separately, if material.

Production of natural gas should include only marketable production of gas on an "as sold" basis. Production will include dry, residue, and wet gas, depending on whether liquids have been extracted before the registrant passed title. Flared gas, injected gas and gas consumed in operations should be omitted. Recovered gas-lift gas and reproduced gas should not be included until sold.

The transfer price of oil and gas produced should be determined in accordance with SFAS No. 69.

The average production cost per unit of production should be computed using production costs disclosed pursuant to SFAS No. 69. Units of production should be expressed in common units of production with oil or gas converted to a common unit of measure on the basis used in computing amortization (relative energy content or gross revenue method). *See* § 210.4–10(e)(3) or § 210.4–10(i)(3)(iii) of Regulation S–X, whichever is appropriate.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

6. By adding Item 17B to Part I of the registration statement on Form S–18 as follows [Form S–18 does not appear in the Code of Federal Regulations but the form is discussed in § 239.28 of the Code of Federal Regulations]:

Item 17B. Supplementary Financial Information about Oil and Gas Producing Activities. Registrants engaged in oil and gas producing activities shall follow the disclosure standards specified in paragraph (c) of Item 302 of Regulation S–K [17 CFR 229.302] with respect to such activities.

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

7. By revising paragraph (b)(2) of § 240.3b–6 to read as follows:

§ 240.3b–6 Liability for certain statements by issuers.

* * * * *

(b) * * *

(2) Information which is disclosed in a document filed with the Commission, in part I of a quarterly report on Form 10–Q or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934 and which relates to (i) the effects of changing prices on the business enterprise, presented voluntarily or pursuant to Item 303 of Regulation S–K (§ 229.303 of this chapter), "Management's discussion and analysis of financial condition and results of operations," or Item 302 of Regulation S–K (§ 229.302 of this chapter), "Supplementary financial information," or (ii) the value of proved oil and gas reserves (such as a standardized measure of discounted future net cash flows relating to proved oil and gas reserves as set forth in paragraphs 30–34 of Statement of Financial Accounting Standards No. 69) presented voluntarily or pursuant to Item 302 of Regulation S–K (§ 229.302 of this chapter).

* * * * *

§ 240.14a–3 [Amended]

8. By removing "Note 1" to paragraph (b)(1) of § 240.14a–3 and redesignating "Note 2" as "Note 1."

§ 240.14c–3 [Amended]

9. By removing "Note 1" to paragraph (a)(1) of § 240.14c–3 and redesignating "Note 2" as "Note 1."

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND THE GENERAL RULES AND REGULATIONS THEREUNDER

10. By conforming Exchange Act Industry Guide 2 Disclosure of Oil and Gas Operations to the amendments adopted for Securities Act Industry Guide 2.

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

11. By revising paragraph (b)(2) of § 250.103A to read as follows:

§ 250.103A Liability for certain statements by issuers.

* * * * *

(b) * * *

(2) Information which is disclosed in a document filed with the Commission, in part I of a quarterly report on Form 10–Q or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934 and which relates to: (i) The effects of changing prices on the business enterprise, presented voluntarily or pursuant to Item 303 of Regulation S–K (§ 229.303 of this chapter), "Management's discussion and analysis of financial condition and results of operations," or Item 302 of Regulation S–K (§ 229.302 of this chapter), "Supplementary financial information," or (ii) the value of proved oil and gas reserves (such as a standardized measure of discounted future net cash flows relating to proved oil and gas reserves as set forth in paragraphs 30–34 of Statement of Financial Accounting Standards No. 69) presented voluntarily or pursuant to Item 302 of Regulation S–K (§ 229.302 of this chapter).

* * * * *

(Sec. 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, 77s) of the Securities Act of 1933; sec. 12, 13, 14, 15(d) and 23(a) (15 U.S.C. 78l, 78m, 78n, 78o(d), 78w) of the Securities Exchange Act of 1934; Sections 5(b), 14 and 20(a) ((15 U.S.C. 79e, 79n, 79t) of the Public Utility Holding Company Act of 1935; sec. 8, 30, 31(c) and 38(a) (15 U.S.C. 80a–8, 80a–29, 80a–30(c), 80a–37(a)) of the Investment Company Act of 1940 and sec. 503 (42 U.S.C. 6383) of the Energy Policy and Conservation Act of 1975)

As required by section 23(a)(2) of the Securities Exchange Act, the Commission has specifically considered the impact that the amendments will have on competition. The Commission finds that compliance with the amendments will not impose a burden on competition.

By the Commission.

Dated: December 15, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–35155 Filed 12–28–82; 8:45 am]

BILLING CODE 8010–01–M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commission Operations and Relocation Procedures; Discretionary Funds; Revision of Regulations

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rule.

SUMMARY: The Navajo and Hopi Indian Relocation Commission amends, in final form, its regulations for administration of discretionary funds. Certain sections have been rewritten in order to eliminate redundant language and clarify instructions to potential applicants. A provision has been added requiring recipients of grants and contracts to provide Indian preference in employment, training and the award of subcontracts and subgrants. The amendments are intended to achieve compliance with the Indian preference requirements of 25 U.S.C. 450e and to simplify and expedite administrative procedures.

EFFECTIVE DATE: December 29, 1982.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, P.O. Box KK, Flagstaff, Arizona, 86002, Telephone (602) 779–3311, extension 1376, FTS: 261–1376.

SUPPLEMENTARY INFORMATION: No comments were received on the Notice of Proposed Rulemaking published at 47 FR 47022, Oct. 22, 1982. A discussion of the final rule is as follows: The final rule in § 700.459 are amended by deleting paragraph (c) and by deleting language in paragraph (d) which refers to the listing of priorities.

The final rule are also revised in § 700.461 to eliminate annual solicitation and publications of project priorities. In conformity with the language Pub. L. 96–305, the Commission will annually solicit applications for programs which will facilitate and expedite the relocation efforts of the Commission. This change will allow maximum opportunity for applicants to propose programs beneficial to relocatees and host communities. In addition, as funds are available and priority projects are identified by the Commission, specific requests for proposals will be published by the Commission pursuant to Federal contract regulations.

The final rule in § 700.463 has been amended to establish a preapplication phase for grant applications. Under current regulations a preapplication is optional. Experience in administering the discretionary grants program has demonstrated that a preapplication stage is an efficient means of determing the appropriateness of proposed projects and identifying issues which must be clarified in order for an application to qualify for grant consideration.

The final rule in § 700.465 is amended by adding language which enhances the Commission's oversight ability with regard to construction projects. Additionally, § 700.465(e) was added for the same reasons.

The final rules in §§ 700.471 and 700.477 have been amended to assure compliance with Pub. L. 93–638 (25 U.S.C. 450e), the Indian Self-Determination Act. The Indian Self-

Determination Act provides in part as follows:

25 U.S.C. 450e Wages and Labor Standards.

(b) Any contract, subcontract, grant, or subgrant pursuant to this act [The Indian Self-Determination Act], the Act of April 16, 1934 (48 Stat. 596), as amended [25 U.S.C. § 452–457], or any other Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians, shall require that to the greatest extent feasible—

(1) Preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians; and

(2) Preferences in the award of subcontracts and subgrants in connection with the administration of such contracts or grants shall be given to Indian organizations and to Indian owned economic enterprises as defined in Section 3 of the Indian Financing Act of 1974 (88 Stat. 77) 25 U.S.C. 1452

The Navajo and Hopi Indian Relocation Amendments Act of 1980, 25 U.S.C. 640d-25, (Pub. L. 96–305 Sec. 27), authorizes Federal contracts or grants for the benefits of Indians, and thus falls within the purview of the Indian Self-Determination Act. Therefore, any grant or contract of discretionary funds must require compliance with 25 U.S.C. 450e. The proposed revisions incorporate this requirement.

Additionally, § 700.471 now provides that applicants shall be notified of the Commission's approval or disapproval of grant applications. This provision was formerly contained in § 700.479(a).

The final rule in §700.479 has been amended only editorially.

List of Subjects in 25 CFR Part 700

Administrative practice and procedures, Conflict of interests, Freedom of information, Grant programs—Indians, Indians—claims, Indians—lands, Privacy, Real property acquisition, Relocation assistance.

Accordingly, the Navajo and Hopi Indian Relocation Commission revises, in final form, Subpart N of Part 700 of Title 25, Code of Federal Regulations, to read as follows:

PART 700—[AMENDED]

* * * * *

Subpart N—Discretionary Funds

Sec.

700.451 Purpose.
700.453 Definitions.
700.455 Financial Assistance.
700.457 Assistance to match or pay 30% of grants, contracts or other expenditures.
700.459 Assistance for demonstration projects and for provision of related facilities and services.
700.461 Method for Soliciting Applications.
700.463 Requirements for Applications.
700.465 Technical Feasibility.
700.467 Construction Costs.
700.469 Unallowable program and project costs.
700.471 Review and Approval.
700.473 Administrative Expenditures of the Commission.
700.475 Reports.
700.477 Administration of financial assistance and recordkeeping requirements.
700.479 Administrative review.

Authority: Pub. L. 93–531, as amended by Pub. L. 96–305.

* * * * *

Subpart N—Discretionary Funds

§ 700.451 Purpose.

(a) The purpose of this subpart is to establish procedures for the submission, review and approval, and administration of applications for financial assistance from the discretionary fund established by Pub. L. 93–531, as amended.

(b) The purpose of the discretionary fund is to provide financial assistance to activities which will facilitate and expedite the relocation and resettlement of individuals under the Act and ease the hardship incurred by these individuals.

§ 700.453 Definitions.

(a) Act means Pub. L. 93–531 (88 Stat. 1712, 25 U.S.C. 640d), as amended.

(b) Applicant means with respect to this subpart, any applicant as defined under § 700.457(c) or § 700.459(b).

(c) Business means any lawful activity, except a nonprofit organization, that is—

(1) Conducted primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(2) Conducted primarily for the sale of services to the public.

(d) Commissioners means the three Commissioners of the Navajo and Hopi Indian Relocation Commission.

(e) In-kind contribution means a noncash contribution as described in attachment F of OMB Circular A–102.

(f) Local government means a local unit of government including specifically a county, municipality, city, town, township, local public authority, special district, council of governments, and other regional or interstate entity, or any agency or instrumentality of a local government.

(g) Nonprofit organization means a corporation, partnership, individual, or other public or private entity that is engaged in a lawful business, professional, or instructional activity on a nonprofit basis and that has established its nonprofit status under applicable Federal, State, or Tribal law.

(h) Related facilities means any building or structure normally found in a community and includes but is not limited to water, sewer and electrical lines, community centers, health centers and clinics, roads, and business establishments.

(i) Services means activities relating to human development including, but not limited to, educational and job training, mental health counseling, health care, and technical assistance in business administration, agriculture, and home economics.

(j) Tribe means the Navajo Chapter or the Hopi Village.

(k) Tribal subdivision means a Navajo Chapter or a Hopi Village.

§ 700.455 Financial assistance.

(a) The Commission may provide financial assistance to applicants eligible under this subpart from funds available for any fiscal year.

(b) To obtain financial assistance, an applicant shall submit an application in accordance with § 700.463.

(c) The Commission may make funding decisions throughout the year as applications are approved. The Commission shall, to the extent possible, make funds available throughout the year for approved applications. Based upon the merit of applications received under this subpart, the Commission shall determine how funds available under this subpart shall be apportioned among the activities described in § 700.457 and § 700.459.

§ 700.457 Assistance to match or pay 30% of grants, contracts or other expenditures.

(a) The purpose of applications for financial assistance under this section shall be to aid individuals subject to relocation under the Act and to assist the host communities, towns, cities, or other entities in adjusting to and meeting the needs of the relocatees. For this purpose, the discretionary fund may be used to match or pay not to exceed 30% (thirty percent) of any grant, contract, or other expenditure of the Federal Government, State or local government, tribal government or chapter, or private organization for the benefit of the Navajo or Hopi Tribe, if the Commission determines that such grant, contract, or expenditure would significantly assist the Commission in carrying out its responsibility or assist either tribe in meeting the burdens imposed by this Act.

(b) An "other expenditure" under this subsection is defined as cooperative agreements, direct provision of services,

or in-kind contributions. The Commission may match or pay not to exceed 30% (thirty percent) of another expenditure through a grant, contract, or cooperative agreement.

(c) Eligible applicants under this section for a grant, contract, or cooperative agreement are defined as States, local government, the Navajo and Hopi Tribes, tribal chapters or villages and profit and nonprofit organizations.

(d) Total Federal financial assistance under this section may reach 100% (one hundred percent) if the applicant receives 70% (seventy percent) Federal funding from Federal agencies other than the Commission.

(e) When another Federal agency is a primary source of financial assistance for an applicant, the Commission may, pursuant to an interagency agreement, transfer funds to the primary Federal agency providing financial assistance to the applicant.

(f) The Commission may, pursuant to an interagency agreement, transfer not to exceed 10% (ten percent) of the funds available under this subpart to another Federal agency directly assisting relocatees if such agency's activities would accomplish the purpose of paragraph (a) of this section. Financial assistance transferred to accomplish an eligible activity under paragraph (a) of this section may not exceed the funding limitation of paragraph (a) of this section.

(g) An applicant may apply for financial assistance under this section in accordance with the funding limitations described in paragraph (a) for the purpose of undertaking a technical feasibility study of a construction project or any major project with a total funding of over $200,000 (two hundred thousand dollars) or any dollar amount which the Commission may prescribe at some future time.

§ 700.459 Assistance for demonstration projects and for provision of related facilities and services.

(a) The purpose of applications for financial assistance under this section shall be to aid individuals subject to relocation under the Act. For this purpose, the discretionary fund may be used by the Commission to engage or participate either directly through Federal activities, or by cooperative agreement, grant, or contract in demonstration efforts to employ innovative energy or other technologies in providing housing and related facilities and services in the relocation and resettlement of individuals under this Act.

(b) Applicants eligible under this section to receive grants, cooperative agreements or contracts are: states, local governments, the Navajo and Hopi Tribes, tribal chapters, profit and nonprofit organizations, and individuals.

(c) Applicants for assistance under this section may receive up to 100% (one hundred percent) project or program funding from the Commission, however, the Commission may specify whether applications for certain types of programs or projects under this section require matching funding from the applicant.

(d) Activities described in §§ 700.457(a) and 700.459(a) may be provided by the Commission through in-house activities which receive financial assistance under this section.

(e) The Commission may, pursuant to an interagency agreement, transfer not to exceed 10% (ten percent) of the funds available under this subpart to another Federal agency directly assisting relocatees if such agency's activities would accomplish the purpose of §§ 700.457(a) and 700.459(a).

(f) An applicant may apply for financial assistance under this section for the purpose of undertaking a technical feasibility study of a construction project, or any major project with a total planned funding of over $200,000, (two hundred thousand dollars) or any dollar amount which the Commission may prescribe at some future time.

§ 700.461 Method for soliciting applications.

(a) The Commission shall utilize two methods to solicit applications for funding:

(1) The Commission shall issue an annual announcement of the availability of funds for programs which will most effectively meet the purposes of §§ 700.457(a) or 700.459(a). Applicants submitting applications under this announcement must demonstrate that the proposed project or program will effectively facilitate and expedite the relocation effort of the Commission.

(2) As priority needs are identified by the Commission, calls shall be issued during the fiscal year for specific proposals. Requests for proposal shall define the need to be addressed and the scope of work required.

(b) The annual announcements of the availability of funds and periodic requests for proposals shall be issued through the Commerce Business Daily and media which has regional and local circulation. The Commission may fund approved applications through grant, contract, or direct provision of services, pursuant to Pub. L. 93–531, as amended.

§ 700.463 Requirements for applications.

(a) Applicants shall submit preapplications for funding assistance. The preapplication shall be due by the closing date published by the Commission, and shall consist of:

(1) Standard Form 424;

(2) A brief narrative not to exceed one page describing how the program or project will meet the priorities established by the Commission pursuant to §§ 700.457 or 700.459.

(b) The Commission shall respond to each preapplication, and shall request each person submitting an acceptable preapplication to submit an application.

(c) Applications for financial assistance for a project or program may be submitted by the due date established by the Commission for a particular funding cycle. Applications received after the due date will be considered for the next funding cycle, although the Commission, at its discretion, may select such a project for funding under the current cycle. An original and 5 (five) copies of each application must be submitted to the Commission. Applications shall be submitted on such forms as the Commission may prescribe in conformity with OMB circulars A102 or A110.

(d) Applications under § 700.457 for matching financial assistance not to exceed 30% of another expenditure, shall include:

(1) A detail sheet showing the sources of matching funds, including both cash and in-kind contributions, and documentation that the applicant has fulfilled all of the requirements of any Federal agency, state or local government or chapter, or private organization from which the financial assistance is also requested; and

(2) A narrative statement which includes an explanation of how the application would aid relocatees and assist the host communities, towns, cities, or other entities in adjusting to and meeting the needs of relocatees.

(e) Applications for financial assistance under § 700.459 must justify the proposed project or program as a demonstration effort in order to be eligible for 100% funding.

(f) Applications shall contain a statement of how the applicant plans to comply with the provisions of the Indian Self-Determination Act (25 U.S.C. 450e) and the Act of April 16, 1934 (48 Stat. 596) as amended (25 U.S.C. 452–457).

§ 700.465 Technical feasibility.

Unless required by a non-Commission source of financial assistance, completed plans and specifications are

not required at the time an application is submitted for construction, technology, or another engineering project, however, an application for a construction, technology or another engineering project shall:

(a) Include sufficient information to determine the nature and scope of the project, its probable useful life, and a reasonable estimate of cost;

(b) Fully show that the applicant will follow design and performance criteria which conform to professionally recognized standards and which adequately define the technical capability of the project to serve current and foreseeable needs; and

(c) Justify any evidence or use of unorthodox design.

(d) Show that the applicant has a management plan for the facility which identifies probable sources of operating funds.

(e) An applicant who is awarded a grant under § 700.465 is required to submit completed plans and specifications for the construction, technology, or other engineering project prior to construction. The Commission shall review the completed plans and specifications for technical adequacy as part of its oversight function.

§ 700.467 Construction costs.

Construction costs and costs relating to construction such as machinery and equipment, architect/engineer services, and administrative services may be allowable as determined by the Commission.

§ 700.469 Unallowable program and project costs.

Costs for program or project operating expenses are not allowable except in the following cases—

(a) An application for an annual contract for services under §§ 700.457 or 700.459 may include necessary operating expenses; and

(b) An application for a demonstration effort under § 700.459 may include costs relating to the operation of the demonstration.

§ 700.471 Review and approval.

(a) Upon receipt of an application for financial assistance under this subpart, members of the Commission staff shall begin a preliminary review of the application with the intent of submitting a recommendation to the Commissioners of whether to accept or deny the application. The Commission staff may inform the applicant before its recommendation to the Commissioners, of any special problems or impediments which may result in a recommendation for disapproval; may offer any available technical assistance required to overcome such problems or impediments; and solicit the applicants written response.

(b) The Commission staff may solicit comments on an application from technical specialists, community groups and others, when such advice is needed to fully evaluate the application.

(c) The Commission staff shall forward the application with their recommendation to the Commissioners. The Commissioners may approve applications if they determine that:

(1) The application meets the requirements of this subpart;

(2) The application meets the intent of the Act;

(3) The application fully demonstrates that it will expedite the relocation and resettlement of individuals under the Act and ease the hardship incurred by these individuals or by the Tribes;

(4) The application is compatible with priorities identified by the Commission;

(5) The applicant can carry out the activities described in the application and can maintain proper financial controls on the activities for which financial assistance is requested;

(6) The applicant can and will comply with requirements for Indian preference in employment and training in connection with the administration of the grant, and preference to Indian organizations and Indian owned economic enterprises in the award of subcontracts or subgrants; and

(7) Funds are available.

(d) All applicants shall be notified in writing of the Commission's approval or disapproval of the grant applications.

§ 700.473 Administrative expenditures of the Commission.

The Commission may use funds in an amount not to exceed 5 percent of the funds authorized under this subpart for expenses relating to the administration of the discretionary fund including—

(a) Personnel, whose time is expended directly in support of such administration;

(b) Supplies which are expended directly in support of such administration;

(c) Contracts, where the work performed is directly related to such administration;

(d) Printing, directly in support of such administration; and

(e) Travel, directly related to such administration.

§ 700.475 Reports.

Reports shall be furnished by any recipient of financial assistance under this subpart, in such manner as may be required by the Commission.

§ 700.477 Administration of financial assistance and recordkeeping requirements.

(a) A State or local government [except an institution of higher education or a hospital since they are governed by paragraph (b)], or the Navajo or Hopi Tribe receiving a grant or cooperative agreement under this subpart shall comply with applicable law including the following requirements—

(1) Office of Management and Budget Circular A–102, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments" including attachment C describing recordkeeping requirements; and

(2) Federal Management Circular 74–4 5 CFR Part 1310, entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments."

(b) A nonprofit organization, institution of higher education, or hospital receiving a grant or cooperative agreement under this subpart shall comply with applicable law including the following requirements—

(1) Office of Management and Budget Circular A–110, entitled "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations" including attachment C describing recordkeeping requirements; and

(2) Office of Management and Budget Circular A–122, entitled "Cost Principles for Nonprofit Organizations."

(c) A profit organization receiving a grant or cooperative agreement under this subpart shall comply with applicable law including Federal Procurement Regulations (41 CFR Subpart 1–15.2) for determining the reasonableness, allowability, and allocability of costs.

(d) A profit organization, tribal chapter, or individual receiving a grant or cooperative agreement under this subpart shall—

(1) Follow sound and proper procedures for the administration of the financial assistance including any procedures established by the Commission; and

(2) Retain records as required by the Commission.

(e) A State, local government, the Navajo or Hopi Tribe, a tribal chapter or an individual receiving a contract under this subpart shall comply with applicable law including Federal Procurement Regulations (41 CFR Parts 1–1 through 1–30). Recordkeeping requirements for contracts are described in §§ 1–3.814–2, 1–7.103–3, 1–7.103–18, 1–

7.603–20, and 1–7.603–7 of the Federal Procurement Regulations.

(f) A State, local government, profit or nonprofit organization, or an individual residing off of the Navajo or Hopi reservation applying for a grant or cooperative agreement under this subpart shall comply with Office of Management and Budget Circular A–95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects" unless exempted under Part I, section 8.b. of this circular.

(g) Recipients of financial assistance under this subpart shall comply with other procedures which the Commission may from time to time prescribe for the administration of financial assistance provided under this subpart.

(h) A state or local government, nonprofit organization, institution of higher education, hospital, profit organization or individual receiving a grant, subgrant, contract or subcontract under this part shall comply with the provisions of the Indian Self-Determination Act (25 U.S.C. 450e) and the Act of April 16, 1934 (48 Stat. 596) as amended (25 U.S.C. 452–457) which require that to the greatest extent feasible:

(1) Preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians; and

(2) Preference in the award of subcontracts and subgrants in connection with the administration of such contracts or grants shall be given to Indian organization and to Indian owned economic enterprises as defined in Section 3 of the Indian Financing Act of 1974 (88 Stat. 77) (25 U.S.C. 1452).

§ 700.479 Administrative review.

(a) If the Commissioners determine that implementation of an application approved according to § 700.471 fails to meet the requirements of this subpart, the Commissioners shall give notice to the recipient of their intent to terminate or suspend financial assistance to the recipient.

(b) The Commission shall issue such notice in written form sent by registered mail, return receipt requested, which notice shall include a statement of the reasons for the findings referred to in paragraph (a) of this section, and an explanation whether any amendments or actions would result in compliance with grant terms and conditions.

(c) Any person whose approved financial assistance is terminated or suspended under paragraph (b) of this section may request a review of such action by the Commission. Such request for review shall be in writing and must be mailed or delivered to the Commission not later than thirty (30) days after receipt of the notice from the Commission by the applicant. Such request for review shall state the reasons for the request and shall include any additional matters not before the Commission which the applicant deems appropriate. The Commission may grant or deny a review at its discretion and shall inform the applicant of its decision in writing.

Hawley Atkinson,

Chairman, Navajo-Hopi Indian Relocation Commission.

[FR Doc. 82–35192 Filed 12–28–82; 8:45 am]

BILLING CODE 7560–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 4a

[T.D. 7865]

Temporary Income Tax Regulations Relating to Source of Income; Source of Interest and Dividends

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary income tax regulations relating to the source of interest derived from resident alien individuals and domestic corporations and the source of dividends derived from domestic corporations under section 861 of the Internal Revenue Code of 1954. The temporary regulations are necessary to effectuate the intended purpose of the rules for determining the source of interest and dividend income.

EFFECTIVE DATE: The amendments are effective for interest and dividends received or accrued after December 29, 1982.

FOR FURTHER INFORMATION CONTACT: Martha E. Kadue of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

Section 861 prescribes rules for determining when certain items of gross income shall be treated as income from sources within the United States. Subsection (a)(1) states that interest on indebtedness of a United States resident (including a corporation) is generally treated as income from U.S. sources. One of the exceptions to this general rule, found in section 861(a)(1)(B), is for U.S. resident alien individuals and domestic corporations that have derived less than 20 percent of their gross income for their prior three taxable years from U.S. sources. Interest received from these individuals and corporations is treated as income from sources outside the United States under section 862(a)(1).

Subsection (a)(2)(A) of section 861 provides generally that dividends from domestic corporations are treated as income from U.S. sources. However, if the domestic corporation derived less than 20 percent of its gross income for its prior three taxable years from sources within the United States, the dividend is treated as income from sources outside the United States under section 862(a)(2).

Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States each have a separate territorial income tax system and generally apply the Internal Revenue Code as their territorial income tax law by substituting the name of the possession for the words "United States" as appropriate. These "mirror codes" include the source rules described above. Except as otherwise required, United States corporations are foreign corporations under these mirror codes. While each of these possessions has a separate tax system, each of those mirror codes together with the Internal Revenue Code forms an integrated scheme of income taxation.

Fixed and determinable annual and periodical income received by a U.S. person from sources within the above-mentioned possessions is not subject to tax to the recipient by certain of these possessions. These tax rules are generally designed to encourage U.S. investment in such possessions. They are not intended or designed to allow income earned in such possessions by a foreign person (not a citizen, resident, or domestic corporation of either jurisdiction) to avoid taxation by both the possession and the United States under sections 871(a) and 881(a) of their respective tax codes. Accordingly, these temporary regulations provide that income derived from Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States that is not subject to tax to the recipient by that jurisdiction is treated as U.S. source income for purposes of the source of income rules in section 861 (a)(1)(B) and (a)(2)(A). These temporary regulations shall be effective for interest and dividends

received or accrued after December 29, 1982.

This regulation is necessary to effectuate the intent of the statutory pattern described above. For this reason, it is found impractical to issue these regulations with notice and public comment procedures as outlined under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Executive Order 12291

The Commissioner of Internal Revenue has determined that this final regulation is not subject to Executive Order 12291.

Drafting Information

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

List of Subjects in 26 CFR Part 4a

Income tax, Sources of income.

Adoption of the temporary regulations

Accordingly, a new Part 4a, Temporary Income Tax Regulations Relating to Source of Income, is added to Title 26 of the Code of Federal Regulations, and the following temporary regulations are adopted:

PART 4a—TEMPORARY INCOME TAX REGULATIONS RELATING TO SOURCE OF INCOME

Sec.

§ 4a.861–1 Special rules for determining source of interest and dividends.

Authority: Sec. 7805, 68A Stat. 917 (26 U.S.C. 7805).

§ 4a.861–1 Special rules for determining source of interest and dividends.

(a) *In general.* For purposes of § 1.861–2(b)(2) and (c)(2), and § 1.861–3(a)(2), income derived from Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States that is not subject to tax to the recipient by that jurisdiction shall be considered income from sources within the United States.

(b) *Effective date.* This section shall be effective for interest and dividends received or accrued after December 29, 1982.

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

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: December 22, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82-35312 Filed 12-28-82; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 5f

[T. D. 7864]

Change in Annual Accounting Period of Possessions Corporations and Virgin Islands Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to changes in accounting periods under § 1.442–1(c) of the Income Tax Regulations and is necessitated by amendments to sections 936 and 934(b) by the Tax Equity and Fiscal Responsibility Act of 1982. These temporary regulations provide guidance to corporations entitled to benefits under section 936 or section 934(b) and which seek to change their annual accounting period.

DATE: The regulations apply to corporations which file, after September 3, 1982, statements for a change in annual accounting period.

FOR FURTHER INFORMATION CONTACT: Jacob Feldman of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Attention: CC:LR:T, (202) 566–3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

Section 213 of the Tax Equity and Fiscal Responsibility Act of 1982 has changed the tax advantages derived by many corporations which have elected the benefits of section 936 (relating to Puerto Rico and possession tax credit) and corporations entitled to the benefits of section 934(b) (relating to certain domestic and Virgin Islands corporations). This statutory amendment is effective for taxable years beginning after December 31, 1982. Thus, the effect of the legislation could be delayed by a corporate taxpayer changing its annual accounting period to begin just before that date. Section 1.442–1(c) of the regulations provides for an automatic change in a taxpayer's annual accounting period if certain conditions are satisfied. Moreover, it appears that corporations entitled to benefits under sections 936 or 934(b) may be able to satisfy the conditions under the regulation. The effect of such automatic changes would be to delay the impact of the statutory amendments beyond the period that Congress intended. Therefore, this temporary regulations is issued to provide that an automatic change of annual accounting period is not permitted if the corporation has in effect an election under section 936 or is entitled to the benefits of section 934(b), and the change is attempted after September 3, 1982, the date of enactment of the Tax Equity and Fiscal Responsibility Act of 1982.

However, a taxpayer may still seek prior approval of the Commissioner to change its annual accounting period, in accordance with § 1.442–1(b).

For the reasons set forth above, there is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For these reasons, it is found impracticable to issue it with notice and public procedure under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(b).

Executive Order 12291

The Commissioner of Internal Revenue has determined that this temporary regulation is not a major regulation and, therefore, is not subject to Executive Order 12291.

Drafting information

The principal author of this regulation is Jacob Feldman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR Part 5f

Income taxes, Tax Equity and Fiscal Responsibility Act of 1982.

Adoption of amendments to the regulations

Accordingly, 26 CFR Part 5f is amended by the addition of the following new section in the appropriate place.

PART 5f—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Authority: 26 U.S.C. 7805.

§ 5f.442-1 Temporary regulations relating to change of annual accounting period.

(a) *In general.* Nowithstanding paragraph (c) (1) and (2) of § 1.442-1 of the Income Tax Regulations, a corporation which—

(1) Is described in section 934(b) and is an inhabitant of the Virgin Islands (within the meaning of section 28(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1642)), or

(2) Has in effect an election under section 936 may change its taxable year only if it secures the prior approval of the Commissioner in accordance with paragraph (b)(1) of § 1.422-1.

(b) *Effective date.* This section shall apply only if the statement described in paragraph (c)(1) of § 1.442-1 is filed after September 3, 1982.

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

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: December 22, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82-35314 Filed 12-28-82; 8:45 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-122; Ref: Notice No. 402]

Solano County Green Valley Viticultural Area

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

ACTION: Final rule, Treasury decision.

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

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

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

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

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

Mr. Ben A. Volkhardt, president of the West Solano County Grape Growers Association, petitioned ATF to establish a viticultural area in Solano County, California, to be known as "Green Valley." In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 402, in the **Federal Register** on January 11, 1982 (47 FR 1149), proposing the establishment of the Green Valley viticultural area.

Comments

One comment was received during the comment period. The comment was from Ms. Audrey M. Sterling, one of the partners of the Iron Horse Ranch and Vineyard located in Sonoma County, California. Ms. Sterling stated that she has a petition pending with ATF for the establishment of a viticultural area in Sonoma County to be known as "Green Valley." She stated that her vineyard is located in a valley which has historically been known as "Green Valley." Ms. Sterling suggested that since ATF has two pending petitions for viticultural areas to be named Green Valley, one should be designated "Green Valley—Solano County" and the other should be designated "Green Valley—Sonoma County." As an alternative proposal, Ms. Sterling suggested that the names "Solano—Green Valley" and "Sonoma—Green Valley" be used.

After careful consideration of this comment, ATF has decided that the most appropriate name for this viticultural area is Green Valley provided that the words "Solano County" appear in direct conjunction with the name "Green Valley" on the wine label. To allow for flexibility in label design, the words "Solano County" may be reduced in type size to the minimum allowed in 27 CFR 4.38(b).

Evidence of the Name

The name of the area, Green Valley, was well documented by the petitioner. After evaluating the petition and the comment received, ATF believes that the name "Solano County" should be made a part of the viticultural area name in order to distinguish this area from Green Valley located in Sonoma County. ATF believes that the name "Green Valley", qualified by the words "Solano County," is the most appropriate name for this area and that the use of this name will eliminate any possible consumer confusion concerning which of the two "Green Valley" areas grew the grapes.

Geographical Evidence

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

The petition and attached documents show that Green Valley is located in the southwestern portion of Solano County adjacent to the Napa County line and west of Suisun Valley. Green Valley is a small valley approximately one mile wide and four miles long and has about 400 acres of grapes within its boundaries. It lies within the southern end of two ranges of the Coast Range, the Vaca Mountains on the east and the Mount George Range on the west. The valley terminates in the south at the marshlands of Suisun Bay.

Green Valley lies within the Coastal area climate and is characterized by cool, moist winds blowing inland from the ocean and bay almost continuously from May through early Fall.

The climate in Green Valley is mid-region III as classified by the University of California at Davis system of heat summation by degree-days.

The season totals for degree-days above 50 degrees Fahrenheit for Green Valley were 3,683.9 in 1973 and 3,498.2 in 1974. In comparison, the season totals for upper Suisun Valley were 3,768.4 in 1973 and 3,700.5 in 1974. In mid-Suisun Valley the season totals were 3,460.4 in 1973 and 3,256.3 in 1974. Suisun Valley lies directly east of Green Valley.

Due to the proximity of Green Valley to the Pacific Ocean, fog is very prevalent in the valley during the months of May, June, July and August. In contrast, fog hardly ever penetrates into

the nearby Suisun Valley or into the Vacaville-Dixon area which lies to the east of Suisun Valley.

The soil in Green Valley consists of Conejo clay loam. In contrast the soil in Suisun Valley consists of Brentwood clay loam, Sycamore silty clay loam, San Ysidro sandy loam, and Rincon clay loam. The soil in the Vacaville-Dixon area consists of Yolo loam, Yolo silty clay loam, and Brentwood clay loam.

The watershed in Green Valley drains southward into the Suisun Bay. In the Vacaville-Dixon area, which lies to the east of Green Valley and Suisun Valley, the watershed drains eastward into the Sacramento River.

After evaluating the petition and the comment received, ATF has determined that due to the topographic and climatic features of Green Valley, it is distinguishable from the surrounding areas.

Boundaries

The boundaries proposed by the petitioner are adopted. ATF believes that these boundaries delineate an area with distinguishable physical and climatic features.

Miscellaneous

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

Executive Order 12291

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

Regulatory Flexibility Act

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

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

Disclosure

A copy of the petition and appropriate maps with boundaries marked are available for inspection during normal business hours at the following location:

ATF Reading Room, Room 4405
Office of Public Affairs and Disclosure
12th and Pennsylvania Avenue, NW
Washington, DC 20226

Drafting Information

The principal author of this document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

List of Subjects in 27 CFR Part 9

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

Authority and Issuance

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

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.44 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

§ 9.44 Solano County Green Valley.

* * * * *

Par. 2. Subpart C is amended by adding § 9.44 as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.44 Solano County Green Valley.

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

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

(1) "Mt. George Quadrangle, California", 7.5 minute series (1968); and

(2) "Cordelia Quadrangle, California", 7.5 minute series (1968).

(c) *Boundaries.* The Green Valley viticultural area is located in Solano County, California. The beginning point is the intersection of the township line identified as T6N/T5N with the westernmost point of the Solano County/Napa County line on the north border of Section 4, located on U.S.G.S. map "Mt. George Quadrangle."

(1) From the beginning point, the boundary runs in a southerly direction along the Napa/Solano County border to State Road 12;

(2) Thence east along State Road 12 to where it intersects with Interstate 80;

(3) Thence southwest on Interstate 80 to where it intersects with the Southern Pacific Railroad track;

(4) Thence in an easterly direction along the Southern Pacific Railroad track to where it intersects with range line "R3W/R2W";

(5) Thence due north on range line "R3W/R2W" to where it intersects with the Solano County/Napa County line;

(6) Thence due west along the Solano County/Napa County line to the point of beginning.

Signed: November 17, 1982.

W. T. Drake,

Acting Director.

Approved: December 6, 1982.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 82-35280 Filed 12-23-82; 4:57 pm]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340-21]

Privacy Act of 1974; Personal Privacy and Rights of Individuals Regarding Personal Records

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: The Army hereby adopts exemption rule for Army system of records A0917.10DASG, Family Advocacy Case Management Files.

EFFECTIVE DATE: January 17, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Headquarters, Department of the Army (DAAG-AMR-S), 2461 Eisenhower Avenue, Alexandria, VA 22331; telephone (703) 325-6163.

SUPPLEMENTARY INFORMATION: In 47 FR 51767, November 17, 1982, the Army proposed to amend the exemption rule for the above system of records which had been re-described.

List of Subjects in 32 CFR Part 505

Privacy.

PART 505—[AMENDED]

In that no comments were received concerning this proposed amendment, the rule is adopted as proposed and § 505.9 of 32 CFR is amended to read as follows:

* * * * *

Exempted Record System

(Specific Exemptions)

ID—A0917.10DASG

SYSNAME—Family Advocacy Case Management Files.

EXEMPTION—All portions of this system which fall within 5 U.S.C. 552a(k)(2) and (5) are exempted from the following provisions of Title 5 U.S.C., section 552a: (d).

AUTHORITY—5 U.S.C., 552a(k)(2) and (5).

REASONS—Exemptions are needed in order to encourage persons having knowledge of abusive or neglectful acts toward children to report such sources from embarrassment or recriminations as well as to protect their right to privacy. It is essential that the identities of all individuals who furnish information under an express promise of confidentiality be protected. In the case of spouse abuse, it is important to protect the privacy of spouses seeking treatment. Additionally, granting individuals access to information relating to criminal and civil law enforcement could interfere with ongoing investigations and the orderly administration of justice in that it could result in the concealment, alteration, destruction, or fabrication of information, could hamper the identification of offenders or alleged offenders, and the disposition of charges, and could jeopardize the safety and well-being of parents, children, and abused spouses.

* * * * *

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense,

December 21, 1982.

[FR Doc. 82-35288 Filed 12-28-82; 8:45 am]

BILLING CODE 3710-08-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 304

[Docket No. CRT 82-2]

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

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: Copyright Royalty Tribunal (Tribunal) adopts rule establishing the terms and rates of royalty payments for the use of published nondramatic musical works and published pictorial, graphic, and sculptural works by public broadcasting entities as required by 17 U.S.C. 118 (b) and (c). The rule also establishes procedures by which copyright owners may receive reasonable notice of the use of their works, and for the keeping by public broadcasting entities of records of such use.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Edward W. Ray, Chairman, Copyright Royalty Tribunal, 1111 20th Street, NW., Room 450, Washington, D.C. 20036, 202-653-5175.

SUPPLEMENTARY INFORMATION: 17 U.S.C. 118 establishes a copyright compulsory license for the use by noncommercial broadcasting of published nondramatic musical works and published pictorial, graphic, and sculptural works. 17 U.S.C. 118(c) provides that between June 30 and December 31, 1982 the Tribunal shall conduct a proceeding for the determination of reasonable terms and rates of royalty payments for the use of these works. 17 U.S.C. 118(b) requires the Tribunal to adopt regulations by which copyright owners may receive reasonable notice of the use of their works and for the keeping by public broadcasting entities of records of such uses. The Tribunal published in the **Federal Register** of June 30, 1982 (47 FR 28446) notice of the commencement of the proceeding required by 17 U.S.C. 118 (c) to adopt a schedule of rates and terms to replace those established by the Tribunal in 1978 (43 FR 25068-73), and subsequently amended.

The Tribunal conducted public hearings to receive testimony on the rates and terms of royalty payments and the regulations required by 17 U.S.C. 118(b) on November 12 and 15, 1982. The Tribunal at a public meeting on December 20, 1982 adopted the final rule.

17 U.S.C. 118(b)(2) provides that "License agreements voluntarily negotiated at any time between one or more copyright owners and one or more public broadcasting entities shall be given effect in lieu of any determination by the Tribunal." The Tribunal has been notified that voluntary agreements have been filed in the Copyright Office on behalf of the Public Broadcasting System (PBS) and National Public Radio (NPR) with each of the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), SESAC, and the Harry Fox Office.

The Tribunal on November 1, 1982 received a Joint Proposal of ASCAP and the Intercollegiate Broadcasting System (IBS), which includes among its membership the majority of noncommercial educational radio stations licensed to schools, colleges, and universities. These entities presented a joint proposal, rather than entering into a voluntary agreement, because IBS does not represent all noncommercial educational radio stations licensed to colleges and universities, and IBS does not have power to bind its members to an agreement. BMI and SESAC subsequently advised the Tribunal of their endorsement of the Joint Proposal.

Summary of Testimony

The Tribunal hearings were divided between the consideration of rates and terms for musical works and visual works.

The PBS music case was presented by Gwendolyn Wood, PBS Copyright Administrator, and James Klutz, Vice President and Chief Financial Officer of PBS. Ms. Wood testified as to the voluntary agreements reached by PBS, the music provisions of the regulations proposed by PBS, the experience of PBS with the Tribunal's 1978 regulations, and the PBS administration of the reporting requirements. Ms. Wood also testified that section 118 is "essential in enabling us to reach these voluntary agreements; it provides us with access that we need."

Mr. Klutz testified that during the next five years PBS faces a "most unsettled future" and that "sources of revenue have become less certain."

NPR's music case was presented by Carol Whitehorn, copyright attorney, NPR, and Thomas Warnock, NPR Executive Vice President. Ms. Whitehorn testified as to the voluntary agreements reached by NPR, NPR's opposition to cost-of-living adjustments (COLA's) and support for rate "step-ups" in lieu of COLA's, the experience of NPR with the Tribunal's 1978 regulations, the NPR administration of the reporting requirements, and the music regulations proposed by NPR. Mr. Warnock described the NPR sources of income, efforts to generate new sources of income, the role of the Corporation for Public Broadcasting in paying NPR's copyright costs, and NPR's need for "business certainty" in copyright expenditures and "the need to lower the annual increases."

Thomas J. Thomas, President of the National Federation of Community Broadcasters (NFCB), testified on behalf of those member stations who do not qualify for operational support of the Corporation for Public Broadcasting and thus are not included in the voluntary agreements reached by NPR with the music licensing agencies. He testified that there are about 21 Federation stations in this category, which account for "most of the stations" that would be covered by the Tribunal's schedule for unaffiliated stations. Mr. Thomas proposed that the Tribunal abolish the distinction between stations licensed to colleges and universities and unaffiliated stations. He testified that in 1978 the Tribunal established rates for community stations without adequate information because the stations were not represented, that the stations now remaining in the unaffiliated category have budgets of under $100,000 and an average of approximately $40,000, that commercial FM stations with budgets of less than $100,000 pay music license fees of 1.69 percent of revenues, that community stations play less music than commercial stations and that the ASCAP proposal is unjustified because it is based on a selective application of the existing fee schedule. He discussed NFCB's objections to revenue or budget based fee schedules, and their support for a schedule with a "step-up series of rates". Mr. Thomas proposed a schedule of fees commencing at $140 with increases of $10 a year for use of ASCAP and BMI music, and a schedule for use of SESAC music commencing at $31. The proposed schedule provides for payment of the royalty fee at the end of the year rather than at the start.[1]

The performing rights societies, ASCAP, BMI and SESAC, made a unified presentation. David Hockman, Director of Radio Licensing of ASCAP testified as to the justification for the application of a budget based license fee to the unaffiliated stations linked to a minimum fee and a COLA adjustment of the minimum fee,[2] that the ASCAP commercial radio station license fee is an effective rate of 1.9 percent, and described the collection of radio licensing fees. He also testified that a non-commercial compulsory license is not necessary. Mr. Nicholas Arcomano, Vice President and Counsel, SESAC, made a statement concerning the voluntary agreements entered into by SESAC, subscribed to the Joint Proposal establishing rates for the colleges and universities, and opposed relating the rates for unaffiliated stations to a percentage of budget.

Mr. Albert Berman, President of the Harry Fox Office explained the voluntary agreements reached for recording and synchronizing rights.

Mr. Leonard Feist, President of the National Music Publishers Association urged the Tribunal to adopt rates and terms applying to recording and synchronization rights not less favorable to music publishers than those provided in the voluntary agreements and to provide an appropriate rate of compensation for local non-commercial broadcasting uses of musical works. Mr. Feist also testified that a non-commercial broadcasting compulsory license for recording rights is not necessary.

The PBS visual case was presented by Gwendolyn Wood, PBS Copyright Administrator, and Andy Halper, General Counsel for WGBH Educational Foundation. Miss Wood testified as to the rates and terms proposed by PBS for use of visual works, explained that PBS had concluded that a separate local rate for visuals was appropriate because the bulk of such uses are on the local level, and that the rates proposed by the Coalition of Visual Artists Organizations (Coalition) would deny PBS access to visual works in their programs. Mr. Halper testified concerning the use of cue sheets for visual works and his experience in obtaining visual rights by purchase.

The case of the Coalition of Visual Artists Organizations encompassing ASMP (American Society of Magazine Photographers), The Graphic Artists Guild, Inc., National Cartoonists Society, Cartoonists Guild, Inc., Artists Equity Association, Inc., The Association of American Editorial Cartoonists, Artists Equity Association of New York, Inc., Foundation for the Community of Artists, Inc., Society of Illustrators, Inc., was presented by John Lewis Stage. He testified as to the creation and value of a photographer's body of creative work (known as a "stock file") which may be managed by a photo stock agency, the varied uses of stock photographs, rates for stock photographers, the visual rates proposed to the Tribunal by the Coalition, the use of visual cue sheets and the operation of the trust fund for unknown copyright owners. He testified that the existing system is "unworkable" and that the compulsory license of visual works should be repealed by Congress.

Policy Matters

In each of our royalty adjustment proceedings we look first to the Copyright Act and the legislative history for guidance. The Tribunal has consistently held that the Copyright Act does not contemplate the Tribunal establishing rates below the reasonable market value of the copyrighted works subject to a compulsory license. As we discussed in our 1978 public broadcasting opinion,[3] we have found the congressional committee reports to be particularly useful. The House Judiciary Committee report stated that Congress "did not intend that owners of copyrighted material be required to subsidize public broadcasting."[4] The

[1] National Federation of Community Broadcasters, Exhibit 1.

[2] See Pre-Hearing Statement of ASCAP providing for an ASCAP rate of $268, or 1.5 percent of budget, whichever is greater, together with a cost of living adjustment of the dollar amount fee.

[3] 43 FR 25068.

[4] H.R. 94-1476, p. 118.

Senate Judiciary Committee report stated that section 118 "requires the payment of copyright royalties reflecting the fair value of the materials used." [5]

In our 1978 public broadcasting royalty determination, we observed that the public broadcasting proceeding was "not an appropriate occasion" for making judgments concerning the "relationship among the several performing rights societies as to the value of their repertory and the use of their music." We therefore stated that "the ratio resulting from this schedule of rates is not intended in any respect to establish a precedent for any other rate proceeding, including any future proceeding pursuant to 17 U.S.C. 118". The performing rights societies in the 1982 public broadcasting proceeding made a joint presentation. In the particular circumstances of this proceeding, it would not be appropriate for the Tribunal to use the ratios established here as a precedent in any other Tribunal proceeding or for any purpose.

Because of the requirements of the Copyright Act, the Tribunal in the 1978 proceeding was placed in the position of establishing some rates and terms in the absence of adequate record evidence because of the failure of certain interests to appear or submit evidence. We stated:

> The CRT has adopted this schedule on the basis of the record made in this proceeding. When this matter again comes before the CRT, the CRT will have the benefit of several years experience with this schedule. The CRT does not intend that the adoption of this schedule should preclude active consideration of alternative approaches in a future proceeding. [6]

While we have not been persuaded that any change in the basic structure of our rate schedule is necessary, we have on the basis of experience and an improved record made minor adjustments in the rate schedule and the reporting regulations. We discuss below the Tribunal's determinations on the principal issues requiring resolution in this proceeding.

Performance of Musical Compositions By Public Broadcasting Entities Licensed to Colleges and Universities

The IBS and ASCAP submitted a Joint Proposal, but IBS filed a letter at the time of the hearings indicating that the college stations found "completely acceptable" the proposals of other public broadcasting entities which provided for periodic stepped adjustments in lieu of an annual COLA, and for payment of the required fees at the end of the calendar year rather than at the beginning of the year. [7] This letter was received into evidence over the objections of the performing rights societies.

We have adopted the rates and terms of the Joint Proposal. The provisions of this proposal for an annual COLA and for payment by January 31 are reasonable, and in accord with our current regulation. Although we agreed to consider the altered position of IBS, the Tribunal expresses its disapproval of the circumstances in which this matter was presented by IBS, and the apparent failure to notify ASCAP of its modified position.

Performance of Musical Compositions by Public Broadcasting Entities Other Than NPR or College Stations

As a result of voluntary agreements and the exclusion of radio stations licensed to colleges and universities, the radio stations covered by § 304.6 is restricted to some 21 NFCB member stations and 26 other stations. [8] The Tribunal reviewed our existing rate schedule for unaffiliated stations in light of the record evidence as to the profile of the stations in this category.

We resolved that the rate should not be linked to wattage or percentage of the stations budget. We further resolved that we should adopt a flat rate with annual pre-determined adjustments. The pre-determined adjustments will accord the copyright owners a higher payment to reflect the increase in the cost of living, while providing the radio station with certainty as to the amount of the fee. We established our schedule in 304.6 taking into account the budgets of these stations (where known), the rates we have adopted for college stations, and the record evidence as to the fees paid for performance rights by the smallest commercial radio stations.

Local Recording Rates

The Tribunal reaffirms the conclusion we reached in the 1978 proceeding that "the copyright owners of musical works which are recorded under the statutory compulsory license by local stations and regional networks of PBS and NPR and other public broadcasting entities shall be compensated for such uses." [9] Based on the experience of the past four years, we have reviewed the relationship between the national and local recording rates. This review has persuaded us to reduce the local recording rates.

Visual Works

We have resolved that the Coalition evidence provides no basis for the establishment of reasonable royalty rates under section 118. In particular, we reject the use of stock photo house rates and rates published by the American Society of Magazine Photographers (ASMP) as the basis for the determination of section 118 rates. We concur in the PBS finding that "There is no clear or creditable evidence linking the New York City stock photo house letters or the ASMP booklet rates to television use of photographs." [10]

We have accepted the proposal of PBS that our schedule for visual works should be geared to the current Tribunal rates with stepped up increases. We have retained the provision of our schedule providing for unlimited broadcast use during a three year period. Our record indicates that three year rights is in accord with standard industry practice.

We have accepted the proposal of PBS that additional usage after the initial three year period should be available at a reduced rate because of the passage of time and the repetitious usage. We have also adopted the proposal of PBS that the appearance of an image of three seconds or less be paid at the background or montage rate rather than the featured display rate.

The Coalition has argued that our rule should provide for the reporting by PBS of "*all* uses of pictorial, graphic, and sculptural works—not merely those that are used subject to a compulsory license." [11] We hold that the Tribunal has no jurisdiction to require any recordkeeping or reporting other than for uses made pursuant to section 118.

List of Subjects in 37 CFR Part 304

Copyright, Radio, Television.

For the reasons set out above, 37 CFR Part 304 is revised to read as follows:

PART 304—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL BROADCASTING

Sec.

304.1 General.
304.2 Definition of public broadcasting entity.
304.4 Performance of muscial composition by PBS, NPR and other public broadcasting entities engaged in the activities set forth in 17 U.S.C. 118(d).

[5] S.R. 94–473, p. 101.

[6] 43 FR 25069.

[7] Letter of Jeffrey N. Tellis, President of IBS to Chairman Thomas C. Brennan, Nov. 11, 1982.

[8] Rebuttal Statement of ASCAP, p. 8.

[9] 43 FR 25069.

[10] PBS, Post-Hearing Statement.

[11] Pre-Hearing Statement, Coalition of Visual Artists Organizations, p. 3.

Sec.

304.5 Performance of musicial compositions by public broadcasting entities licensed to colleges or universities.
304.6 Performance of musical compositions by other public broadcasting entities.
304.7 Recording rights, rates and terms.
304.8 Terms and rates of royalty payments for the use fo published pictorial, graphic, and sculptural works.
304.9 Unknown copyright owners.
304.10 Cost of living adjustment.
304.11 Notice of restrictions on use of reproductions of transmission programs.
304.12 Amendment of certain regulations.
304.13 Issuance of interpretative regulations.

Authority: Pub. L. 94–553.

§ 304.1 General.

This Part 304 establishes terms and rates of royalty payments for certain activities using published nondramatic musical works and published pictorial, graphic, and sculptural works during a period beginning on January 1, 1983 and ending on December 31, 1987. Upon compliance with 17 U.S.C. 118, and the terms and rates of this part, a public broadcasting entity may engage in the activities with respect to such works set forth in 17 U.S.C. 118(d).

§ 304.2 Definition of public broadcasting entity.

As used in this part, the term "public broadcasting entity" means a noncommercial educational broadcast station as defined in section 397 of title 47 and any nonprofit institution or organization engaged in the activities described in 17 U.S.C. 118(d)(2).

§ 304.4 Performance of musical compositions by PBS, NPR and other public broadcasting entities engaged in the activities set forth in 17 U.S.C. 118(d).

The following schedule of rates and terms shall apply to the performance by PBS, NPR and other public broadcasting entities (other than those covered by §§ 304.5 and 304.6) engaged in the activities set forth in 17 U.S.C. 118(d), of copyrighted published nondramatic musical compositions, other than such compositions subject to the provisions of 17 U.S.C. 118(b)(2).

(a) *Determination of royalty rate.*

For the performance of such a work in a feature presentation of PBS:

1983–1984	1985–1986	1987
$140.00	$148.00	$157.00

For the performance of such a work as background or theme music in a PBS program:

1983–1984	1985–1986	1987
$35.00	$37.30	$39.65

For the performance of such a work in a feature presentation of a station of PBS:

1983–1984	1985–1986	1987
$10.00	$12.00	$13.00

For the performance of such a work as background or theme music in a program of a station of PBS:

1983–1984	1985–1986	1987
$2.50	$2.70	$2.85

For the performance of such a work in a feature presentation of NPR:

1983–1984	1985–1986	1987
$14.00	$14.90	$15.85

For the performance of such a work as background or theme music in an NPR program:

1983–1984	1985–1986	1987
$3.50	$3.70	$3.90

For the performance of such a work in a feature presentation of a station of NPR:

1983–1984	1985–1986	1987
$1.00	$1.10	$1.15

For the performance of such a work as background or theme music in a program of a station of NPR:

1983–1984	1985–1986	1987
$0.25	$0.30	$0.35

For the purpose of this schedule the rate for the performance of theme music in an entire series shall be double the single program theme rate.

In the event the work is first performed in a program of a station of PBS or NPR, and such program is subsequently distributed by PBS or NPR, an additional royalty payment shall be made equal to the difference between the rate specified in this section for a program of a station of PBS or NPR, respectively and the rate specified in this section for a PBS or NPR program, respectively.

(b) *Payment of royalty rate.* The required royalty rate shall be paid to each known copyright owner not later than July 31 of each calendar year for uses during the first six months of that calendar year, and not later than January 31 for uses during the last six months of the preceding calendar year.

(c) *Records of use.* PBS and NPR shall, upon the request of a copyright owner of a published musical work who believes a musical composition of such owner has been performed under the terms of this schedule, permit such copyright owner a reasonable opportunity to examine their standard cue sheets listing the nondramatic performances of musical compositions on PBS and NPR programs. Any local PBS and NPR station that is required by paragraph 4b of the PBS/NPR/ASCAP license agreement dated October 28, 1982 to prepare a music use report shall, upon request of a copyright owner who believes a musical composition of such owner has been performed under the terms of this schedule, permit such copyright owner to examine the report.

(d) *Terms of use.* The applicable fee in this schedule shall be the fee for the time period during which the first performance in a program occurred, and shall cover performances of such work in such program for a period of three years following the first performance.

§ 304.5 Performance of musical compositions by public broadcasting entities licensed to colleges or universities.

(a) *Scope.* This section applies to the performance of copyrighted published nondramatic musical compositions by nonprofit radio stations which are licensed to colleges, universities, or other nonprofit educational institutions and which are not affiliated with National Public Radio.

(b) *Voluntary license agreements.* Notwithstanding the schedule of rates and terms established by this section, the rates and terms of any license agreements entered into by copyright owners and colleges, universities, and other nonprofit educational institutions concerning the performance of copyrighted musical compositions, including performances by nonprofit radio stations, shall apply in lieu of the rates and terms of this section.

(c) *Royalty rate.* A public broadcasting entity within the scope of this section may perform published nondramatic music compositions subject to the following schedule of royalty rates:

For all such compositions in the repertory of ASCAP annually	$133
For all such compositions in the repertory of BMI annually	133
For all such compositions in the repertory of SESAC annually	29
For the performance of any other such composition	1

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

(e) *Records of use.* A public broadcasting entity subject to this section shall furnish to ASCAP, BMI, and SESAC upon request, a music-use report during one week of each calendar year. ASCAP, BMI and SESAC shall not in any one calendar year request more than 10 stations to furnish such reports.

§ 304.6 Performance of musical compositions by other public broadcasting entities.

(a) *Scope.* This section applies to the performance of copyrighted published nondramatic musical compositions by radio stations not licensed to college, universities or other nonprofit educational institutions.

(b) *Voluntary license agreements.* Notwithstanding the schedule of rates and terms established in this section, the rates and terms of any license agreements entered into by copyright owners and nonprofit radio stations within the scope of this section concerning the performance of copyrighted musical compositions, including performances by nonprofit radio stations, shall apply in lieu of the rates and terms of this section.

(c) *Royalty rate.* A public broadcasting entity within the scope of this section may perform published nondramatic musical compositions subject to the following schedule of royalty rates:

For all such compositions in the repertory of ASCAP,
in 1983, $180;
in 1984, $190;
in 1985, $200;
in 1986, $210;
in 1987, $220

For all such compositions in the repertory of BMI,
in 1983, $180;
in 1984, $190;
in 1985, $200;
in 1986, $210;
in 1987, $220

For all such compositions in the repertory of SESAC,
in 1983, $40;
in 1984, $42;
in 1985, $44;
in 1986, $46;
in 1987, $48

For the performance of any other such composition, in 1983 through 1987, $1.

(d) *Payment of royalty rate.* The public broadcasting entity shall pay the required royalty rate to ASCAP, BMI, and SESAC not later than December 31 of each calendar year. The required fee for the performance of other musical compositions shall be paid not later than the end of the calendar year in which the work was performed.

(e) *Records of use.* A public broadcasting entity subject to this section shall furnish to ASCAP, BMI, and SESAC, upon request, a music use report during one week of each calendar year. ASCAP, BMI, and SESAC each shall not in any one calendar year request more than 5 stations to furnish such reports.

§ 304.7 Recording rights, rates and terms.

(a) *Scope.* This section establishes rates and terms for the recording of nondramatic performances and displays of musical works on and for the radio and television programs of public broadcasting entities, whether or not in synchronization or timed relationship with the visual or aural content, and for the making, reproduction, and distribution of copies and phonorecords of public broadcasting programs containing such recorded nondramatic performances and displays of musical works solely for the purpose of transmission by public broadcasting entities, as defined in 17 U.S.C. 118(g). The rates and terms established in this schedule include the making of the reproductions described in 17 U.S.C. 118(d)(3).

(b) *Royalty rate.* (1) For uses described in subsection (a) of a musical work in a PBS-distributed program:

	1983–1984	1985–1986	1987
Feature	$75.00	$80.00	$85.00
Concert feature (per minute)	22.25	23.75	25.25
Background	37.50	40.00	42.50
Theme:			
Single program or first series program	37.50	40.00	42.50
Other series program	15.25	16.25	17.25

For such use other than in a PBS-distributed television program:

	1983–1984	1985–1986	1987
Feature	$5.00	$5.35	$6.00
Concert feature (per minute)	1.50	1.60	1.70
Background	2.50	2.70	2.85
Theme:			
Single program or first series program	2.50	2.70	2.85
Other series program	1.00	1.10	1.15

In the event the work is first recorded other than in a PBS-distributed program, and such program is subsequently distributed by PBS, an additional royalty payment shall be made equal to the difference between the rate specified in this section for other than a PBS-distributed program and the rate specified in this section for a PBS-distributed program.

(2) For uses licensed herein of a musical work in a NPR program, the royalty fees shall be calculated by multiplying the following per-composition rates by the number of different compositions in any NPR program distributed by NPR. For purposes of this schedule "National Public Radio" programs includes all programs produced in whole or in part by NPR, or by any NPR station or organization under contract with NPR.

	1983–1984	1985–1986	1987
Feature	$7.50	$8.00	$8.50
Concert feature (per half hour)	11.00	11.00	12.00
Background	3.75	4.00	4.25
Theme:			
Single program or first series program	3.75	4.00	4.25
Other series program	1.50	1.60	1.70

(3) For the purposes of this schedule, a "Concert Feature" shall be deemed to be the nondramatic presentation of all or part of a symphony, concerto, or other serious work originally written for concert or opera performance.

(4) For such uses other than in a NPR produced radio program:

Feature	$.50
Feature (concert) (per ½ hour)	$1.00
Background	$.25

(5) The schedule of fees covers broadcast use for a period of three years following the first broadcast. Succeeding broadcast use periods will require the following additional payment: second three-year period—50 percent; each three-year period thereafter—25 percent; provided that a 100 percent additional payment prior to the expiration of the first three-year period will cover broadcast use during all subsequent broadcast use periods without limitation. Such succeeding uses which are subsequent to December 31, 1987

shall be subject to the rates established in this schedule.

(c) *Payment of royalty rates.* PBS, NPR, or other television public broadcasting entity shall pay the required royalty fees to each copyright owner not later than July 31 of each calendar year for uses during the first six months of that calendar year, and not later then January 31 for uses during the last six months of the preceding calendar year.

(d) *Records of use.* (1) Maintenance of cue sheets. PBS and its stations, NPR or other television public broadcasting entity shall maintain and furnish to copyright owners whose musical works are recorded pursuant to this schedule copies of their standard cue sheets or summaries of same listing the recording of the musical works of such copyright owners. Such cue sheets or summaries shall be furnished not later than July 31 of each calendar year for recording the first six months of the calendar year, and not later than January 31 of each calendar year for recordings during the second six months of the preceding calendar year.

(2) Content of cue sheets or summaries. Such cue sheets or summaries shall include:

(i) The title, composer and author to the extent such information is reasonably obtainable.

(ii) The type of use and manner of performance thereof in each case.

(iii) For Concert Feature music, the actual recorded time period on the program, plus all distribution and broadcast information available to the public broadcasting entity.

(e) *Filing of use reports with the Copyright Royalty Tribunal (CRT).* (1) Deposit of cue sheets or summaries. PBS and its stations, NPR, or other television public broadcasting entity shall deposit with the CRT copies of their standard music cue sheets or summaries of same (which may be in the form of hard copy of computerized reports) listing the recording pursuant to this schedule of the musical works of copyright owners. Such cue sheets or summaries shall be deposited not later than July 31 of each calendar year for recordings during the first six months of the calendar year, and not later than January 31 of each calendar year for recordings during the second six months of the preceding calendar year. PBS and NPR shall maintain at their offices copies of all standard music sheets from which such music use reports are prepared. Such music cue sheets shall be furnished to the Copyright Royalty Tribunal upon its request and also shall be available during regular business hours at the offices of PBS or NPR for examination by a copyright owner who believes a musical composition of such owner has been recorded pursuant to this schedule.

§ 304.8 Terms and rates of royalty payments for the use of published pictorial, graphic, and sculptural works.

(a) *Scope.* This section establishes rates and terms for the use of published pictorial, graphic, and sculptural works by public broadcasting entities for the activities described in 17 U.S.C. 118. The rates and terms established in this schedule include the making of the reproductions described in 17 U.S.C. 118(d)(3).

(b) *Royalty rate.* (1) The following schedule of rates shall apply to the use of works within the scope of this section:

For such uses in a PBS-distributed program:

For a featured display of a work.

1983–1984	1985–1986	1987
$45.75	$49.00	$52.00

For background and montage display.

1983–1984	1985–1986	1987
$22.25	$23.75	$25.25

For use of a work for program identification or for thematic use.

1983–1984	1985–1986	1987
$90.25	$96.25	$102.25

For the display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced, irrespective of whether the reproduced work of fine art is copyrighted so as to be subject also to payment of a display fee under the terms of this schedule.

1983–1984	1985–1986	1987
$29.50	$31.50	$33.50

For such uses in other than PBS-distributed programs:

For a featured display of a work.

1983–1984	1985–1986	1987
$29.50	$31.50	$33.50

For background and montage display.

1983–1984	1985–1986	1987
$15.25	$16.25	$17.25

For use of a work for program identification or for thematic use.

1983–1984	1985–1986	1987
$60.75	$64.75	$68.75

For the display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced, irrespective of whether the reproduced work of fine art is copyrighted so as to be subject also to payment of a display fee under the terms of this schedule.

1983–1984	1985–1986	1987
$15.25	$16.25	$17.25

For the purposes of this schedule the rate for the thematic use of a work in an entire series shall be double the single program theme rate.

In the event the work is first used other than in a PBS-distributed program, and such program is subsequently distributed by PBS, an additional royalty payment shall be made equal to the difference between the rate specified in this section for other than a PBS-distributed program and the rate specified in this section for a PBS-distributed program.

(2) "Featured display" for purposes of this schedule means a full-screen or substantially full-screen display *appearing on the screen for more than three seconds.* Any display less than full-screen or substantially full-screen, or *full-screen for three seconds or less,* is deemed to be a "background or montage display".

(3) "Thematic use" is the utilization of the work of one or more artists where the works constitute the central theme of the program or convey a story line.

(4) "Display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced" means a transparency or other reproduction of an underlying work of fine art.

(c) *Payment of royalty rate.* PBS or other public broadcasting entity shall pay the required royalty fees to each copyright owner not later than July 31 of each calendar year for uses during the first six months of that calendar year, and not later than January 31 for uses during the last six months of the preceding calendar year.

(d) *Records of use.* (1) PBS and its stations or other public broadcasting entity shall maintain and furnish either to copyright owners, or to the offices of generally recognized organizations representing the copyright owners of pictorial, graphic, and sculptural works, copies of their standard lists containing the pictorial, graphic, and sculptural works displayed on their programs. Such notice shall include the name of the copyright owner, if known, the specific source from which the work was taken, a description of the work used, the title of the program on which the work was used, and the date of the original broadcast of the program.

(2) Such listings shall be furnished not later than July 31 of each calendar year for displays during the first six months of the calendar year, and not later than January 31 of each calendar year for displays during the second six months of the preceding calendar year.

(e) *Filing of use reports with the CRT.* (1) PBS and its stations or other public broadcasting entity shall deposit with the CRT copies of their standard lists containing the pictorial, graphic, and sculptural works displayed on their programs. Such notice shall include the name of the copyright owner, if known, the specific source from which the work was taken, a description of the work used, the title of the program on which the work was used, and the date of the original broadcast of the program.

(2) Such listings shall be furnished not later than July 31 of each calendar year for displays during the first six months of the calendar year, and not later than January 31 of each calendar year for displays during the second six months of the preceding calendar year.

(f) *Terms of use.* (1) The rates of this schedule are for unlimited broadcast use for a period of three years from the date of the first broadcast use of the work under this schedule. Succeeding broadcast use periods will require the following additional payment: second three-year period—50 percent; each three-year period thereafter—25 percent; provided that a 100 percent additional payment prior to the expiration of the first three-year period will cover broadcast use during all subsequent broadcast use periods without limitation. Such succeeding uses which are subsequent to December 31, 1987 shall be subject to the rates established in this schedule.

(2) Pursuant to the provisions of 17 U.S.C. 118(f), nothing in this schedule shall be construed to permit, beyond the limits of fair use as provided in 17 U.S.C. 107, the production of a transmission program drawn to any substantial extent from a published compilation of pictorial, graphic, or sculptural works.

§ 304. Unknown copyright owners.

If PBS and its stations, NPR and its stations, or other public broadcasting entity is not aware of the identity of, or unable to locate, a copyright owner who is entitled to receive a royalty payment under this Part, they shall retain the required fee in a segregated trust account for a period of three years from the date of the required payment. No claim to such royalty fees shall be valid after the expiration of the three year period. Public broadcasting entities may establish a joint trust fund for the purposes of this section. Public broadcasting entities shall make available to the CRT, upon request, information concerning fees deposited in trust funds.

§ 304.10 Cost of living adjustment.

(a) On December 1, 1983 the CRT shall publish in the **Federal Register** a notice of the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items) from the May, 1982 to the last Index published prior to December 1, 1983. On each December 1 thereafter the CRT shall publish a notice of the change in the cost of living during the period from the first Index published subsequent to the previous notice, to the last index published prior to December 1 of that year.

(b) On the same date of the notices published pursuant to paragraph (a) of this section, the CRT shall publish in the **Federal Register** a revised schedule of rates for § 304.5, alone, which shall adjust those royalty amounts established in dollar amounts according to the change in the cost of living determined as provided in paragraph (a) of this section. Such royalty rates shall be fixed at the nearest dollar.

(c) The adjusted schedule of rates for § 304.5, alone, shall become effective thirty days after publication in the **Federal Register.**

§ 304.11 Notice of restrictions on use of reproductions of transmission programs.

Any public broadcasting entity which, pursuant to 17 U.S.C. 118, supplies a reproduction of a transmission program to governmental bodies or nonprofit institutions shall include with each copy of the reproduction a warning notice stating in substance that the reproductions may be used for a period of no more then seven days from the specified date of transmission, that the reproductions must be destroyed by the user before or at the end of such period, and that a failure to fully comply with these terms shall subject the body or institution to the remedies for infringement of copyright.

§ 304.12 Amendment of certain regulations.

Subject to 17 U.S.C. 118, the Administrative Procedure Act and the Rules of Procedure of the Copyright Royalty Tribunal, the CRT may at any time amend, modify or repeal regulations in this part adopted pursuant to 17 U.S.C. 118(b)(3) by which "copyright owners may receive reasonable notice of the use of their works" and "under which records of such use shall be kept by public broadcasting entities".

§ 304.13 Issuance of interpretative regulations.

Subject to 17 U.S.C. 118, the Administrative Procedure Act and the Rules of Procedure of the Copyright Royalty Tribunal, the CRT may at any time, either on its own motion or the motion of a person having a significant interest in the subject matter, issue such interpretative regulations as may be necessary or useful to the implementation of this Part. Such regulations may not prior to January 1, 1988, alter the schedule of rates and terms of royalty payments by this part.

Effective date: This part becomes effective on January 1, 1983.

Adopted: December 20, 1982.

Edward W. Ray,

Chairman.

[FR Doc. 82-35234 Filed 12-28-82; 8:45 am]

BILLING CODE 1410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-00000/R383; PH-FRL 2275-1]

Pesticide Programs; Raw Agricultural Commodities; Definitions and Interpretations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends the definitions on the general and specific categories of raw agricultural commodities by adding "sweet potatoes" in the general category and designating "sweet potatoes, yams" as specific raw agricultural commodities. This amendment to expand the tolerances and exemptions established for residues of pesticide chemicals on the sweet potatoes, including yams, was

submitted by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: December 29, 1982.

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

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Emergency Response Section, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the **Federal Register** of October 27, 1981 (46 FR 52397), which announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR–4 Technical Committee, had proposed amending 40 CFR 180.1(h) by adding the general category "sweet potatoes" and the specific raw agricultural commodities "sweet potatoes, yams" to columns "A" and "B" respectively of § 180.1(h).

One comment was received relating to a statement in the Supplementary Information portion of the proposed rule. The commenter pointed out that true yams include species of the genus Dioscorea in addition to *D. batatas*. The Agency concurs and amends its original statement to read: "The term 'yams' may apply to certain varieties of sweet potatoes (*Ipomoea batatas*) as well as true yams (*Dioscorea* spp.)." No alteration to the proposed wording in 40 CFR 180.1(h) is needed.

The rationale for the amendment and other relevant material have been evaluated. The regulation is considered useful for the purpose for which it is sought. Therefore the regulation is established by amending 40 CFR 180.1(h) as set forth below.

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

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

Effective on: December 29, 1982.

List of Subjects in 40 CFR Part 180

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

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 16, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1(h) is amended by alphabetically inserting "sweet potatoes" in column A and adding the specific raw agricultural commodities "sweet potatoes, yams" in column B to read as follows:

§ 180.1 Definitions and interpretations.

* * * * *

(h) * * *

A	B
Sweet potatoes	Sweet potatoes, yams.

[FR Doc. 82–35274 Filed 12–28–82; 8:45 am]

BILLING CODE 6560–50

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

41 CFR Ch. 18, Parts 1, 3, 5 and 6

NASA Procurement Regulation: 1981 Edition and 1982 Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document announces a new 1981 edition [1] of NASA's procurement requirements and sets forth several procedural amendments contained in the new edition of the procurement requirements. The intended effect is to clarify the present NASA procurement system.

EFFECTIVE DATE: December 29, 1982.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Procurement Policy Division (Code HP–1), Office of Procurement, NASA Headquarters, Washington, D.C. 20546, Telephone: 202–755–2237.

SUPPLEMENTARY INFORMATION: The 1981 edition of NASA's procurement requirements contains substantive amendments to NASA regulations as reflected in rule documents published in the **Federal Register** through May of this year. In addition, several procedural changes to existing requirements were made in the 1981 edition and these changes are included in today's document.

NASA procurement requirements currently in effect include the 1981 edition as described above and amended by two rule documents published in the **Federal Register** on June 24, 1982 (47 CFR 27275) and October 18, 1982 (47 FR 46499).

1. In Part 1, 1.105, 1.107 and 1.108 are amended to state that Procurement Notices (PNs) will be used to revise the NASA Procurement Regulation in addition to other uses as set out in 1.105. The Procurement Notices that revise the NASA Procurement regulation will be published in the **Federal Register** also.

2. In Part 3, 3.1210 which required an annual report to Cost Accounting Standards Board has been deleted in accordance with Procurement Notice (PN) No. 81–3.

3. In Part 5, 5.701 is amended to clarify NASA's authority to procure under the Economy Act.

4. In Part 6, Subpart 6.1600 and paragraph 6.104, the regulatory coverage and clauses are incorporated which are consistent with the Trade Agreements Act of 1979, as implemented by Executive Order 12260 of December 31, 1980.

List of Subjects in 41 CFR Ch. 18, Parts 1, 3, 5 and 6.

Government procurement.

(The provisions of this document are issued under 42 U.S.C. 2473(c)(1).)

L. E. Hopkins,

Deputy Assistant Administrator for Procurement.

PART 1—GENERAL PROVISIONS

1. In Part 1, 1.105 and 1.107 are revised and 1.108(a)(i) amended by adding "and Procurement Notices;" to read as follows:

1.105 Amendment of Regulation.

(a) *Revisions.* This Regulation will be amended by issuance of Procurement Regulation Directives (PRD's) containing loose-leaf replacement pages which revise Parts, Subparts, or paragraphs. Also see (b) below. Each replacement page will bear, at the top, the PRD number and page number. A vertical bar at the beginning or end of a line indicates that a change has been made within that line.

(b) *Procurement Notices.*

[1] Filed with the original.

(1) Procurement Notices (PN's) shall also be published as often as may be necessary or advisable under any of the following circumstances:

(i) to promulgate as rapidly as possible selected material revising this Regulation, in a general or narrative manner, in advance of a specific page replacement type revision to this Regulation;

(ii) to disseminate material applicable to procurement which is not suitable for insertion in this Regulation but which may have the effect of a directive to, or be of importance and interest to its recipients; or

(iii) when the policy and/or procedure is expected to be effective for a period of one (1) year or less.

(2) Unless otherwise indicated, each item in a Procurement Notice will remain in effect until the effective date of that subsequent NASA PR revision which incorporates the item, or until specifically canceled.

(c) *Effective Date.* Statements in Procurement Regulation Directives and Procurement Notices to the effect that the material published therein is "effective upon receipt" or upon a specified date, or that changes set forth in the Directive or Notice are "to be used upon receipt," mean that any new or revised clauses or forms included in the Directive or Notice shall be included in invitations for bids and requests for proposals issued thereafter, unless a different meaning is expressed in the Directive or Notice. However, unless otherwise provided, the new revised clauses or forms need not be included in solicitations already in process of preparation where their inclusion would cause an undue delay in the solicitation.

(d) *Numbering.* Procurement Regulation Directives and Procurement Notices will be numbered consecutively on a calendar year basis beginning with number 1 prefixed by the last two digits of the calendar year, e.g., 81–1; 81–2; 81–3, etc.

1.106 [Reserved]

1.107 Dissemination of the Regulation, Revisions and Procurement Notices.

(a) The NASA Procurement Regulation and Procurement Regulation Directives (PRD's), will be distributed directly to NASA Headquarters and installations by the U.S. Government Printing Office. The number of copies of the Regulation, and Revisions thereof, will be distributed on the basis of the requirements furnished by each Headquarters office, and NASA field installation, to the Office of Procurement, NASA Headquarters (Code HP–1). Procurement Notices will be distributed by the Procurement Policy Division, Office of Procurement, NASA Headquarters. Both Procurement Regulation Directives and Procurement Notices which revise this Regulation will be published in the **Federal Register.**

(b) Heads of field installations will ensure that copies of the NASA Procurement Regulation and revisions thereto are distributed to all interested activities and individuals within their installation. Code HP–1 is responsible for distribution to Headquarters offices.

(c) Subscriptions to the NASA Procurement Regulation including applicable PRD's and PN's, may be purchased by private concerns and individuals from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

(d) Compliance with a revision to the NASA Procurement Regulation shall be in accordance with the PRD or PN which contains the revision. Procurements initiated after receipt of new or revised clauses should, to the maximum practicable extent, include such clauses.

(e) Unless otherwise stated, invitations for bids which have been issued and bilateral agreements upon which negotiations have been completed prior to the receipt of new or revised contract clauses need not be amended to include the new or revised clauses if such amendment would unduly delay the procurement action.

1.108 Field Installation Instructions and Implementations of the NASA Procurement Regulation.

(a) * * *

(i) be consistent with the policies and procedures contained in this Regulation, NASA Procurement Regulation Directives and Procurement Notices;

* * * * *

PART 3—PROCUREMENT BY NEGOTIATION

3.1210 Removed and Reserved

2. In Part 3, 3.1210 is removed and reserved.

PART 5—INTERDEPARTMENTAL PROCUREMENT

3. In Part 5, 5.701 is revised to read as follows:

5.701 Authorization and Policy Relating to Placing and Filling Orders.

(a) It is the policy of NASA not to place Government agencies in direct competition with commercial sources. Accordingly, prior to soliciting bids or proposals from commercial sources, it shall be decided whether to obtain supplies or services from Government agencies. Invitations for bids and requests for proposals shall not be sent to Government agencies. Current market prices, recent procurement prices, or prices obtained by informational bids as provided in 1.309 may be used to ascertain whether procurement can be effected more economically from commercial sources.

(b) Each procurement office, when it is in the interest of the Government to do so, may place delivery orders on NASA Form 1379 or Standard Form 147 (see 3.608–6) with any Government agency other than the Department of Defense (for policies and procedures governing procurements from or through the Military Departments (see 5.752 and 5.1000–5.1005)) for supplies or services that any such requisitioned agency may be in a position to furnish or perform. An order for supplies or services will not be placed with an agency which is not in a position to furnish the supplies or is not equipped to perform the services. An order for services shall not be placed with an agency when such services can be performed as conveniently or more economically by private contractors.

PART 6—FOREIGN PURCHASES

4. In Part 6, Table of Contents, Subpart 16 is added to read as follows:

Subpart 16—Purchases Under the Trade Agreements Act of 1979

6.1600 Scope of Subpart 6–16:1
6.1601 Definitions 6–16:1
6.1602 Policy 6–16:1
6.1603 Exceptions 6–16:1
6.1604 Labor Surplus Area Set-Asides 6–16:2
6.1605 Procedures for Solicitation and Purchases 6–16:2
6.1606 Required Clauses 6–16:2

5. In Part 6, 6.104–3 and 6.104–5 are revised to read as follows:

6.104–3 *Certificate.* Solicitations shall require that each offer include a certificate substantially as follows:

Buy American—Trade Agreements Certificate (January 1981)

(a) The offeror hereby certifies that each end product, except the end products listed below, is a domestic end product (as defined in the clause entitled "Buy American Act and Trade Agreements Act") and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States.

EXCLUDED END PRODUCTS

Line item No.	Country of Origin
.....	
.....	
.....	

List as necessary.

(b) Offers will be evaluated by giving certain preferences to domestic end products and designated country end products over other end products. In order to obtain such preferences in the evaluation of each excluded end product listed in (a) above, it is necessary that offerors identify and certify, below, those excluded end products identified above that are designated country end products or they will not be considered as such. Offerors must certify by inserting the applicable line item numbers in the brackets:

The offeror certifies that the following supplies qualify as "designated country end products" as that term is defined in the clause entitled "Buy American Act and Trade Agreements Act." (Insert line item No.)

(c) Offers will be evaluated in accordance with the policies and procedures of NASA PR Part 6.

6.104–5 *Contract Clause.* In accordance with the requirements of this Part, insert the following clause.

Buy American Act and Trade Agreements Act (January 1981)

(a) This clause implements the Buy American Act (41 U.S.C. Section 10a–d) and the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.) by providing a preference to domestic end products over foreign end products except for certain foreign end products which meet the requirements for classification as designated country end products. For the purpose of this clause:

(i) "Components" means those articles, materials, and supplies which are directly incorporated into end products.

(ii) "End products" means articles, materials, and supplies which are to be acquired for public use. As to a given contract, the end products are the items to be delivered to the Government, as specified in the contract, including supplies to be acquired by the Government for public use in connection with service contracts but excluding installation and other services to be performed after delivery.

(iii) "Domestic end product" means (A) an unmanufactured end product which has been mined or produced in the United States, or (B) an end product manufactured in the United States if the cost of its designated country components, and its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate may be issued). A component shall also be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind (A) determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or (B) as to which the Administrator has determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act.

(iv) "Foreign end product" means an end product other than a domestic end product.

(v) "Designated country end product" means an item that (i) is wholly the growth, product, or manufacture of the designated country, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. The term includes services (except transportation services) incidental to its supply, provided that the value of those incidental services does not exceed that of the product itself. It does not include service contracts per se.

(b) The contractor agrees that there will be delivered under this contract only domestic end products *unless*, in its offer, it specified delivery of foreign end products in the certificate entitled "Buy American—Trade Agreements Certificate," An offer certifying that a designated country end product will be supplied requires the contractor to supply a designated country end product, or, at the contractor's option, a domestic end product.

(c) Offers will be evaluated in accordance with the policies and procedures of NASA PR Part 6.

6. In Part 6, Subpart 16 is added to read as follows:

Subpart 16—Purchases Under The Trade Agreements Act of 1979

6.1600 Scope of Subpart. This Subpart sets forth additional policies and procedures peculiar to acquisitions subject to the Agreement on Government Procurement and Trade Agreements Act of 1979 (see P.L. 96–39; 19 U.S.C. 2501 et seq.).

6.1601 Definitions.

(a) *Designated country* means a country or instrumentality designated pursuant to the Act and listed below:

Austria	Japan
Bangladeah	Lesotho
Belgium	Luxembourg
Benin	Malawi
Bhutan	Maldives
Botswana	Mali
Burundi	Nepal
Canada	Netherlands
Cape Verde	Niger
Central African Republic	Norway
Chad	Rwanda
Comoros	Singapore
Denmark	Somalia
Federal Republic of Germany	Sweden
Finland	Switzerland
France	Western Samoa
Gambia	Sudan
Guinea	Tanzania U.R.
Haiti	Uganda
Hong Kong	United Kingdom
Ireland	Upper Volta
Italy	Yeman AR

(b) *Designated country end product* means an article that (i) is wholly the growth, product or manufacture of the designated country, or (ii) in the case of an article which consists in whole or in part of materials from another country of instrumentality, has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. The term "designated country end product" includes services (except transportation services) incidental to its supply *provided* that the value of these incidental services does not exceed that of the product itself. It does not include service contracts *per se*.

6.1602 Policy.

(a) Offers of a designated country end product with a total value of $182,000 or more are to be evaluated without regard to restrictions of the Buy American Act.

(b) Except where waived pursuant to Section 302(b)(2) of the Act, there shall be no purchase of an end product with a total value of $182,000 or more which is the product of a country listed below:

Greece

(c) No requirement shall be divided with the intent of reducing the value of the resulting offers below $182,000.

(d) The requirement of Subpart 7 that the responsibility for foreign contract procurement be centralized at NASA Headquarters does not apply to acquisitions that are subject to this Subpart. However, each buying office (including JPL) shall coordinate with Headquarters, Division of International Affairs (Code LI–15), before awarding a contract for a designated country end product.

6.1603 Exceptions. This subpart does not apply to:

(1) Products offered at a price below $182,000;

(2) products of countries not listed in 6.1601(a) or barred by 6.1602(b);

(3) purchases under small or small disadvantaged business preferences programs;

(4) purchases of arms, ammunition, war materials or purchases indispensable for national security or national defense purposes. If a buying office considers an individual acquisition to be a purchase "indispensable for national security or national defense purposes," and appropriate for exclusion from the provisions of this Subpart, a request with supporting rationale shall be submitted to Headquarters, Code L, Office of External Relations, for coordination with the Office of the U.S. Trade Representative;

(5) construction contracts;

(6) service contracts (but not those services incidental to the purchase of products, provided that the value of the service is not greater than the value of the product);

(7) research and development contracts;

(8) purchases by the Corps of Engineers;

(9) purchases of items for resale;

(10) purchase pursuant to Part 5, Subpart 4, Procurement from Federal Prisons Industries, Inc. and Subpart 5, Procurement From the Severely Handicapped;

(11) lease or rental agreements; and

(12) purchases for agencies not listed in Executive Order 12260 dated December 31, 1980.

6.1604 Labor Surplus Area Set-Asides. When responsive offers are received for a product, labor surplus area preference shall be accorded only to small business concerns (see 1.804–2(b)(1)).

6.1605 Procedures for Solicitation and Purchases. When the proposed acquisition is estimated to be $182,000 or more and not otherwise exempted by 6.1603, the following procedures shall apply:

(a) Consistent with user requirements, a minimum of 30 days from the date of the issuance of the solicitation to receipt of offers is required.

(b) Under no circumstances will technical requirements be imposed solely for the purpose of precluding the acquisition of products from designated countries.

(c) Proposals in response to solicitations anticipating competitive negotiations shall be opened in the presence of an impartial witness whose name shall be recorded in the file.

(d) The term "promptly," as used in 2.408–1, 3.106–3, and 3.804–3, shall, for purposes of this Subpart be construed to mean "within seven days."

(e) Solicitations shall contain a requirement that offers submitted in response to this solicitation shall be based on U.S. dollars and in the English language.

(f) Solicitations will require applicable duty charges to be included in the offered price, whether or not duty free certificates are obtained. Duty charges will be included in the price evaluation.

6.1606 Required Clauses. When this Subpart applies, each solicitation and resulting contract for a designated country end product shall contain the clause at 6.104–5 and the solicitation shall contain the certificate at 6.104–3. A contracting officer shall rely on the offeror's certification as submitted.

[FR Doc. 82–35208 Filed 12–28–82; 8:45 am]
BILLING CODE 7510–10–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0237.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in floodprone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plan area. The elevation determination, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(T) Munster, Lake County (Docket No. FEMA-6074).	Little Calumet River	Downstream corporate limits (about 0.4 miles downstream of Hohman Avenue).	*598
			Upstream corporate limits (at confluence with Hart Ditch)	*599
		Hart Ditch	About 200 feet upstream of Ridge Road	*604
			About 350 feet downstream of Fran-Lin Parkway	*610
			About 475 feet upstream of Conrail	*619
			About 1,300 feet upstream of Main Street	*622
		Schoon Ditch	Just downstream of White Oak Avenue	*607
			Just upstream of Greenwood Avenue	*609
			About 1,100 feet upstream of Calumet Avenue	*614
Maps available for inspection at the City Hall, 805 Ridge Road, Munster, Indiana.				
Kansas	(C) Great Bend, Barton County (Docket No. FEMA-6144).	Arkansas River	About 1.6 miles downstream of Main Street	*1,841
			About 6.3 miles upstream of Main Street	*1,889
		Wet Walnut Creek	About 0.5 mile downstream of confluence of Dry Walnut Creek	*1,839
			About 2.5 miles upstream of Kiowa Road	*1,848
		Dry Walnut Creek	About 0.55 mile downstream of Frey Street	*1,843
			Just upstream of Washington Street	*1,851
			Just downstream of Atchinson Topeka and Santa Fe Railway	*1,861
			About 0.85 mile upstream of State Route 96	*1,868
		Dry Walnut Diversion Creek	Just upstream of Navajo Road	*1,863
			Divergence with Dry Walnut Creek	*1,866
		Lichesky Ditch	Just downstream of Kiowa Road	*1,839
			Just downstream of Frey Street	*1,842
Maps available for inspection at City Hall, P.O. Box 1168, Great Bend, Kansas.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 1804, November 28, 1968), as amended (42 U.S.C. 4001–4128); E. O. 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 8, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34785 Filed 12-28-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated in the table below.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, National Flood Insurance Program, (202) 287–0237, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	Unincorporated Areas of Pulaski County (FEMA-6384)	Arkansas River	Approximately 2,000 feet upstream of the confluence of Maumelle River.	*266
			Approximately 250 feet upstream of the confluence of Mill Bayou.	*268
		Bayou Meto	Approximately 1,480 feet upstream of State Highway 107.	*257
			Just upstream of Tom Box Road	*263
			Approximately 70 feet downstream of Roderweis Road	*286
		Brodie Creek	Just upstream of County Road located downstream of existing dam.	*345
		Callagahan Branch	Just upstream of Raines Road	*374
			Approximately 105 feet upstream of Sullivan Road	*409
		Cane Creek	Just upstream of U.S. Highway 65	*264
			Approximately 400 feet upstream of Ironton Road	*280
		Clark Bayou	Approximately 520 feet downstream of Williams Avenue.	*235
		Fish Creek	Approximately 260 feet downstream of 145th Street	*241
			Approximately 500 feet downstream of German Road	*250
			Approximately 130 feet downstream of U.S. Highway 65.	*268
		Fivemile Creek	Approximately 2.6 miles upstream of confluence with Bayou Meto.	*250
		Fourche Creek	Approximately 60 feet upstream of Spartis Road	*415
			Approximately 210 feet upstream of Lawson Road	*437
		Harris Bayou	Just upstream of the Fourche Island to Pennington Bayou Levee.	*231
		Haw Branch	Approximately 270 feet upstream of Colonel Carl Miller Road.	*330
			Just upstream of Crystal Valley Road	*340
		Ison Creek	Approximately 3,800 feet upstream of confluence with Little Maumelle River.	*270
		Jack Bayou	Approximately 1,600 feet upstream of the Missouri Pacific Railroad.	*258
		Jack Bayou Tributary	Approximately 300 feet upstream of U.S. Highway 67 & 167.	*259
			Just upstream of State Highway 161	*261
		Kellogg Creek	Just upstream of Batesville Pike	*260
		Kinley Creek	Just downstream of State Highway 10	*308
			Just upstream of Garrison Road (downstream crossing).	*394
			Just upstream of Garrison Road (upstream crossing)	*414
		Landmark Branch	Just upstream of Circle Lake Road	*310
			Just downstream of Mail Route Road	*337
		Little Maumelle River	Approximately 370 feet downstream of State Highway 300.	*267
			Just upstream of State Highway 10	*292
			Approximately 100 feet upstream of the downstream crossing of Ferndale Cutoff Road.	*307
			Just upstream of Kanis Road	*376
		McHenry Creek	Approximately 160 feet downstream of the downstream crossing of Lawson Road.	*339
		Mill Bayou	Approximately 900 feet upstream of downstream crossing of State Highway 300.	*263
		Mill Bayou Tributary	Approximately 4,000 feet upstream of the confluence with Mill Bayou.	*265
		North Channel Taylor Loop Creek	Approximately 1,500 feet upstream of State Highway 10.	*296
		Nowlin Creek	Approximately 200 feet upstream Barrett Road	*283
			Approximately 430 feet upstream of Goodson Road	*333
		Panther Branch	Approximately 160 feet upstream of the Interstate Highway 430 Culvert Inlet.	*336
		Pennington Bayou-Lorance Creek	At Lorance Trail	*253
			Approximately 3,700 feet upstream of County Road 367 (Arch Street Pike).	*270
		Rock Creek	Approximately 100 feet upstream of Kanis Road (upstream crossing).	*485
		Taylor Loop Creek	Just downstream of upstream confluence of North Channel Taylor Loop Creek.	*306
		Treadway-Brewer Branch	Approximately 80 feet upstream of Singley Road	*278
			Approximately 60 feet downstream of Atwood Road	*306
		White Oak Bayou	Approximately 2,600 feet downstream of Missouri Pacific Railroad.	*263
			Approximately 450 feet downstream of State Highway 365.	*266
		Fourch Bayou (Shallow Flooding)	At Frazier Pike	*237
	Maps available for inspection at Room 902 Wallace Building, Markham and Main Streets, Little Rock, Arkansas 72201.			
Colorado	Gunnison (City), Gunnison County, FEMA-6074	Gunnison River	At intersection of 7th Street and Virginia Street	*7677
		Tomichi Creek	At intersection of abandoned railroad and Tomichi Creek.	*7676
	Maps available for inspection at Engineering Department, 201 West Virginia, Gunnison, Colorado. Send comments to the Honorable Santo J. Sangosti, P.O. Box 239, Gunnison, Colorado 81230.			
Connecticut	Eastford, Town, Windham County (Docket No. FEMA-6401).	Still River	Approximately 600 feet downstream of U.S. Route 44	*455
			Downstream of Boston Turnpike	*481

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Donwstream of Old Colony Road	*505
			Downstream of Dam	*526
Maps available for inspection at the Town Offices, Eastford, Connecticut.				
Delaware	Dewey Beach, Town, Sussex County (Docket No. FEMA-6401).	Atlantic Ocean	Entire shoreline within community	*13
			Entire shoreline of Rehoboth Bay within community	*7
Maps available for inspection at the Town Hall, Corner of Route 1 and Route 1A, Dewey Beach, Delaware.				
Illinois	(C) Grand Tower, Jackson County (Docket No. FEMA-6384).	Mississippi River	Downstream corporate limits	*372
			Upstream corporate limits	*375
Maps available for inspection at City Clerk's Office, Grand Tower, Illinois.				
Illinois	(C) Leland Grove, Sangamon County (Docket No. FEMA-6384).	Jacksonville Branch	At downstream corporate limits	*563
			About 2200 feet upstream of Cherry Road	*570
		Jacksonville Branch Tributary	At mouth at Jacksonville Branch	*569
			Just downstream of Wiggins Avenue	*571
Maps available for inspection at the Springfield-Sangamon County Regional Planning Commission, 703 Meyers Building, 1 West Old State Capitol Plaza, Springfield, Illinois.				
Illinois	(C) West Frankfort, Franklin County (Docket No. FEMA-6384).	Ewing Creek	About 4,000 feet upstream of mouth	*387
			About 500 feet downstream of Deering Road	*389
		Pond Creek	Just upstream of Interstate 57	*394
			About 1,800 feet upstream of McClellend Street	*398
		Big Ditch Tributary	Just upstream of Missouri Pacific Railroad	*384
			About 400 feet upstream of Illinois Street	*388
		Shallow Flooding (ponding from rainfall).	Intersection of 7th Street and Jefferson Street	*393
Maps available for inspection at the City Clerk's Office, City Hall, 208 North Emma Street, West Frankfort, Illinois.				
Iowa	(C) Ankeny Polk County (Docket No. FEMA-6384)	Four Mile Creek	About 1.4 miles downstream of East First Street	*880
			About 1,500 feet upstream of East First Street	*888
			Just downstream of Interstate 35	*896
			About 700 feet upstream of Interstate 35	*899
			About 4,950 feet downstream of Northeast 110th Avenue.	*904
			Just downstream of Northeast 110th Avenue	*909
		Saylor Creek	Just upstream of State Highway 415	*875
			Just upstream of Southwest Oralabor Road	*909
			Just downstream of College Road	*920
			Just upstream of College Road	*931
			About 750 feet upstream of College Road	*931
		Saylor Creek Tributary	At confluence with Saylor Creek	*878
			Just downstream of Southwest Oralabor Road	*892
			Just upstream of Southwest Oralabor Road	*900
			Just downstream of unnamed road which is about 2,500 feet downstream of Southwest 86th Avenue.	*924
			Just upstream of unnamed road which is about 2,500 feet downstream of Southwest 86th Avenue.	*931
			Just downstream of Southwest 86th Avenue	*952
			Just upstream of Southwest 86th Avenue	*966
		Tributary A	Just downstream of Interstate 35	*897
			Just upstream of Northeast Delaware Avenue	*908
			Just downstream of Northeast 102nd Avenue	*931
		Tributary D	Just upstream of Northwest 16th Street	*941
			About 150 feet upstream of Northwest 16th Street	*945
			Just downstream of Northwest Greenwood Street	*949
			Just upstream of Northwest Greenwood Street	*954
			About 1,775 feet upstream of Northwest Greenwood Street.	*955
		Tributary E	Mouth at Tributary D	*945
			About 150 feet downstream of Northwest Greenwood Street.	*945
			About 450 feet upstream of Northwest Greenwood Street.	*950
		Rock Creek	At downstream corporate limit	*893
			About 625 feet upstream of Farm Road	*921
Maps available for inspection at the City Engineer's Office, City Hall, 211 S.W. Walnut, Ankeny, Iowa.				
Massachusetts	Fitchburg, City, Worcester County (Docket No. FEMA-6278).	North Nashua River	Downstream corporate limits	*332
			Confluence of Baker Brook	*344
			Downstream of Bemis Road	*371
			1,000 feet downstream of Fifth Street	*401
			Upstream of Rollstone Street	*461
			Upstream of Sheldon Street	*483
			Upstream of Oak Hill Road	*506
			Upstream of Depot Street	*524
			Approximately 3,700 feet upstream of Depot Street	*554
			Confluence of Whitman River and Flagg Brook	*580
		Baker Brook	Confluence with North Nashua River	*344
			Approximately 125 feet upstream of Falulah Road	*351
			Confluence of Pearl Hill Brook and Falulah Brook	*379

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Falulah Brook	Confluence with Baker Brook	*379
			Upstream of Townsend Street	*394
			Downstream of Pearl Hill Road	*441
			Approximately 2,600 feet upstream of John Fitch Highway (downstream crossing).	*490
			Downstream of Ashby State Road	*517
			Confluence of Brook to Siama Pond	*526
			Upstream of Rindge Road	*565
			Confluence of Scott Brook	*689
		Pearl Hill Brook	Confluence with Baker Brook	*379
			Upstream corporate limits	*383
		Scott Brook	Confluence with Falulah Brook	*689
			Approximately 1,225 feet downstream of Ashby West Road.	*810
			Approximately 65 feet upstream of Ashby West Road	*884
		Brook to Saima Pond	Confluence with Falulah Brook	*526
			Approximately 2,920 feet upstream of Scott Road	*620
			Approximately 1,020 feet upstream of Scripture Road	*669
		Phillips Brook	Confluence with North Nashua River	*534
			Upstream of Westminister Hill Road	*598
			Approximately 2,300 feet upstream of Sanborn Street	*648
			Approximately 1,550 feet downstream corporate limits	*684
			Upstream corporate limits	*701
		Whitman River	Confluence with North Nashua River	*580
			At Snow Mill Pond	*665
			Upstream corporate limits	*665
		Flagg Brook	Confluence with North Nashua River	*580
			Upstream of Boston and Maine Railroad culvert	*605
			Approximately 650 feet downstream of Fifth Massachusetts Turnpike.	*617
			Upstream of State Route 2	*654
			300' upstream of confluence of Sawmill Pond	*656
		Wyman Pond Brook	Confluence with Sawmill Pond	*656
			Approximately 1,180 feet upstream of State Route 2 (first crossing).	*660
			Approximately 1,500 feet downstream of State Route 2 (second crossing).	*690
			Upstream corporate limits	*720
	Maps available for inspection at the Fitchburg City Planning Office, City Hall, 718 Main Street, Fitchburg, Massachusetts 01420.			
Maryland	Ocean City, Town, Worcester County (Docket No. FEMA-6384).	Atlantic Ocean	Entire shoreline within community	*13
			Shoreline of Assawoman Bay from northern corporate limits to Ocean City Expressway.	*6
			Shoreline of Isle of Wight Bay from Ocean City Expressway to North 15th Street (extended).	*6
			Shoreline of Isle of Wight Bay from North 15th Street (extended) to U.S. Route 50.	*7
			Shoreline of Isle of Wight Bay from U. S. Route 50 to South Second Street (extended).	*8
			Shoreline of Isle of Wight Bay from South Second Street (extended) to southern corporate limits.	*9
	Maps available for inspection at the Engineering Department, City Hall, Third and Baltimore Streets, Ocean City, Maryland.			
Michigan	(Twp.) Independence, Oakland County (Docket No. FEMA-6333).	Clinton River	About 0.7 mile upstream of Woodhull Lake	*960
			Just upstream of Andersonville Road	*970
			Just upstream of Dixie Highway	*975
			Just upstream of Bluegrass Lane	*1004
			About 650 feet upstream of Perry Lake Road	*1012
		Sashabaw Creek	Just upstream of Mann Road	*962
			About 200 feet upstream of Maybee Road	*973
		Walters Lake Drain	About 600 feet upstream of mouth	*1034
			Just upstream of Eston Road	*1040
		Walters Lake	Shoreline	*1042
		Dennis Lake	Shoreline	*1033
		Round Lake	Shoreline	*1042
		Whipple Lake	Shoreline	*1034
		Deer Lake	Shoreline	*976
		Dark Lake	Shoreline	*976
		Lester Lake	Shoreline	*969
		Van Norman Lake	Shoreline	*969
		Townsend Lake	Shoreline	*960
		Woodhull Lake	Shoreline	*960
		Lake Oakland	Shoreline	*960
		Greens Lake	Shoreline	*970
		Middle Lake	Shoreline	*976
		Parke Lake	Shoreline	*991
	Maps available for inspection at the Town Hall, P.O. Box 69, 90 North Main Street, Clarkston, Michigan.			
Michigan	(C) Lowell, Kent County (Docket No. FEMA-6384)	Grand River	About 1.0 mile downstream of confluence of Lee Creek.	*634
			About 0.85 mile upstream of Division Street	*636
		Flat River	Within corporate limits	*635
	Maps available for inspection at City Hall, 301 East Main Street, Lowell, Michigan.			

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(C) Portage, Kalamazoo County (Docket No. FEMA-6384).	Portage Creek	Just upstream of East Kilgore Road	*820
			Just upstream of West Milham Road	*840
			Upstream side of Hampton Lake	*855
		West Fork Portage Creek	About 200 feet upstream of East Kilgore Road	*847
			About 200 feet upstream of Westnedge Avenue	*853
			About 700 feet upstream of Oakland Drive	*863
		Consolidated Drain No. 1	Mouth at Portage Creek	*842
			Just downstream of Romence Road	*846
		Gourdneck Canal	Just downstream of Osterhout Road	*859
		Austin Lake	Shoreline	*857
		West Lake	Shoreline	*857
		Gourdneck Lake	Shoreline	*854
		Sugarloaf Lake	Shoreline upstream of Shaver Road	*861
			Shoreline downstream of Shaver Road	*860
		Little Sugarloaf Lake	Shoreline	*861
Maps available at City Hall, 7800 Shaver Road, Portage, Michigan.				
Minnesota	(Uninc. Areas), Winona County (Docket No. FEMA-6384).	Mississippi River	About 0.8 mile downstream of Interstate 90	*645
			Upstream county boundary	*668
		Whitewater River	At confluence with South Fork Whitewater River	*734
			About 0.3 mile upstream of confluence with South Fork Whitewater River.	*736
		North Fork Whitewater River	About 1.1 miles downstream of Township Road 29 (downstream crossing).	*759
			About 1,000 feet upstream of Township Road 29 (upstream crossing).	*784
		South Fork Whitewater River	About 300 feet downstream of the City of St. Charles corporate limits.	*1103
			Just downstream of the City of St. Charles corporate limits.	*1104
		Middle Fork Whitewater River	About 0.5 mile downstream of County Highway 39	*762
			About 150 feet downstream of County Highway 39	*772
		Gilmore Creek	Mouth at Boller Lake	*662
			About 100 feet downstream of U.S. Highway 14	*672
			About 0.8 mile downstream of Loucks Drive	*704
			About 0.3 mile upstream of Speltz Drive	*740
		Homer Creek	Mouth at Mississippi River	*657
			About 1.5 miles upstream of County Highway 15	*768
		Pleasant Valley Creek	Just upstream of County Highway 15	*662
			About 1,000 feet upstream of Meadowbrook Drive	*929
		Burns Valley Creek-East Burns Valley Creek.	About 0.8 mile upstream of County Road 105	*684
			About 1,400 feet upstream of confluence of West Burns Valley Creek.	*700
		West Burns Valley Creek	At confluence with Burns Valley Creek	*695
			About 0.4 mile upstream of confluence with Burns Valley Creek.	*704
		Speltz Creek	At confluence with Rollingstone Creek	*718
			Just upstream of Winona Road	*719
			About 1.0 mile upstream of Winona Road	*730
		Rollingstone Creek	About 1,250 feet upstream of State Highway 248 (downstream crossing).	*718
			About 1.0 mile upstream of State Route 248 (upstream crossing).	*731
		Peterson Creek	At confluence with Garvin Brook	*870
			About 0.4 mile upstream of U.S. Highway 14	*911
		South Creek	At City of Dakota corporate limits	*688
			About 150 feet upstream of City of Dakota corporate limits.	*691
		West Tributary	About 0.4 mile upstream of U.S. Highway 14	*781
			About 150 feet upstream of City of Stockton corporate limits.	*825
		Garvin Brook	About 1.3 miles upstream of mouth (at Minnesota City corporate limits).	*671
			Just downstream of Chicago and North Western Railroad.	*685
			Just upstream of Chicago and North Western Railroad	*690
			About 1.2 miles upstream of Chicago and North Western Railroad.	*694
			About 550 feet downstream of confluence of West Tributary.	*766
			About 0.2 mile downstream of County Road 120 (downstream crossing).	*837
			About 0.6 mile upstream of County Road 120 (upstream crossing).	*907
		Crooked Slough	Around the City of Winona	*654
		Bollers Lake	Shoreline	*662
		Shallow Flooding (overflow from Gilmore Creek).	Between left bank levee along Gilmore Creek and Goodview Road.	*662
Maps available for inspection at the Zoning Administrator's Office, Winona County Courthouse, 203 West Third Street, Winona, Minnesota.				
Missouri	(Uninc.) Jefferson County (Docket No. FEMA-6384)	Mississippi River	At confluence of Isle Du Bois Creek	*405
			At City of Arnold corporate limits	*417
		Big River	At mouth	*450
			Just downstream of Byrnesville Road	*462

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Pineford Road	*508
			Just downstream of State Highway 21	*585
			About 4.0 miles upstream of Upper Blackwell Road (at upstream of county boundary).	*612
		Meramec River	At City of Arnold corporate limits	*417
			About 2.8 miles downstream of confluence of Big River.	*447
			About 0.25 mile upstream of County Highway F	*465
		Saline Creek	At mouth	*419
			About 1,800 feet upstream of Cool Valley Drive	*420
			Just upstream of Delores Drive	*475
			Just downstream of Old Gravois Road	*491
			Just upstream of Old Gravois Road	*496
			Just downstream of Saline Lane	*504
			Just upstream of Saline Lane	*510
			Just downstream of New Sugar Creek Road	*547
		Rock Creek	At mouth	*416
			About 2,100 feet downstream of Windmill Road	*420
			Just downstream of Lemay Ferry Road	*479
		Glaize Creek	At mouth	*415
			Just upstream of Parkton Road	*425
			Just downstream of Moss Hollow Road	*438
		Joachim Creek	At mouth	*412
			Just downstream of County Highway A	*418
			About 2,400 feet upstream of Hematite Road	*434
			About 1,800 feet downstream of confluence of Ball Branch.	*472
			Just upstream of County Highway E	*523
			About 1,700 feet upstream of County Highway E	*527
		Plattin Creek	At mouth	*411
			Just downstream of Interstate 55	*416
			Just downstream of Upper Plattin Road	*439
		Tanyard Branch	About 75 feet downstream of Plum Street	*522
			About 650 feet upstream of Elm Street	*538
Maps available for inspection at the Jefferson County Courthouse, Hillsboro, Missouri.				
Missouri	(C) Warrenton, Warren County, (Docket No. FEMA-6384).	Big Creek	About 0.86 mile downstream of Fairlane Acres Road	*727
			Just downstream of Interstate 70	*762
			Just upstream of Old U.S. Highway 40	*768
			About 300 feet downstream of Norfolk and Western Railway.	*771
			About 500 feet upstream of Norfolk and Western Railway.	*785
			About 0.9 mile upstream of County Highway MM	*822
		Hickory Lick Creek	About 2.05 miles downstream of County Highway AA	*731
			Just downstream of Old U.S. Highway 40	*790
		Big Creek Tributary	At mouth	*769
			About 0.8 mile upstream of Middletown Road	*783
Maps available for inspection at City Hall, 202 West Booneslick Road, Warrenton, Missouri.				
Nevada	Lyon County, (Unincorporated Areas) FEMA-6333	Carson River	80 feet east from center of intersection of Silver Street and U.S. Highway 50.	*4,359
		Gold Canyon Creek	70 feet upstream from center of State Highway 341	*4,905
		Walker River	Center of intersection of Willow Drive and State Highway 3.	*4,395
Maps available for inspection at Department of Public Works, Lyon County Courthouse, Yerington, Nevada.				
New Jersey	Island Heights, Borough Ocean County (Docket No. FEMA-6384).	Barnegat Bay	Toms River downstream of Long Point	*8
			Toms River upstream of Long Point	*6
			Upstream of Dillion Creek's confluence with Toms River.	*7
			Upstream of a point approximately 0.4 mile upstream of Dillon Creek's confluence with Toms River.	*6
Maps available for inspection at the Borough Hall, East End of VanSant Avenue, Island Heights, New Jersey.				
New Jersey	Keansburg, Borough Monmouth County (Docket No. FEMA-6401).	Raritan Bay	Shoreline from northwest corporate limits to Raritan Avenue extended.	*17
			Shoreline from Raritan Avenue extended to eastern corporate limits.	*18
		Waackaack Creek	Downstream of Laurel Avenue	*5
			Upstream Stone Road	*8
			Upstream corporate limits	*8
Maps available for inspection at the Borough Hall, 43 Church Street, Keansburg, New Jersey.				
New York	Avoca, Village, Steuben County (Docket No. FEMA-6384).	Cohocton River	Downstream corporate limits	*1,184
Maps available for inspection at the Village Hall, 3 Chase Street, Avoca, New York.				
New York	Baxter Estates, Village Nassau County (Docket No. FEMA-6384).	Manhassett Bay	Entire shoreline	*13
Maps available for inspection at the Village Hall, Two Harbor Road, Port Washington, New York.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Cohocton, Town, Steuben County (Docket No. FEMA-6384).	Cohocton River	Downstream Corporate limits	*1,289
			Upstream of Cohocton Street	*1,294
			Downstream of Beecher Street	*1,314
	Maps available for inspection at the Office of the Town Clerk, Town Hall, 15 South Main Street, Cohocton, New York.			
New York	Cohocton, Village, Steuben County (Docket No. FEMA-6384).	Cohocton River	Downstream corporate limits	*1,275
			Upstream Maple Avenue	*1,284
			Upstream corporate limits	*1,289
	Maps available for inspection at the Office of the Village Clerk, 15 South Main Street, Cohocton, New York.			
New York	Galen, Town, Wayne County (Docket No. FEMA-6384).	New York State Barge Canal	Bently Road extended	*388
			High Street extended	*394
		Clyde River	Stell Road extended	*395
	Maps available for inspection at the Office of the Town Clerk, Municipal Building, South Park Street, Clyde, New York.			
New York	Lawrence, Village, Nassau County (Docket No. FEMA-6376).	Bannister Creek	Entire shoreline within community	*8
		Reynolds Channel	Entire shoreline within community	
		Broad Channel	Entire shoreline within community	*8
		Post Lead	Entire shoreline within community	*8
	Maps available for inspection at the Village Hall, 196 Central Avenue, Lawrence, New York.			
New York	New York Mills, Village, Oneida County (Docket No. FEMA-6401).	Sauquoit Creek	Downstream corporate limits	*455
			Upstream of Clinton Street	*469
			Upstream corporate limits	*477
		Mud Creek	Downstream corporate limits	*463
			Upstream corporate limits	*465
	Maps available for inspection at the Village Hall, 453 Main Street, New York Mills, New York.			
New York	Nissequogue, Village, Suffolk County (Docket No. FEMA-6384).	Smithtown Bay	Entire shoreline within community	*16
		Stony Brook Harbor	Entire shoreline within community	*14
		Nissequogue River	Shoreline from northwest corporate limits to approximately 0.6 mile southeast of northwest corporate limit.	*14
			Shoreline from approximately 0.6 mile southeast of northwest corporate limits to approximately 0.7 mile north of southwest corporate limits.	*11
			Shoreline from approximately 0.7 mile north of southwest corporate limits to southwest corporate limits.	*12
	Maps available for inspection at the village Hall, Moriches Road, St. James, New York.			
New York	Town of North Hempstead, Nassau County (FEMA-6384).	Hempstead Harbor	From the southern corporate limit of Sands Point, New York to the northern corporate limit of Flower Hill, New York.	*16
	Maps are available for inspection at the Building Department, North Hempstead Town Hall, 220 Plandome Road, Manhasset, New York.			
New York	Prattsville, Town, Green County (Docket No. FEMA-6384).	Schoharie Creek	Approximately 3,500' downstream of State Route 23	*1,143
			State Route 23 (upstream)	*1,154
			Confluence of Batavia Kill	*1,180
			At upstream corporate limits	*1,226
		Batavia Kill	Confluence with Schoharie Creek	*1,180
			Approximately 4,700' upstream of State Route A23	*1,220
			Approximately 4,420' downstream of corporate limits	*1,250
			Upstream corporate limits	*1,314
	Maps available for inspection at the Office of the Town Clerk, Town Hall, Main Street, Prattsville, New York.			
New York	Rye, City, Westchester County (Docket No. FEMA-6401).	Long Island Sound	Entire Long Island Sound shoreline within community	*17
			Entire Milton Harbor shoreline within community	*17
	Maps available for inspection at the Office of the City Planner, City Hall, Boston Post Road, Rye, New York.			
Tennessee	Unincorporated Areas of Knox County (FEMA-6384)	Beaver Creek	Approximately 690 feet upstream of Solway Road	*867
			Just upstream of U.S. Highway 25W	*986
			Just upstream of Crippen Road	*1031
			Just downstream of State Highway 131	*1076
		Bullrun Creek	Just upstream of Campground Road	*818
			Just upstream of Heiskell Road	*831
			Just upstream of Conner Road	*845
			Approximately 800 feet downstream of Loyston Road	*918
		French Broad River	Just upstream of John Sevier Highway	*830
		Grassy Creek	Approximately 220 feet downstream of Oak Ridge Highway.	*982
		Hickory Creek	Approximately 480 feet upstream of Buttermilk Road	*803
			Just downstream of Yarnell Drive	*852
			Just downstream of Campbell Station Road	*924
		Holston River	Just upstream of Interstate Highway 40	*831
			Just upstream of (Mascot Road) McBee Bridge	*853
		Knob Fork	Approximately 130 feet upstream of Interstate Highway 75.	*997
			Approximately 200 feet upstream of Kern Road	*1,023
			Just upstream of Jim Sterchi Road	*1,037
		Love Creek	Just upstream of Parker Road	*861
			Approximately 100 feet upstream of Millertown Pike	*950

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Mill Branch	Just downstream of State Highway 33	*1025
			Just upstream of State Highway 33	*1030
			Just downstream of Gray Road	*1101
		Murphy Creek	Just upstream of Southern Railway	*984
			Approximately 100 feet downstream of Murphy Road	*996
		North Fork Beaver Creek	Approximately 90 feet upstream of Hill Road	*1029
			Just downstream of Ledgerwood Road	*1045
		Plumb Creek	Just upstream of Hardin Valley Drive	*946
		Roseberry Creek	Just upstream of U.S. Highway 11 West	*947
			Just upstream of Roberts Road	*995
			Just upstream of Washington Pike	*1,016
		Sinking Creek	Just downstream of Fox Lonas Road	914
			Approximately 80 feet downstream of Middlebrook Pike.	*930
		Stock Creek	Just downstream of Martin Mill Pike	*830
			Just downstream of Neubert Springs Road	*841
		Swanpond Creek	Just upstream of Strawberry Plains Pike	*834
			Approximately 100 feet upstream of Wayland Road	*886
			Approximately 110 feet downstream of Huckleberry Springs Road.	*933
		Ten Mile Creek	Just upstream of Kingston Pike	*888
			Just upstream of Bridgewater Road	*897
			Approximately 350 feet upstream of Robinson Road	*943
		Tennessee River	Approximately 3000 feet upstream of U.S. Highway 129.	*820
		Tributary No. 1 to Ten Mile Creek	Approximately 1300 feet upstream of the confluence with Ten Mile Creek.	*902
		Tributary to Turkey Creek	Just downstream of Gilbert Drive	*910
		Turkey Creek	Just upstream of Kingston Pike	*874
			Approximately 110 feet upstream of Lovell Road	*913
		Whites Creek	Just upstream of Beverly Road	*968
			Just upstream of McCampbell Road	*973
		Willow Fork	Approximately 920 feet upstream of Quarry Road	*1,039
Maps available for inspection at County Executive's Office, City-County Building, 400 Main Street, Knoxville, Tennessee 37902.				
Tennessee	City of Knoxville, Knox County (FEMA-6384)	East Fork Third Creek	Just upstream of Interstates 40 and 75	*854
			Just upstream of Keith Avenue	*883
		First Creek	Just upstream of Vine Avenue	*868
			Just upstream of Interstate 40	*891
			Just upstream of Oglewood Avenue	*938
			Just upstream of Woodrow Drive	*960
		Fourth Creek	Just upstream of Westland Drive (Lyons View Pike)	*841
			Just upstream of Southern Railway	*860
			Just upstream of Interstates 40 and 75	*875
		Goose Creek	Just upstream of Southern Railway	*825
		Holston River	Just upstream of Boyd Bridge Pike	*827
		Love Creek	Just downstream of Asheville Highway (U.S. 11 and 25).	*840
		Second Creek	Just upstream of Interstate 40	*880
			Just upstream of Baxter Avenue	*890
			Just upstream of Tillery Drive	*987
			Just upstream of Inskip Road	*1004
		Ten Mile Creek	Just upstream of Middlebrook Pike	*930
		Tennessee River	Just downstream of Southern Railway	*821
		Third Creek	Just upstream of Kinston Pike	*831
			Just upstream of Southern Railway	*857
			Just upstream of Louisville and Nashville Railroad	*930
		Tributary to Goose Ceek	Just upstream of Old Maryville Pike	*930
		Tributary No. 1 to Fourth Creek	Just upstream of Westland Drive	*840
		Tributary No. 2 to Fourth Creek	Just upstream of Kinston Pike	*905
			Just upstream of Wellington Drive	*942
		Unnamed Tributary to Ten Mile Creek.	Just upstream of Walker Spring Road	*912
		Whites Creek	Just upstream of Nora Road	*958
			Just upstream of Greenway Drive	*966
Maps available for inspection at the Mayor's Office, City-County Building, 400 Main Street, Knoxville, Tennessee 37902.				
Virginia	Accomack County (Docket No. FEMA-6401)	Atlantic Ocean	Chincoteague Bay shoreline	*11
			Shoreline from northern county boundary to Wachapreague Inlet.	*12
			Shoreline from Wachapreague Inlet to southern county boundary.	*13
		Chesapeake Bay	Smith Island south to Tangier Island	*6
			Great Fox Island south to Watts Island	*9
			Shoreline from northern county boundary to Doe Creek.	*9
			Shoreline from Doe Creek to Nandua Creek	*10
			Shoreline from Nandua Creek to southern county boundary.	*11
Maps available for inspection at the Zoning Office, Accomack County Office Building, Accomack, Virginia.				
Virginia	Chincoteague, Town, Accomack County (Docket No. FEMA-6401).	Atlantic Ocean	Entire shoreline of Chincoteague Bay and Chincoteague Channel within community.	*11
Maps available for inspection at the Town Hall, 403 South Main Street, Chincoteague, Virginia.				

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

Issued: December 8, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34786 Filed 12-28-82; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Part 205

General Administration—Public Assistance Programs; Quality Control System Review Completion Requirements

Correction

In FR Doc. 82–28639 on page 46507 in the issue of Tuesday, October 19, 1982 make the following correction:

On page 46510, third column, paragraph designated as § 205.40 (b)(2)(C)(iv), "active" should read "action".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 47, No. 250
Wednesday, December 29, 1982

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Frozen Leafy Greens; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a portion of the USDA's proposed revision of the United States Standards for Grades of Frozen Leafy Greens (including spinach) appearing on pages 53875–53878 in the **Federal Register** of November 30, 1982, with respect to the term "each 2.5 cm increment."

DATE: Written comments must be received on or before January 31, 1983.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, DC 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Mr. Melvin J. Horst, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–6247.

SUPPLEMENTARY INFORMATION: This document corrects a portion of the proposed revision of the United States Standards for Grades of Frozen Leafy Greens (including spinach) appearing on pages 53875–53878 in the **Federal Register** of November 30, 1982, with respect to the term "each 2.5 cm increment." The intent of the proposed revision was to provide appropriate classifications and tolerances for the presence of extraneous vegetable material in all styles of frozen leafy greens. Chopped and pureed styles are restricted by definition to consist of product less than approximately 20 mm (0.78 in) in the longest dimension. It was intended to provide a measurement of extraneous vegetable material in terms of each 1.3 cm increment for chopped and pureed styles of frozen leafy greens. An inadvertent typing error resulted in the erroneous terminology "each 2.5 cm increment" in Table I under Chopped; pureed styles. In each instance under Table I, Chopped; pureed styles where "each 2.5 cm increment" appears, it should read "each 1.3 cm increment."

§52.1378 [Corrected]

Accordingly, the proposed revision of the United States Standards for Grades of Frozen Leafy Greens is amended to read as follows:

Section 52.1378, Table I, Chopped; pureed styles, Extraneous vegetable material: Group I, Group II, Group III, the words "each 2.5 cm increment" are amended to read "each 1.3 cm increment."

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624).

Done at Washington, D.C. on December 23, 1982.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 82-35222 Filed 12-28-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 375 and 381

[Docket No. RM83-2-000]

Fees Applicable to Natural Gas Pipeline Rate Matters

December 15, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations to establish fees for services and benefits provided by the Commission under its jurisdictional statutes. The Commission is authorized by the Independent Offices Appropriations Act of 1952 (IOAA) to establish fees for services and benefits it provides. The fees are being proposed in a series of proposed rules, each rule relating to a different type of regulated entity or jurisdictional subject area.

This proposed rule would establish fees in Part 381 of the Commission's regulations for services and benefits provided to natural gas pipelines under the Natural Gas Act (NGA) and related authorities. The rule would require the payment of a fee upon the filing of: (1) Tariff filings for changes other than in rates under sections 4 and 5 of the NGA; (2) tariff filings that involve general changes in rates under sections 4 and 5 of the NGA; (3) tariff filings that track certain costs under sections 4 and 5 of the NGA, under settlement agreements with the Commission or under orders from the Commission and (4) petitions seeking advance Commission approval of rate treatment of research, development and demonstration expenditures.

DATE: Comments must be submitted to the Secretary of the Commission by February 14, 1983.

ADDRESSES: All filings should refer to Docket No. RM83–2–000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Room 9310, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8400.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations to establish fees for services and benefits provided by the Commission under its jurisdictional statutes. The fees are being proposed in a series of proposed rules, each rule relating to a different type of regulated entity or jurisdictional subject area. By proposing fees in a series of individual rulemakings, the Commission intends to identify clearly each category of fees and to focus public comments. Nevertheless, the proposals are the product of a comprehensive examination of the potential fees associated with all the different functions and services performed by the Commision. The Commission will

consider issuing a consolidated final rule establishing fees for all services and benefits.

This proposed rule would establish, in Part 381 of the Commission's regulations, fees for certain services and benefits provided under the Natural Gas Act (NGA) [1] and the Natural Gas Policy Act of 1978 (NGPA).[2]

The rule would require payment of a fee upon the filing of the following:

(1) Tariff filings for changes other than in rates [3] under section 4 or section 5 of the NGA;

(2) Tariff filings that involve general changes in rates [4] under section 4 or section 5 of the NGA;

(3) Tariff filings that track changes in costs [5] under section 4 or section 5 of the NGA; and

(4) Petitions [6] seeking advance Commission approval of rate treatment of research, development, and demonstration expenditures.

The Commission is authorized by the Independent Offices Appropriations Act of 1952 (IOAA) [7] to establish fees for services and benefits it provides. The IOAA provides in pertinent part:

> [A]ny work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person * * * shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation * * * to prescribe therefore such fee, charge, or price, if any, which he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration the direct and indirect costs to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amounts so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts * * *.

The principal agency interpretation of the IOAA is Bureau of the Budget Circular A–25 [8] which states that a fee should be assessed against each identifiable recipient of a measurable unit or amount of Government service or property from which such recipient derives a special benefit.[9]

In accordance with the IOAA and authoritative interpretations of that statute, the Commission, in establishing any fees, must: [10]

A. Identify the service for which the fee is to be assessed;

B. Explain why that particular service benefits an identifiable recipient more than it benefits the general public;

C. Base the fee on as small a category of service as practical; and

D. Demonstrate what direct and indirect costs are incurred by the Commission in rendering the service, and show that those costs are incurred in connection with the service rendered the beneficiary.

II. Discussion.

The Commission believes that the fees set forth in this proposed rule would meet the four requirements outlined above.

A. Identification of Services

The categories of services and benefits provided in the area of natural gas pipeline rate matters for which the Commission proposes a fee in this rulemaking are the following:

1. Review of tariff filings for changes other than in rates under section 4 or section 5 of the NGA filed in accordance with Part 154;

2. Review of tariff filings that involve general changes in rates under section 4 or section 5 of the NGA filed in accordance with Part 154;

3. Review of tariff filings that track changes in costs under section 4 or section 5 of the NGA filed in accordance with Part 154 or pursuant to approved tariff provisions, orders of the Commission or settlement agreements with the Commission; and

4. Review of petitions seeking advance Commission approval of rate treatment of research, development, and demonstration expenditures filed in accordance with Part 154.

In the proposed rulemaking, the Commission is not proposing the charge fees for other actions it takes to implement its responsibilities relating to the area of natural gas pipeline rate matters. These actions are discussed in Subsection B of this discussion, in addition to those activities for which a fee is proposed.

B. Special Benefits to Identifiable Recipients

In delineating the services or benefits, for which agencies are permitted to charge under the terms of the IOAA, Budget Circular A–25 states that a fee may be charged to an identifiable recipient who derives a special benefit from a Government service.[11] In addition, the circular indicates that a "special benefit" has accrued if the recipient obtains "more immediate or substantial gains or values * * * than those which accrue to the general public."[12] Any fee charged under the IOAA is not rendered invalid because the public may also enjoy incidental benefits which flow from the service provided the recipient by the agency.[13] However, an agency may not charge for its services "when the identification of the ultimate beneficiary is obscure and the service can be considered as benefitting broadly the general public."[14] The proposed rule complies with these requirements in that the services for which fees would be charged under this rule provide special benefits to the applicants who invoke the Commission's procedures.

Commission acceptance of tariff filings for changes other than in rates allows the pipeline to amend an existing

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[1] 15 U.S.C. 717–717w.

[2] 15 U.S.C. 3301–3432. The NGPA relates to the fees in this rule with respect to the Commission's jurisdiction over costs associated with purchased gas adjustments, incrementally priced gas, and transactions under section 311 of the NGPA.

[3] 18 CFR 154.63 (1982).

[4] *Id.*

[5] Under § 154.38, the Commission permits the tracking of purchased gas costs, and research, development, and demonstration expenditures. Under approved tariff provisions, orders of the Commission or settlement agreements with the Commission, the Commission also permits the tracking of incrementally priced gas, advance payments, demand charge adjustments, transportation and compression costs, and storage costs.

[6] 18 CFR 154.38(d)(5)(1982).

[7] 31 U.S.C. 483a.

[8] Bureau of the Budget Circular A–25 (September 23, 1959). This interpretation has been quoted by the U.S. Supreme Court as "the proper construction of the act," in FPC v. New England Power Co., 415 U.S. 345, 351 (1974).

[9] Budget Circular A–25 at 1–2:

> *General Policy.* A reasonable charge * * * should be made to each identifiable recipient for a measurable unit or amount of Government service or property from which he derives a special benefit * * *. For example, a benefit will be considered to accrue and a charge should be imposed when a Government-rendered service:
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> a. Enables the beneficiary to obtain more immediate or substantial gains or values (which may or may not be measurable in monetary terms) than those which accrue to the general public (*e.g.*, receiving a patent, crop insurance, or a license to carry on a specific business); or
>
> b. Provides business stability or assures public confidence in the business activity of the beneficiary (*e.g.*, certificates of necessity and convenience for airline routes, or safety inspections of craft) * * *.

[10] *See* National Cable Television Association, Inc. v. United States, 415 U.S. 336 (1974); FPC v. New England Power Co., 415 U.S. 345 (1974); Mississippi Power & Light v. NRC, 601 F.2d 223 (5th Cir. 1979) *cert. denied*, 444 U.S. 1102 (1980); National Cable Television Association, Inc. v. FCC, 554 F.2d 1094 (D.C. Cir. 1976); Electronic Industries Association v. FCC, 554 F.2d 1109 (D.C. Cir. 1976); National Association of Broadcasters v. FCC, 554 F.2d 1118 (D.C. Cir. 1976); Capital Cities Communications, Inc. v. FCC, 554 F.2d 1135 (D.C. Cir. 1976).

[11] Budget Circular A–25 at 1–2.

[12] *Id.* at 2.

[13] *See* Mississippi Power & Light v. NRC, 601 F.2d 223, 227–28 (5th Cir. 1979), *cert. denied*, 444 U.S. 1102 (1980); Electronic Industries Association v. FCC, 554 F.2d 1109, 1115 (D.C. Cir. 1976).

[14] Budget Circular A–25 at 2, *quoted with approval in* FPC v. New England Power Co., 415 U.S. 345, 350 (1974).

gas tariff to change the terms and conditions of service. Such filings, if accepted by the Commission, permit changes in the general terms and conditions of the tariffs, rate schedules, service agreements and other miscellaneous tariff provisions, none of which changes any rate level or generates a change in annual revenues.[15] A pipeline must submit any change in its gas tariff to the Commission for its review and acceptance.

Commission acceptance of tariff filings that involve general changes in rates permits the pipeline to make the following changes [16] in rates: (1) General rate changes (increases or decreases) that affect the level for most, if not all, of the services provided by the pipeline and will enable it to recover its costs and earn a fair rate of return on jurisdictional sales; and (2) minor rate increases that usually relate to a few rate schedules and are designed to bring them into harmony with general tariff policy, to eliminate inequities or achieve other formal adjustments. A pipeline must submit any change in its rates to the Commission for its review and acceptance.

Another category of tariff filings permits the pipeline to adjust its rates for certain costs without the need to support the level of all other costs. These so-called "tracking filings" are treated separately for purposes of fees. Natural gas pipelines flow through certain "tracked costs" to their customers on the basis of the costs incurred. The pipelines are reimbursed dollar-for-dollar for these tracked costs. Although the pipelines make no profit from the "flow through" of these costs, they avoid the attrition in earnings that would otherwise occur without tracking authority. The Commission has the responsibility to ensure that rates charged by natural gas pipelines are just and reasonable whether these rates are established by general rate change filings or by tracking filings. In permitting pipelines to track certain costs, the Commission has found that the nature of these costs is sufficiently distinguishable from other costs so that they can be tracked without jeopardizing the overall relationship between costs and revenues. This relationship is subject to periodic review. The tracking filings themselves are subject to thorough review and analysis to ensure that only the proper costs are being tracked.

Advance Commission approval or rate treatment of research, development, and demonstration expenditures ensures that the pertinent research, development, and demonstration expenditures of the individual pipeline, group of pipelines, or entity acting on behalf of pipelines (such as the Gas Research Institute), will be considered by the Commission to be "valid, justifiable, and reasonable," [17] and that the pipelines incurring these expenditures will be allowed to flow through the costs to their jurisdictional customers.

With respect to each of the above services, the Commission believes that each identifiable applicant for these kinds of Commission services derives more substantial benefits than those benefits accruing to the general public. They are, therefore, the recipients of special benefits from the Commission. The Commission proposes to assess against any individual or entity, seeking these services, a fee, designed to recover the costs associated with providing that service.

As mentioned above, the Commission is not proposing in this rulemaking to establish fees for other actions it takes relating to natural gas pipeline rate matters. These actions include preliminary and formal enforcement investigations, administrative enforcement litigation and settlement of such litigation, news releases, litigation in the courts, and rulemakings. Generally, the recipients of these services are not readily identifiable.[18] Other actions the Commission takes relating to natural gas pipelines have been included in other rulemakings.

C. Smallest Practical Unit

In designing a fee schedule, the IOAA requires the Commission to base fees on the smallest unit of a category of service or benefit practical. In remanding fees established by the Federal Communications Commission, the Court of Appeals for the D.C. Circuit set forth the General rule:

> [W]e interpret the statute and the Supreme Court decisions to require reasonable particularization of the basis for the fees, accomplished by an allocation of costs to the smallest unit that is *practical*. In most cases, we expect this unit will be classes of carriers, or applicants or grantees or services which the Commission has already singled out for separate treatment in its 1975 fee schedule. Classification is always a difficult problem, involving as it does the drawing of lines; but the solution is not to group dissimilar entities together. The Commission must examine its expenses and set forth the maximum particularization of costs which it conveniently can make, so that the correctness of its actions can be reviewed.
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> * * *
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> Many of the expenses will no doubt separate naturally among classes of carriers and services * * *.[19]

The Commission recognizes that there may be significant differences in the costs incurred for individual filings or applications which are submitted for approval or review. Some filings are more complex or controversial than others or may require more time to process. The Commission is proposing to establish fees based on the narrowest categories of activities sharing common characteristics. Fee categories are generally delineated according to the nature of the services or benefits provided. For example, separate fees are established for general rate change filings and for tracking filings, even though these services are requested by a similar class of applicants. If it is practical to identify specific units within a general category of service as a basis for allocating the costs incurred by the Commission, a fee applicable to that unit is set forth. For example, the proposed rule establishes separate fees for those tariff filings that require an evidentiary hearing and for those that do not.

A fundamental consideration in developing a fee structure under the IOAA is the administrative practicality of establishing fees which relate, not just to categories of services, but also to subcategories of services or even individual agency services. This problem relates to the accessibility of cost data and the expense incurred in collecting the data. The Commission believes it has the authority to establish separate fees for any filing that initiates a proceeding and any filing that requires the Commission to undertake additional steps in that proceeding, such as requests for rehearing, intervention, or appeals. However, because the time spent in subsequent stages of a proceeding is not separately recorded by the Commission, the Commission has insufficient data at this time that are

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[15] The Commission has incorporated into the proposed fees for pipeline certificate applications the costs incurred in reviewing tariff filings that relate directly to a natural gas pipeline certificate authorization or amendment thereto. Therefore, the Commission is not, in this rulemaking, assessing a separate fee for tariff filings submitted in connection with a pipeline certificate application. The Commission will continue to examine its data on costs incurred in these areas and will consider assessing separate fees for these tariff filings in its final rules.

[16] 18 CFR 154.63(a)(2)–(4)(1982).

[17] 18 CFR 154.38(d)(5)(1982).

[18] The Commission, however, is considering, in other rulemakings, fees for declaratory orders under all of its jurisdictional statutes and recovery of the costs of certain rulemakings. In those cases where a fee is proposed, the Commission believes that there are special benefits provided to identifiable recipients.

[19] Electronic Industries Association v. FCC, 554 F.2d 1109, 1116–17 (D.C. Cir. 1976) (emphasis added).

detailed enough to permit it to compute a fee for the separate stages of a proceeding. As a result, the Commission is proposing to establish fees for an entire proceeding or application process, broken down solely by whether or not there is a hearing. The Commission nevertheless requests comments on whether fee categories should be established for smaller classes of applicants, or separate stages of a proceeding, and the nature of the data that would be necessary to support such fee categories.

With respect to those costs that the Commission incurs in any proceeding after a tariff filing is set for hearing, this rule, as proposed, would follow the approach proposed for natural gas pipeline certificate-related fees [20] to recover, in one assessment, all costs associated with the hearing phase of a proceeding. This approach was adopted for certificate proceedings because of the infrequency of settlements after issuance of a hearing order. In the case of natural gas pipeline rate proceedings, the Commission is proposing the assessment of a single hearing-related fee because current data demonstrate that the vast majority of hearing-related costs are incurred before the first pre-hearing conference is convened. Those costs involve the conduct of staff's investigation and the preparation of cost of service, allocation and rate design, depreciation, and other analyses. The Commission nevertheless recognizes that there are costs that pertain only to the hearing *per se*, such as costs associated with administrative law judges and review of their initial decisions, and that are not incurred if a case is settled before the hearing process has run its full course. It may therefore be appropriate to assess fees for hearing-related costs in installments, as previously proposed for electric rate proceedings.[21] The Commission will continue to examine its cost data to determine at what stages of the hearing process costs are generally incurred, in anticipation of developing an appropriate method of assessing hearing-related fees according to particular phases of a formal proceeding.

D. Basis of Cost Recovery.

1. Direct and indirect costs included.

The fee schedule proposed by the Commission is designed to account for all types of recoverable costs associated with the processing of the specified applications and filings. The costs attributable to a particular Commission service are not merely the salaries if the employees who review the applications or filings. As the Fifth Circuit observed, in *Mississippi Power and Light* v. *NRC*, employees "must be supplied with working space, heating, lighting, telephone service and secretarial support. Arrangements must be made so that [they are] hired, paid on a regular basis and provided specialized training courses. Those and other costs such as depreciation and interest on plant and capital equipment are all necessarily incurred in the process of reviewing an application." [22] The following descriptions indicate what actual costs are incurred when the Commission supplies the identified services and benefits relating to the area of natural gas pipeline rate matters.

Natural gas pipeline tariff filings are processed principally by the Office of Pipeline and Producer Regulation (OPPR) and the Office of General Counsel (OGC). A notice of the filing is published in the **Federal Register.** The filing is analyzed from a legal and technical standpoint to determined whether the proposed changes comply with the Commission's regulations and guidelines relating to natural gas pipeline tariff filings, and, in the case of tariff filings that involve general changes in rates, whether the changes are consistent with the statutory "just and reasonable" standard. If the filing is determined to comply with all statutory and regulatory requirements and is uncontested, staff prepares a letter order accepting the changes, together with a memorandum in which staff summarizes the filing and the responses to the public notice, analyzes the filing and makes recommendations to accept the changes. The letter order and the memorandum are sent either to the Commission or to the Director of OPPR. If the recommendations of staff are accepted, the letter order is issued by the Commission or by the Director of OPPR pursuant to delegated authority.

If the changes are found not to comply fully with applicable statutory and regulatory requirements, staff prepares a memorandum to the Commission in which staff summarizes the filing and the responses to the public notice, analyzes the filing and makes recommendations whether to suspend the filing and set the matter for hearing. If the Commission does not set the matter for hearing, a letter order accepting the changes is issued either by the Commission or by the Director of OPPR pursuant to delegated authority. In those cases where the Commission determines that a genuine issue of material fact exists, the tariff filing is suspended, and the case is set for hearing before an administrative law judge.

If a tariff filing that involves general changes in rates is set for hearing, OPPR conducts an investigation of the books and records of the pipeline company, identifies areas of disagreement and prepares positions to be presented in any formal proceeding. OPPR's positions are summarized in so-called "top sheets," that form the bases for staff's settlement positions. In the case of either a tariff filing for changes other than in rates or a tariff filing that involves general changes in rates, staff, under the direction of an administrative law judge, meets with the filing pipeline and any other interested parties in a pre-hearing conference to discuss the various positions of all the participants in the proceeding and makes any adjustments where appropriate. Depending on the issues, OPPR, OGC, the Office of Regulatory Analysis (ORA), and the Office of the Chief Accountant (OCA) may participate in the hearing. At the conclusion of the hearing, the parties and staff file briefs and the administrative law judge issues a decision. Following the initial decision, the parties may file briefs on and opposing exceptions. In such cases, the Office of Opinions and Review (OOR) prepares a formal opinion for the Commission's consideration.

Tracking filings are processed principally by OPPR and OGC. A notice of the filing is published in the **Federal Register.** The filing is analyzed from a legal and technical standpoint to determine whether the proposed tracking filing complies with the Commission's regulations and guidelines relating to tracking filings, and whether it complies with any approved tariff provisions, orders by the Commission or settlement agreements with the Commission, the provisions of which it is intended to implement. If the filing is determined to comply with all the above requirements and is uncontested, staff prepares a letter order accepting the tracking filing, together with a memorandum in which staff summarizes the filing and the responses to the public notice, analyzes the filing and makes recommendations to accept the tracking filing. The letter order and the memorandum are sent either to the Commission or to the Director of OPPR.

[20] Notice of Proposed Rulemaking, "Fees Applicable to Natural Gas Pipelines," issued September 10, 1982, (Docket No. RM82-31-000), 47 F.R. 40634 (September 15, 1982).

[21] Notice of Proposed Rulemaking, "Fees Applicable to Electric Utilities, Cogenerators, and Small Power Producers," issued September 1, 1982, (Docket No. RM82-38-000), 47 F.R. 39851 (September 10, 1982).

[22] 601 F. 2d at 236.

If the recommendations of staff are accepted, the letter order is issued either by the Commission or by the Director of OPPR pursuant to delegated authority.

If the tracking filing is found not to comply fully with applicable statutory and regulatory requirements, or not to implement properly the provisions of approved tariff provisions, orders by the Commission or settlement agreements with the Commission, staff prepares a memorandum to the Commission in which staff summarizes the filing and the responses to the public notice, analyzes the filing and makes recommendations whether to suspend the filing and set the matter for hearing. If the Commission does not set the matter for hearing, a letter order accepting the tracking filing is issued either by the Commission or by the Director of OPPR pursuant to delegated authority. In those cases where the Commission determines that a genuine issue of material fact exists, the tracking filing is suspended and the case is set for hearing before an administrative law judge.

If the tracking filing is set for hearing, OPPR prepares an analysis in which staff determines what it believes to be the appropriate costs to be flowed through to the filing pipeline's customers. Before hearing, staff, under the direction of an administrative law judge, meets with the filing pipeline and any other interested parties in a pre-hearing conference to discuss the various positions in an effort to limit the areas to be litigated. Depending upon the issues, OPR, OGC, ORA and OCA may participate in a hearing. At the conclusion of the hearing, the parties and staff file briefs and the administrative law judge issues an initial decision. Following the initial decision, the parties may file briefs on and opposing exceptions. In such cases, OOR prepares a formal opinion for the Commission's consideration.

The largest single cost item permitted to be recovered through tracking filings is purchased gas costs, which are flowed through under the purchased gas adjustment clause (PGA). The Commission audits those pipelines that use PGA's to ensure that the pipelines are complying with the statutory and regulatory requirements for the use of PGA's. As the result of an audit, the Commission may find that a certain pipeline is not complying with its PGA regulations. The Commission can require such a pipeline to refund to its customers PGA costs improperly charged to its customers. PGA audits, conducted in conjuction with the use of PGA tracking filings by the pipelines, are necessary for responsible implementation of PGA tariff provisions. The cost of conducting PGA audits has therefore been incorporated into the costs used to determine the fees for tracking filings that are not suspended and set for hearing.

Pipelines must make refunds to their customers when it has been determined that they have overcharged their customers under provisions of a tariff filing, because of a refund made to the pipelines by producers or other pipelines, or for other reasons. Refund reports and plans, filed with the Commission pursuant to an order by the Commission or a settlement agreement with the Commission, are processed by OPPR and OGC. A notice of the filed refund report or plan is published in the **Federal Register.** The refund report or plan is reviewed by OPPR and OGC to determine whether it property implements the provisions of the underlying order or settlement agreement. If it is determined that the refund report or plan does not implement properly the underlying order or settlement agreement, a deficiency letter is sent to the company, requiring appropriate revisions and resubmittal of the refund report or plan. If the refund report or plan is found to be consistent with the requirements of the underlying order or settlement agreement, staff prepares a letter order accepting the refund report or plan and a memorandum in which staff summarizes the refund report or plan and the responses to the public notice, and makes recommendations to accept the refund report or plan. If the recommendations of staff are accepted, the letter order is issued by the Commission or by the Director of OPPR pursuant to delegated authority.

Review of refund reports and plans is necessary for the responsible implementation of the provisions of tariff filings. The costs of reviewing refund reports and plans relating to tariff filings that involve general changes in rates that are set for hearing and tariff filings that track changes in costs that either are or are not set for hearing have therefore been incorporated into the respective costs used to determine the fees for each of these services.

Petitions that are filed by pipelines, groups of pipelines, or entities acting on behalf of pipelines, to obtain advance Commission approval of rate treatment of research, development, and demonstration expenditures are processed by OPPR. A notice of the filing is published in the **Federal Register.** Staff reviews the proposed projects and submits a memorandum to the Commission with staff's judgment as to whether the expenditures are "valid, justifiable and reasonable," and, therefore, should be allowed to be flowed through to the jurisdictional customers of the pipelines sponsoring the projects. The Commission then issues an order either accepting or rejecting the petition, in whole or in part.

The Gas Research Institute, acting on behalf of its member pipelines, regularly files petitions to obtain advance Commission approval of rate treatment of its research, development, and demonstration expenditures. When the Gas Research Institute files such a petition, the Commission follows a special procedural schedule. Staff prepares a report in which it summarizes the proposed projects and presents the staff's judgment as to whether the expenditures are "valid, justifiable and reasonable," and as to whether the costs should be allowed to be flowed through to jurisdictional customers of the pipelines sponsoring the research, development, and demonstration projects. The report is sent to all intervenors.[23] Reply comments on the report from intervenors, and final comments from the Gas Research Institute are then submitted to the Commission. The Commission then issues an order either accepting or rejecting the Gas Research Institute's petition, in whole or in part.

2. *Methodology*

The Commission's calculation of the costs incurred to provide each of the services represented by a fee category is directly related to the amount of time the Commission spends providing each of these services. The proposed rules relies on information obtained through the Commission's management information system (MIS), which provides the amount of time spent on all the Commission functions. These data are recorded on a periodic basis. The functions are grouped into categories which represent the Commission's various programs, including gas wellhead pricing, gas pipeline rates, gas pipeline certificates, oil pipeline regulation, hydropower regulation, and electric power regulation.

The supervisor in each organizational unit reports through the MIS the amount of time spent by staff on each function, in terms of "work-months". A "work-month" is the unit of work represented by one employee's devotion of 100% of his or her time for one month. With

[23] All state public utilities commissions and all members of the Gas Research Institute automatically are made intervenors.

respect to each function, the supervisor records the number of projects initiated (receipts) and completed (completions) in a particular time period, insofar as the nature of the function involves the initiation and completion of projects. Most Commission functions can be measured in terms of the number of projects initiated and completed. In accordance with Commission practice, most of these projects are generally assigned docket numbers and, for purposes of this discussion, will be referred to as "docketed activities."

Other "support" functions regularly undertaken, with respect to any program, may not be measured in terms of receipts and completions and are not docketed. The nature of these functions makes impractical any measurements in terms of receipts and completions, but staff time is nevertheless spent performing these functions. This time is allocated and reported by unit supervisors.

These support functions will be referred to as "support activities" and can be divided into three categories. First, there are activities that involve general supervision, personnel management, and routine administrative functions such as maintenance of time and leave records, the handling of property and supplies, staff meetings, and the planning and organizing of leave.

Second, support staff responds to requests for information that do not contribute directly to the completion of a docketed activity. Examples include requests for information from the public, from the Congress, from the General Accounting Office, and from other governmental agencies.

Third, support staff establishes or reviews Commission operations and procedures. These activities include work on the Commission budget, management information systems, and program development functions such as special studies or briefings not identified with a docketed activity.

The Commission uses the following method to determine the cost of providing any service or benefit.[24] First, the work-months reported for a specific "docketed" activity are added to a pro-rata share of the work-months reported for the relevant "support" activities.[25] This figure, representing the total number of work-months dedicated to a given function for a year, is divided by the number of completions for that year for the given function. The resulting quotient represents the average number of work-months required to complete each function.

Second, the Commission used the following figures provided by the Office of Program Management to derive the average cost of a work-month, based on the Commission's FY 1982 budget.

Average annual salaries and fringe benefits (including the overhead for retirement and benefit insurance)	$37,518
Administrative overhead for one year per employee (including printing, communication, office space, rent, etc.)	8,468
Contracts for overhead services for one year per employee (microfilm, etc.)	2,406
Estimated average cost per employee for fiscal year 1982	$48,392

The total is divided by 12 to yield an average work-month cost of $4,032.67.

Third, in order to determined the cost of the function, the Commission multiplies the average cost per work-month by the average number of work-months required to complete the function.[26]

The Commission proposes to update the fees each year to reflect Commission costs. An updated fee schedule would be published in the **Federal Register** each year. The updated fee would be the product derived by multiplying each fee that is effective for the current fiscal year by the ratio of the average budgeted costs per employee for the next fiscal year to the average budgeted costs per employee for the current fiscal year. An applicant would be obliged to pay either the updated fee or, if the updated fee is not yet effective, the fee that is currently effective at the time of filing.

E. Exceptions to Full-Cost-Recovery

As a general policy, the Commission intends to establish fees which include all the recoverable costs associated with a particular benefit or service provided by the Commission. The Commission recognizes, however, that there may be instances in which a fee has an undesired effect on an applicant or other person requesting a service or benefit or otherwise proves infeasible. In such cases, the Commission may exercise discretion to reduce the fee for a category of service. Generally speaking, the Commission does not expect this issue to arise with regard to any service which is necessary to participation in a regulated business and continues to consider the possibility of full-cost-recovery for each category of service for which it proposes fees. The Commission specifically requests comments on this fundamental approach.

A primary concern presented by the establishment of fees is to ensure that the benefits and services provided by the Commission under its jurisdictional statutes remain reasonably available to interested persons. Any consideration of whether to establish a less than full-cost-recovery fee under new Part 381 for a category of service would depend initially on a threshold determination that a full-cost-recovery fee may discourage use of the service for which the fee is assessed. If it appears to the Commission that a full-cost-recovery fee would discourage filings or use of Commission services, it would then consider a reduction in the relevant fee. The determination of how far to reduce a fee will depend on four specific factors.

1. *Disproportionate economic burden.* The Commission may reduce the fee by a factor of forty to sixty-five percent, if it is shown that the individuals or entities the Commission expects to predominate in the potential class of payers are of the type on which the full-cost-recovery fee could be expected to impose a disproportionate economic burden. If the Commission service does not pertain to small entities, or involve any particular economic hardship, but if the imposition of a full-cost-recovery fee for that service, nevertheless, would discourage use of the service, then, the Commission would be inclined to reduce the fee by a smaller amount, not to exceed fifty percent of the full cost of the service.

2. *Encouraging use of a service.* The Commission may reduce the fee by twenty percent, if the service or procedure involved is of a type that the Commission wishes to encourage or if

[24] The fees categories proposed in this and other proposed fees rules are designed on the assumption that jurisdictional entities would continue to submit filings and applications in the same configurations as in the past. For instance, several tariff changes other than in rates are often submitted together by gas pipeline companies. Although the proposed fees schedules are designed to collect a separate fee for each discrete service or benefit provided, the Commission recognizes that the potential exists, in some cases, for jurisdictional entities to combine filings in order to avoid the assessment of fees. If the implementation of fee schedules causes jurisdictional entities to alter their reporting practices, the Commission would consider additional means to ensure that the Commission does recover all of the costs it incurs in providing these services.

[25] The Commission has excluded from its cost calculations those work-months associated with the second category of support activities, because those functions do not constitute part of the cost of providing a special benefit.

[26] The Commission is developing MIS date for FY 1982 and fiscal budget data for FY 1983. These data will be available by the time final fees rules are considered by the Commission. The Commission will use the most accurate and representative base year data available for establishing fees under the standard methodology proposed in this and the other fees rulemakings.

the Commission prefers that service or procedure to be utilized more often than others which would provide essentially the same benefit.

3. *Use of Commission time.* Related to the consideration of encouraging one service over another is a consideration of whose time and effort is required to provide the particular service. Commission time is more valuable and limited than is staff time. Therefore, a reduction of five percent may be made if a service requires only staff time for normal processing and does not include an appeal to the Commission.

4. *Reduction of processing time.* There may be some services the Commission provides with which the Commission has had little experience. Therefore, its data may not be as indicative of the average costs of providing that service over a longer period of time as its data for the costs of services it has been providing for many years. As the Commission gets more familiar with the processing or review of such an application or filing, it may become more efficient, thereby reducing the amount of time required to provide the service. To reflect this possibility, the Commission may reduce the fee by five percent if the service requested is one with which the Commission has had little experience.

III. Fees Proposed

The following table summarizes the average number of work-months (WM's) and average costs incurred in rendering the services for which the Commission proposes fees in this rulemaking: [27]

Service	Total WM's	Total completions	Average number WM's per completion	Average cost per completion
Review of tariff filings for changes other than in rates (without hearing)	44.40	118	.376	[1] $1,517
Review of tariff filings that involve general changes in rates (without hearing)	44.40	118	.376	[1] 1,517
Hearing phase of either tariff filings for changes other than in rates or tariff filings that involve general changes in rates	1,121.10	101	11.10	44,762
Review of tariff filings that track changes in costs (tracking filings) (without hearing)	294.26	245	1.20	4,843
Hearing phase of filings that track changes in costs (without filings)	128.77	22	5.85	23,603

[1] The fees in these categories reflect the fact that the underlying data on gas pipeline tariff filings for changes other than in rates and tariff filings that involve general changes in rates are currently collected and maintained together. By proposing two fee categories, the Commission is indicating that it will segregate the data pertaining to these two kinds of tariff filings, in the anticipation of establishing two or more fees categories in this area.

The Commission proposes to use the standard methodology set forth in this and other fees rulemakings to determine all of the fees for natural gas pipeline rates matters, except the fee for petitions seeking advance Commission approval of rate treatment of research, development, and demonstration expenditures. Rather than devise a single fee for reviewing such petitions, the Commission proposes to use the direct billing procedure to recover these costs. The reasons for such an approach are as follows. Most of the Commission time spent in reviewing these petitions is spent reviewing petitions filed by the Gas Research Institute. However, pipelines, groups of pipelines, and entities acting on behalf of pipelines, also file petitions seeking advance Commission approval of expenditures for their own projects. These projects are usually much smaller than the Gas Research Institute's projects and require much less Commission time to review. If the Commission were to determine a fee based on the average cost per petition seeking advance Commission approval of rate treatment of research, development, and demonstration expenditures, the result might be to require these other entities to subsidize the cost of reviewing the Gas Research Institute's petitions. Therefore, the Commission proposes to direct bill, by means of the procedures set forth in §381.107, to cover the costs of processing any petition seeking advance Commission approval of rate treatment of research, development, and demonstration expenditures.

The following fees are therefore proposed: [28]

Service	Fee
Tariff filings for changes other than in rates (without hearing)	$1,500.00
Tariff filings that involve general changes in rates (without hearing)	1,500.00
Tariff filings for changes other than in rates and tariff filings that involve general changes in rates (with hearing)	46,200.00
Tariff filings that track changes in costs (without hearing)	4,800.00
Tariff filings that track changes in costs (with hearing)	28,400.00
Petitions seeking advance approval of rate treatment of research, development, and demonstration expenditures	Direct billed

In the pipeline rate area, a substantial amount of Commission costs are incurred in evidentiary hearings. Unlike many of the other services for which the Commission proposes fees, a significant number of tariff filings are set for hearing. Therfore, in order to be consistent with the policy of full-cost-recovery, the proposed fees, for tariff filings that are suspended and set for hearing, are designed to recover the average cost to the Commission of an evidentiary hearing.

This proposed rule would require only the person submitting the application or the filing to pay the fee, which includes the average cost of a hearing, on the theory that an applicant receives a special benefit and that an evidentiary hearing is a necessary part of the process conferring the benefit. In addition, the Commission currently does not have adequate data that allow allocation of costs among parties to a hearing, such as intervenors. Nevertheless, there may be instances where assessing a fee that includes all or part of the costs of a hearing against persons other than an applicant may be a viable approach under the IOAA. The Commissioner requests comments on this issue.

These fees have not been reduced according to the factors discussed in Section II. E., above, because generally these fees are proposed for services necessary for participation in a regulated industry, and, therefore, would not discourage use of the service. However, the Commission is considering reduction or waiver of fees assessed against small pipelines for tariff filings that are set for hearing. The Commission is concerned that the assessment of full-cost-recovery fees for these services might impose a disproportionate economic burden against small pipelines.

The Commission also is proposing procedures whereby the Commission may waive or reduce any of the proposed fees in specific circumstances. These procedures would give the Commission the discretion to waive or reduce the fees in order to avoid undue economic burden in particular cases. Factors which the Commission may consider in waiving or reducing a fee include the size and financial health of an applicant.

IV. Procedures for Paying Fees

In order to be consistent with the assessment of fees relating to natural gas pipeline rate matters, the Commission proposes to amend its current regulations regarding the procedures applicable to each of the applications and filings covered by the proposed fee schedule. The amended procedures would require that a certified check or money order for the appropriate amount, made payable to the United States Treasury, be included with each filing and application.

In addition, the proposal provides, in § 381.103(b), that any application or filing, which is not accompanied by the appropriate fee, would be considered deficient, and would not be processed

[27] The Commission is placing in the public file for this docket more detailed data relating to the costs incurred by the Commission which form the basis of the proposed fees.

[28] Fees are established by taking actual costs and rounding *down* to: (1) the nearest $5 increment, if the total cost is $100 or less; and (2) the nearest $100 increment, if the total cost is more than $100.

by the Commission. Consistent with this proposed rule, the Commission would consider rejecting and not processing a deficient filing, not assigning a filing date for a deficient filing, and suspending the continuation of a hearing, until such time that the added amount due for that application or filing is paid as required.

The Commission is considering whether to assess in installments the increment of the total fee that pertains to the evidentiary hearing process. In order to account for both the possibility of settlements before the completion of formal proceedings and the pattern of cost-incurrence by the Commission, the Commission may decide to assess portions of the hearing-related fees at specified junctures in the proceeding. For example, two-thirds of the fee could be due within 30 days after issuance of a suspension order, with the remainder due not later than 10 days before a hearing commences.

Furthermore, in the areas where the Commission presently charges fees, it follows, with minor exceptions, a policy of no refunds. The Commission expects to apply this no refund practice to all fees proposed in the new series of rulemakings under the IOAA, as well.

V. Direct Billing Alternative

As discussed above, the methodology that would be used to establish the fees for all of the fees categories covered in this rulemaking, other than the fee for petitions for advance Commission approval of rate treatment of research, development, and demonstration expenditures, is based on the average cost of processing the average filing. The Commission occasionally receives filings which are not representative of these average filings. These filings may be so extensive in scope and present issues of such complexity or difficulty that the Commission must devote an extraordinary amount of time and staff resources to processing them. The standard fees would bear no reasonable relationship to the actual cost of processing these extraordinary filings. Moreover, if the costs of processing these extraordinary filings were included in the average costs associated with average filings, persons submitting average filings would be subsidizing those submitting the extraordinary filings. Therefore, the Commission is proposing that in the case of an extraordinary filing, it would order a direct billing procedure.

Under this direct billing procedures, the Commission would periodically bill the person who submitted the filing for all the direct and indirect costs incurred by the Commission in processing the filing. The filing would be processed like other filings, but the amount of time and staff resources devoted to processing the filing would be recorded separately and would not be averaged with the time devoted to processing the average filing.

VI. Summary of Proposed Rule

This proposed rule establishes fees for services and benefits provided by the Commission in the area of natural gas pipeline rate matters in proposed Part 381 of Chapter I of Title 18 of the Code of Federal Regulations.

Proposed §§ 381.101 and 381.102 state the purpose of proposed Part 381 and provide definitions of the words "person", "work year cost", and "filing".

Proposed § 381.103 provides that each filing must be accompanied by the proper fee or that filing will be considered deficient, which could result in rejection of the filing. Section 381.103 also provides that if a filing for one service or benefit may be considered as falling within two or more fee categories, the higher or highest of the applicable fees must be paid.

Proposed § 381.104 requires the Commission to publish a revised fee schedule each year to reflect an increase or decrease in costs.

Proposed § 381.105 establishes the method of payment of the proposed fees.

Proposed § 381.106 provides that the Commission may waive or reduce fees if to do so is necessary to prevent an undue economic burden.

Proposed § 381.107 provides that the Commission may order any filing, the processing of which requires an extraordinary amount of time and staff resources, to be assessed fees under a direct billing procedure. Any fees paid under Part 381 upon submission of the filing would be credited against the direct bill.

Proposed § 381.408 establishes a $1,500 fee, payable upon the submission of a tariff filing for changes other than in rates. If the filing is set for hearing, § 381.408 establishes a total fee of $46,200, requiring an additional payment of $44,700, after the filing is set for hearing.

Proposed § 381.409 establishes a $1,500 fee, payable upon the submission of a tariff filing that involves general changes in rates. If the filing is set for hearing, § 381.409 establishes a total fee of $46,200, requiring an additional payment of $44,700, after the filing is set for hearing.

Proposed § 381.410 establishes a $4,800 fee, payable upon the submission of a tariff filing to track certain costs. If the filing is set for hearing, § 381.410 establishes a total fee of $28,400, requiring an additional payment of $23,600, after the filing is set for hearing.

Proposed § 381.411 establishes that a fee be determined and paid using the direct billing procedure set forth in § 381.107 upon the submission of a petition seeking advance Commission approval of rate treatment of research, development, and demonstration expenditures.

In addition, this proposed rule amends the Commission's regulations relating to the above mentioned categories of service to require each applicant to file the proper fee with each application.

VII. Initial Regulatory Flexibility Analysis

Whenever the Commission is required by section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553) to publish a general notice of proposed rulemaking, it is also required by section 603 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) to prepare and make available for public comment an initial regulatory flexibility analysis. The analysis must describe the impact the proposed rule will have on small entities. The broad purpose of the RFA is to ensure more careful and informed agency consideration of rules that may significantly affect small entities and to encourage analyses of these rules as well as the agency's consideration of alternative approaches that may better resolve any unnecessarily costly or adverse effects on small entities.

In this preamble, the Commission presents its reasons for this agency action, its objectives, and the legal basis for this rulemaking. As discussed, the proposed rule would establish a schedule of fees to be paid the Commission for certain benefits it provides. The proposed rule would not impose any reporting, recordkeeping, or compliance requirements.

This rule would affect natural gas pipelines subject to Commission jurisdiction under the NGA and the NGPA as well as non-jurisdictional entities seeking advance Commission approval of rate treatment of research, development, and demonstration expenditures. There are approximately 150 interstate natural gas pipelines in the United States. The Small Business Administration (SBA) regulations do not establish specific size standards for natural gas pipelines. (*See* 13 CFR Part 121). Most natural gas pipelines, however, especially interstate pipelines, are large businesses. Only about 40 interstate natural gas pipelines possibly could be classified as small entities.[29] Petitioners seeking advance Commission approval of rate treatment of research, development, and demonstration expenditures are pipelines, groups of pipelines, or entities

[29] Generally, the Commission considers small pipelines to be those pipelines classified as Class C or Class D natural gas companies, that is, companies earning $25,000 or more per year, but less than $1,000,000. (See 18 CFR Part 104, Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act.) In addition, the Commission considers small entity pipelines to include those companies earning less than $25,000 a year or those that are so new that they cannot yet be classified.

owned or controlled by pipelines, and, therefore, usually are either large businesses, or are owned and controlled by large businesses.

Where a proposal may have significant economic impact on a substantial number of small entities, section 603(c) of the RFA requires the Commission to discuss significant alternatives to the proposal. The Commission has already attempted to minimize any disproportionate burden that the proposal would have on pipelines that may be small entities. The proposal contains a provision for waiver or reduction of any fees as needed to avoid imposition of an undue burden. The Commission, of course, could, consider reducing the fees, or even eliminating the fees, with respect to small entities. However, in proposing the fees the Commission also is attempting to satisfy the statutory directive of the IOAA to be "self-sustaining to the full extent possible." The Commission believes that the rule, as proposed, represents a fair balance that will satisfy the purposes of both the IOAA and the Regulatory Flexibility Act.

VIII. Written Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting data, views, or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, not later than February 14, 1983. Each person submitting a comment should indicate that the comments are being submitted in Docket No. RM83-2-000, and should give reasons, including any supporting data, for any recommendations. Comments should also indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Commission. All comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. during business hours.

(Department of Energy Organization Act, 42 U.S.C. 7101-7; E.O. 12009, 3 CFR Part 142 (1978) Independent Offices Appropriations Act, 31 U.S.C. 483a)

List of Subjects

18 CFR Part 154

Natural gas.

18 CFR Part 375

Authority delegations (Government agencies), Seals and insignia, Sunshine Act

18 CFR Part 381

General fees.

In consideration of the foregoing, the Commission proposes to amend Chapter I, Title 18, Code of Federal Regulations as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. Chapter I is amended in its table of contents by adding in the appropriate numerical order, a new part and heading, to read as follows:

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

* * * * *

SUBCHAPTER W—REVISED GENERAL RULES

Part

* * * * *

381 Fees

* * * * *

PART 154—[AMENDED]

§ 154.24 [Amended]

2. Section 154.24 is amended by inserting between the word "part" and the period, the phrase "or is not accompanied with the fee prescribed in Part 381".

§ 154.38 [Amended]

3. Section 154.38(d)(5)(i) is amended in the third sentence by inserting between the word "reasonable" and the period, the phrase "and shall be accompanied by the fee prescribed in Part 381 of this chapter."

4. Section 154.63, paragraph (b) is amended by adding (b)(1)(iii) to read as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

* * * * *

(b) * * *

(1) * * *

(iii) A fee in the amount prescribed in Part 381 of this chapter.

* * * * *

PART 375—[AMENDED]

§375.307 [Amended]

5. Section 375.307 is amended by adding a new paragraph (u) at the end thereof, to read as follows:

§ 375.307 Delegations to the Director of the Office of Pipeline and Producer Regulation

* * * * *

(u) Waive or reduce the fees prescribed in Subpart D of Part 381.

6. Subchapter W is amended by adding a new Part 381 to read as follows:

SUBCHAPTER W—REVISED GENERAL RULES

PART 381—FEES

Subpart A—General Provisions

Sec.

381.101 Purpose.
381.102 Definitions.
381.103 Filings.
381.104 Annual adjustment of fees.
381.105 Method of payment.
381.106 Reductions and waivers.
381.107 Direct billing.

Subpart B—Fees Applicable to General Functions [Reserved]

Subpart C—Fees Applicable to the Natural Gas Policy Act of 1978 [Reserved]

Subpart D—Fees Applicable to the Natural Gas Act and Related Authorities

381.401 Blanket small producer certificates. [Reserved].
381.402 Producer certificates of public convenience and necessity. [Reserved]
381.403 Producer rate schedules. [Reserved]
381.404 Pipeline certificate applications. [Reserved]
381.405 Requests for authorization under the blanket certificate notice and protest procedures. [Reserved]
381.406 Curtailment filings. [Reserved]
381.407 Amendment. [Reserved]
381.408 Pipeline tariff filings for changes other than in rates.
381.409 Pipeline tariff filings that involve general changes in rates.
381.410 Pipeline tariff filings that track certain costs.
381.411 Petitions for advance approval of rate treatment of research, development, and demonstration expenditures.

Subpart E—Fees Applicable to Matters Under Parts II and III of the Federal Power Act and the Public Utility Regulatory Policies Act of 1978 [Reserved]

Subpart F—Fees Applicable to the Interstate Commerce Act [Reserved]

Authority: Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 3 CFR Part 442 (1978); Independent Offices Appropriations Act, 31 U.S.C. 483a.

Subpart A—General Provisions

§ 381.101 Purpose.

The purpose of this part is to set forth the fees that the Commission has established for services and benefits provided by the Commission.

§ 381.102 Definitions.

(a) "Person" means any person, group, association, organization, partnership, corporation, or business, except those engaged in the transaction of official business of the Government.

(b) "Work year cost" means the ratio of the Commission's budgeted expenses during any given fiscal year to the authorized staff level for that fiscal year.

(c) "Filing" means any application, petition, request, or motion submitted to the Commission in connection with any of the services or benefits for which a fee is established in this part.

§ 381.103 Filings.

(a) *Submittal of fees.* Except as provided in § 381.106, a fee in the amount set forth in this part must accompany each filing for which a fee has been established.

(b) *Deficiencies.* (1) Any filing which is not accompanied by either the fee established for that filing or a request for reduction or waiver in accordance with § 381.106 is deficient.

(2) The Secretary will inform any person who submits a deficient filing that:

(i) Such filing will be rejected, unless the appropriate fee is submitted within a specified time;

(ii) The Commission will not process any filing which is deficient under this paragraph; and

(iii) The date of filing will be deemed the date on which the Commission receives the appropriate fee.

(3) This provision does not preclude a determination that a filing is deficient for any other reason.

(c) *Choice of two fees.* If a filing for one service or benefit may be considered as falling within two or more categories of service for which a fee is established, that filing must be accompanied by the higher or highest of the applicable fees.

§ 381.104 Annual adjustment of fees.

(a) *Update and publication.* Beginning in fiscal year 1983, fees established in this part are updated annually, in accordance with this section. Updated fees are published in the **Federal Register** and as an appendix to this part.

(b) *Payment of updated fees.* Any person who, after fiscal year 1982, submits a filing for which a fee is established in this part must pay the updated fee under this section or, if the fee has not been updated at the time of the filing, the currently effective fee.

(c) *Formula.* The fee applicable to a fee category in each fiscal year is the fee for the previous fiscal year for that category, multiplied by the ratio of the work year cost for the fiscal year for which the fee is determined to the work year cost for the previous fiscal year. The fee is rounded down to the nearest five dollar increment.

(d) *Effective date of fee.* Any fee updated under this section becomes effective on the thirtieth day after publication in the **Federal Register** of the revised appendices to this part, or the first day of the fiscal year for which the fee is updated, whichever is later.

§ 381.105 Method of payment.

Fee payments must be made by certified check or money order payable to the Treasurer of the United States.

§ 381.106 Reductions and waivers.

(a) *When to request.* (1) Except as otherwise provided in paragraph (a)(2) of this section, an applicant may request a waiver or reduction of a fee prescribed in this part at the time that a filing is submitted to the Commission.

(2) Any request for waiver or reduction of the fees prescribed for any rate schedule filing or tariff filing filed under the Federal Power Act, Natural Gas Act, or Interstate Commerce Act, must be submitted at least 30 days prior to submission of the filing.

(b) *Basis.* The applicant must show that waiver of reduction of the fee is necessary to prevent undue economic burden on the applicant.

(c) *Commission action.* Within 21 days of the submission a request for waiver or reduction, the Commission or its delegatee will notify the applicant of the decision to grant or deny that request. The filing will not be processed until disposition of the waiver request.

§ 381.107 Direct billing.

(a) *Applicability.* If a filing presents issues of fact or law, procedural difficulty, or technical complexity, which require an extraordinary amount of Commission time and effort to be devoted to processing that filing, the Commission will institute a direct billing procedure for that filing. Fees assessed by a direct billing procedure in accordance with this section will supersede the fees established in this part for the appropriate category of service.

(b) *Procedures.* (1) If the Commission determines that a filing meets the standards prescribed in paragraph (a), the Commission may order that the full cost of processing the filing be recovered under a direct billing procedure. The Commission will make a direct billing determination under this paragraph not later than one year after the filing is accepted for filing by the Commission.

(2) Direct billing will not be instituted with respect to any filing until the person who submitted the filing is notified that direct billing will be applied to the filing in lieu of the fees established under this part.

(3) Any fee submitted with the filing will be applied, as a credit, to the amount billed directly for processing costs. The secretary will thereafter periodically bill the person who submitted the filing for the actual direct and indirect costs which are incurred in processing the filing after the Commission orders the direct billing procedure instituted.

Subpart B—Feed Applicable to General Functions [Reserved]

Subpart C—Fees Applicable to the Natural Gas Policy Act of 1978 [Reserved]

Subpart D—Fees Applicable to the Natural Gas Act and Related Authorities

Sec.

381.401 Blanket small producer certificates. [Reserved]
381.402 Producer certificates of public convenience and necessity. [Reserved]
381.403 Producer rate schedules. [Reserved]
381.404 Pipeline certificate applications. [Reserved]
381.405 Requests for authorization under the blanket certificate notice and protest procedures. [Reserved]
381.406 Curtailment filings. [Reserved]
381.407 Amendment. [Reserved]

§ 381.408 Pipeline tariff filings for changes other than in rates.

(a) *Definition.* Tariff filings for changes other than in rates include tariff filings that:

(1) Do not change any rate level or generate a change in a pipeline company's annual revenues;

(2) Change general terms and conditions of tariffs, rate schedules, service agreements, and other miscellaneous tariff provisions.

(b) *Fee.* Unless the Commission orders direct billing under § 381.107 or otherwise, the initial fee established for a tariff filing for changes other than in rates is $1,500 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee established for a tariff filing for changes other than in rates that is set for hearing is $46,200 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee filed under this paragraph must be submitted in accordance with Subpart A of this part and Part 154.

(c) *Procedures.* Any person who submits a tariff filing for changes other than in rates that is set for hearing must pay the difference between the initial fee and the fee established for a filing that is set for hearing, not later than 30 days after the issuance of an order setting the matter for hearing.

§ 381.409 Pipeline tariff filings that involve general changes in rates.

(a) *Definition.* For the purposes of this section, tariff filings that involve general chnges in rates include tariff filings under § 154.63(a) (2) (3) and (4), that:

(1) Either increase or decrease most, if not all, of a pipeline's rates applicable to the various jurisdictional services it provides; and

(2) Relate to a few rate schedules and are designed to bring them into harmony with general tariff policy, eliminate inequities, or achieve other formal adjustments.

(b) *Fee.* Unless the Commission orders direct billing under § 381.107 or otherwise, the initial fee established for a tariff filing that involves general changes in rates is $1,500 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.10. The fee established for a tariff filing that involves general changes in rates that is set for hearing is $46,200 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee filed under this paragraph must be submitted in accordance with Subpart A of this part and Part 154.

(c) *Procedures.* Any person who submits a tariff filing that involves general changes in rates that is set for hearing must pay the difference between the initial fee and the fee established for a filing that is set for hearing, not later than 30 days after the issuance of an order setting the matter for hearing.

§ 381.410 Pipeline tariff filings that track certain costs.

(a) *Definition.* For the purposes of this section, tariff filings that track certain costs include all tariff filings made by natural gas pipelines under approved tariff provisions, orders of the Commission or settlement agreements with the Commission to enable the Commission to track costs associated with purchased gas costs, research, development, and demonstration costs, incrementally priced gas, advance payments, demand charge adjustments, transportation and compression costs, natural gas storage costs, and other similar costs.

(b) *Fees.* Unless the Commission orders direct billing under § 381.107 or otherwise, the inital fee established for a tariff filing that tracks certain costs is $4,800 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee established for a tariff filing that tracks certain costs that is set for hearing is $28,400 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. The fee under this paragraph must be submitted in accordance with Subpart A of this part and Part 154.

(c) *Procedure.* Any person who submits a tariff filing that tracks costs that is set for hearing must pay the difference between the intial fee and the fee established for a filing that is set for hearing, not later than 30 days after the issuance of an order setting the matter for hearing.

§ 381.411 Petitions for advance approval of rate treatment of research, development, and demonstration expenditures.

The fee for a petition seeking advance Commission approval of rate treatment of research, development, and demonstration expenditures will be determined and billed according to the procedures for direct billing set forth under § 381.107.

Subpart E—Fees Applicable to Matter Under Parts II and III of the Federal Powers Act and the Public Utility Regulatory Policies Act of 1978 [Reserved]

Subpart F—Fees Applicable to the Interstate Commerce Act [Reserved]

[FR Doc. 82-34804 Filed 12-28-82; 8:45 am]
BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76-157 (Texas—22 Addition—II)]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

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

DATE: Comments on the proposed rule are due on February 7, 1983. Public hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on January 7, 1983.

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

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556

SUPPLEMENTARY INFORMATION:

Issued December 23, 1982.

I. Background

On November 9, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Strawn-Detrital Formation in Crockett County, Texas, be designated as a tight formation. The Commission previously adopted a recommendation that a portion of the Strawn-Detrital Formation be designated as a tight formation [Order No. 249 issued August 24, 1982, in Docket No. RM79-76-111 (Texas—22)] and currently has under consideration a recommendation to designate the Detrital Formation in the Perner Ranch Area as a tight formation [Notice of Proposed Rulemaking issued December 2, 1982, Docket No. RM79-76-150 (Texas—22 Addition:]. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that an additional area of the Strawn-Detrital Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Strawn-Detrital Formation in the area of the University Block 31 and Howards Creek (Penn) Fields in Crockett County, Texas, Railroad Commission District 7C, be designated as a tight formation. The recommended area consists of Sections 19, 20, S ½ of 21, 29, 30, 31, and 32, University Lands Survey, Block 30; Sections 1, 2, 3, S ½ of 4, 5, 6, 7, 8, S ½ of 9, 11, 12, 13 and 14, University Lands Survey, Block 33; Sections 29, 31, 50, 51, north 320 acres of 30, SE ¼ of 53, S ½ of

32, SW ¼ of 12, Block UV, G.C. & S.F.R.R. Co. Survey. The area recommended is west and northwest of the city of Ozona, Texas, and is an extension of the area of the Strawn-Detrital Formation designated as a tight formation by the Commission's Order No. 249.

Type logs within the designated area show the top of the Strawn-Detrital Formation at approximate depths of 7,924 feet in the north to 8,296 feet in the south, and the base is located at approximately 7,980 feet in the north of 8,668 feet in the south.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

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

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

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

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Strawn-Detrital Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 7, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-157 (Texas—22 Addition II) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than January 7, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

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

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by revising paragraph (d)(106) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(106) *Strawn-Detrital Formation in Texas.* RM 79-76-111 (Texas-22).

(i) *University Block 31 (Strawn-Detrital) Field.*

* * * * *

(ii) *Perner Ranch Area.*

* * * * *

(iii) *University Block 31 (Strawn-Detrital) and Howards Creek (Penn) Fields.*

(A) *Delineation of formation.* The Strawn-Detrital Formation in the area of the University Block 31 and Howards Creek Fields is located in Crockett County, Texas, Railroad Commission District 7C. The designated area consists of Sections 19, 20, S½ of 21, 29, 30, 31 and 32, University Lands Survey, Block 30; Sections 1, 2, 3, S½ of 4, 5, 6, 7, 8, S½ of 9, 11, 12, 13 and 14, University Lands Survey, Block 33; Sections 29, 31, 50, 51, north 320 acres of 30, SE¼ of 53, S½ of 32, SW¼ of 12, Block UV, G.C. & S.F.R.R. Co. Survey.

(B) *Depth.* Type logs within the designated area show the top of the Strawn-Detrital Formation at approximate depths of 7,924 feet in the north to 8,296 feet in the south, and the base is located at approximately 7,980 feet in the north to 8,668 feet in the south.

[FR Doc. 82-35206 Filed 12-28-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 804, 805, 813, 860, 865, 880, 881, 882, 883, 884, 886 and 889

[Docket No. 82-981]

Definition of Income, Income Limits, Rent and Reexamination of Family Income for the Public Housing and Section 8 Housing Assistance Payments Programs

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: HUD proposes to implement recent statutory changes relating to the establishment of income limits for eligibility, definition of income, calculation of rent, and reexamination of income in the Public and Indian Housing and Section 8 Housing Assistance Payments Programs.

DATE: Comment Due Date: February 28, 1983.

ADDRESS: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Each comment should include the commentor's name and address and must refer to the docket number indicated in the heading of this rule. A copy of each comment will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Edward Whipple, Office of Public Housing, (202) 426-0744; James Tahash, Program Planning Division, Office of

Multifamily Management, (202) 755–5654; or Monica Sussman, Office of State Agency and Bond Financed Programs, (202) 755–7172; Department of Housing and Urban Development, Washington, D.C. 20410. These are not toll-free telephone numbers.

SUPPLEMENTARY INFORMATION: The Housing and Community Development Amendments of 1981 ("Amendments"), contained in Title III, Subtitle A, of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), amend several provisions of the United States Housing Act of 1937, as amended (the " '37 Act"). This rulemaking proceeding covers those changes relating to rents, income limits, definition of income, and reexamination of income and family composition which apply to both the Public and Indian Housing and the Section 8 Programs. Statutory changes applicable to only one of these programs and changes related to other areas of program administration will be implemented in other regulations.

Prior to enactment of the Amendments, fundamental differences existed between the Section 8 and public housing programs. Both programs were subject to statutory minimum and maximum family contributions toward rent, and the maximum was generally limited to 25% of the adjusted income. (Section 202 of the Housing and Community Development Amendments of 1979 authorized the Secretary to establish the maximum contribution toward rent for tenants commencing occupancy after December 31, 1979, at 30% of adjusted income in the case of most families with incomes between 50% and 80% of the area median income, but such authorization was not implemented by the Department.) Prior to the amendments, the '37 Act established minimum rents for public housing at 5% of family gross income or the shelter component of welfare assistance in "as-paid" states. Public Housing Agencies (PHAs) were authorized to establish maximum rents at levels up to the 25% of income ceiling, and also were authorized to establish income limits which might exceed the Section 8 income limits but ordinarily were less than the Section 8 limits.

For the Section 8 program, the '37 Act, prior to the Amendments, established income eligibility limits at 80% of area median income. Unlike the public housing programs rental rates in the Section 8 program were established as both maximum and minimum rates, except that a number of different rates were applicable in different circumstances, with the maximum rate set by regulation generally at 25% of income after allowances.

The principal effects of the Amendments were to (1) Require HUD to increase the amount of rent payable by a Section 8 tenant family from 25% to 30% of the adjusted income, (2) severely restrict the number of families participating in the Section 8 program whose annual incomes are between 50% and 80% of area median income, and (3) make the revised income eligibility and rent computation requirements applicable to the public housing program as well as to the Section 8 program. The Amendments also eliminated statutory provisions governing the calculation of "income" under the public housing and Section 8 programs in favor of a single uniform definition for all programs under the '37 Act, under which the establishment of deductions from income to be utilized for calculation of "adjusted income" would be left to the discretion of the Secretary.

Separate interim rules which implemented only the change in the income-percentage formula for determining the tenant rental payment required in the Public Housing and Section 8 programs, without altering the existing regulations governing the definition and calculation of income and adjusted income, were published on May 4, 1982 (47 FR 19120 and 19128) and became effective on August 1, 1982 (47 FR 30969 and 30971) (the "Interim Increase Rules"). Public comments on the Interim Increase Rules were received until June 18, 1982, and have been considered in the preparation of this proposed rule. Discussion of such comments appears elsewhere in this preamble. The publication of this proposed rule in no way impairs the effectiveness of the Interim Increase Rules. However, they will be superseded by the final rule resulting from this proceeding. The regulatory changes proposed in this proceeding, when adopted as a final rule and effective, will complete the implementation of the Amendments affecting tenant contribution toward rent in the programs covered by the rule.

This proposed rule would add a new Part 813—Definition of Income, Income Limits, Rent and Reexamination of Family Income for the Public Housing and Section 8 Housing Assistance Payments Programs, to Title 24 of the Code of Federal Regulations, replacing various regulation sections now scattered throughout other Parts pertaining to individual programs. In addition, other conforming amendments are proposed to various program regulations.

The Amendments enacted similar income eligibility and rent calculation provisions governing other subsidized programs (rent supplement and Section 236 rental assistance payments). These changes will be implemented throughout separate rulemaking proceedings.

A summary of the changes proposed in this proceeding follows:

1. *Definition of Annual Income—Section 813.104.* Section 322 of the Amendments deleted the specific exclusions and deductions from income which were previously contained in Section 3 of the '37 Act which applied to the Public and Indian Housing Programs. "Income" is defined in the Amendments as income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary. This was also the definition of income under Section 8 prior to the Amendments. "Adjusted income" is defined in the Amendments as the income which remains after exclusion of such amounts or types of income as the Secretary may prescribe. These definitions now apply to all housing assisted under the '37 Act.

The proposed rule uses the term "annual income" as the equivalent of the statutory term "income," and uses the statutory term "adjusted income" for its statutory meaning.

Consistent with current policy, annual income would be defined as anticipated income of each member of the family with certain exclusions. Section 813.104(b) lists examples of the types of income which must be included. This list is based on the current definition of annual income in Part 889, which applies to the Section 8 programs. There are, however, several differences, outlined below:

—Existing Section 8 regulations prescribe, in effect, one definition of "income" for eligibility purposes and another for rent computation purposes (see 24 CFR 889.103). The proposed rule adopts for all purposes under the '37 Act the essential features of the definition utilized currently for determination of eligibility. Under this definition, income would include the higher of (i) Actual income from assets, or (ii) if Net Family Assets exceed $5,000, 10 percent of the value of such assets. For the purpose of this computation, Net Family Assets includes the difference between the value of assets disposed of for less than fair market value during the two years preceding the date of application for the program or the date of reexamination, as applicable, and the consideration received therefor. These changes are designed to assure that only those in need of assistance will be eligible and

that tenant rent will reflect a tenant household's resources.

—A clarifying change is proposed in § 813.104(a)(6). Under the current Part 889 and these proposed regulations, the amount included in income from public assistance in "as paid" States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs is the amount of the grant exclusive of the shelter and utility component, plus the maximum possible grant component for shelter and utilities. Since the amount of public assistance depends on the tenant family's actual rent and the amount of the rent depends on the tenant's public assistance, it is necessary to determine how much to include in income. The maximum possible grant component for shelter and utilities has been chosen as the amount to be included in income in order to establish a fixed point for computing income, even though the family may not actually receive that amount, in order to carry out Congressional intent to maximize the amount that the PHA receives from welfare recipients in such States.

Consistent with current Section 8 program policy and the rent calculation provisions of the Interim Increase Rules, the new provision being proposed for use in all housing assisted under the '37 Act would state that in "as paid" States which reduce the assistance amount payable by a percentage ("ratable reduction"), the ratable reduction shall be applied to the maximum payment only one time for the purpose of determining the amount of welfare assistance to be included in income. This policy will avoid a series of recomputations by the welfare agency and by the PHA or owner which would otherwise occur. For example, once the PHA or owner determines a family's rent under Part 813, based on income including the full amount possible for the shelter and utility component reduced once by the appropriate percentage under the public assistance program, the welfare agency may reduce that amount again. If HUD were to reduce income a second time and redetermine tenant rent, the public assistance agency might apply its ratable reduction a third time, and the process might continue through further rounds of reduction.

Several commenters took exception to the rent calculation provision which embodies a concept found in the Interim Increase Rules (Sections 860.404(a)(3) and 889.105(a)(3)) analogous to this income calculation provision. One legal aid society stated that the welfare rent provision (Section 3(a)(3) of the '37 Act as amended) should not apply in States that reduce the grant by a ratable reduction since Congress did not intend that such welfare tenants pay more for shelter than they receive for that purpose from the welfare agency. The other comment was that no ratable reduction should be recognized because it only encourages welfare agencies to pay less. We find the legislative history of the most recent welfare rent provision and its predecessor in the public housing program devoid of any discussion of the ratable reduction of welfare rents. However, the plain language of the Amendments requires families in as-paid States to pay an assisted housing rent based on the welfare rent. The Department is not authorized to establish an exception from that requirement in States that apply a ratable reduction. Administrative practice with respect to rent and income calculations in the public housing program and with respect to income calculations in the Section 8 program has been to apply the welfare rent provision to ratable reduction States with a one-reduction rule. In adopting the welfare rent provisions for use in all '37 Act programs, Congress did not repudiate this practice. On the other hand, refusal to recognize even one application of the ratable reduction would ignore the fact that the maximum shelter grant a family could ever obtain is the State's maximum for shelter multiplied by the reduction factor once.

Considering the small impact on the family (since both the public assistance grant and the family gross rent ratchet downward), the great administrative burden of several rounds of recomputation, and the need to have a starting point for computing income, the Secretary has determined that imputing income and limiting percentage reductions of public assistance to one adjustment for purposes of § 813.106 is reasonable exercise of the Secretary's administrative discretion under section 3(b)(4) of the '37 Act to define "income."

—Section 813.104(c) defines "temporary, non-recurring or sporadic income" which is not counted as income. Section 813.104(d) specifies other amounts which are excluded from the definition, including benefits from other Federal programs which are excluded by statute from consideration as income for housing subsidy calculation purposes. This subsection also continues existing provisions excluding foster child care payments and modifies the exclusion of income of minors by excluding only earned income and by deleting full-time students from the definition of minor in the Section 8 program.

The reason for including unearned income while excluding earned income of minors was to reach the maximum income available to the household for its support while leaving an incentive for minors to work. In addition, the income earned by minors is usually insignificant in amount, sporadic, and of a nature that is difficult to verify (e.g., babysitting and lawnmowing). The prior exclusion of income of full-time students has caused many anomalies in the program, such as the exclusion of most of a family's income where a grandmother is the head of household and her full-time student daughter receives welfare payments for two children. Scholarships and educational benefits paid to veterans are still excluded from income.

2. *Definition of Adjusted Income—Section 813.102.* The proposed rule would define adjusted income as annual income minus: (1) $400 per minor and (2) $300 for an elderly, disabled or handicapped head of household.

Section 3(b)(5) of the '37 Act provides that the Secretary, in defining adjusted income, may take into account the number of minors in the family and such other factors as the Secretary may determine are appropriate. The Secretary's intention to provide for deductions of $400 per minor (representing an increase from $300) and $300 for an elderly, disabled or handicapped head of household was indicated in testimony before the Congressional Committees considering the Amendments. Housing and Community Development Amendments of 1981: Hearings Before the Subcommittee on Housing and Community Development of the House Committee on Banking, Finance and Urban Affairs, 97th Cong., 1st Sess. 576–577, 581 (1981); see S. Rep. No. 87, 97th Cong., 1st Sess. 29 (1981). The objective of the proposal was to "replace two current systems which have as many as 7 deductions for determining net income" (S. Rep. No. 87, 97th Cong., 1st Sess. 29 (1981)), and which necessitate administratively burdensome documentation and verification requirements, by a more simple formula involving two standard deductions.

While Congress adopted the Department's legislative proposal eliminating the former specification of itemized deductions, the Conference Report on the Amendments nevertheless stated the Conferees' "concern" that "the Secretary should retain a deduction related to those child care expenses that are necessary to permit a tenant to be

employed" (H.R. Rep. No. 208, 97th Cong., 1st Sess. 688 (1981)).

The Department has considered the recommendations contained in the Conference Report but has determined to propose adherence to the formula presented in testimony before the Committees. The Department recognizes that elimination of itemized deductions will affect some families more than others. In particular, elimination of a dependent-care deduction and a separate deduction for work-related expenses (currently allowed in public housing, see 24 CFR 860.403(f)(3)) will bear more heavily on working families than welfare families and may be considered by some as creating work disincentives. Elimination of an itemized deduction for excess medical expenses may also affect working families more heavily in view of the availability of Medicaid to welfare families. However, notwithstanding the impact that elimination of itemized deductions may have in individual circumstances, the Department continues to believe that a system providing for a series of itemized deductions requiring verification and documentation creates administrative costs that outweigh its benefits.

In addition, the basis for proposing the standard deduction of $300 for elderly and handicapped heads of households was that it would approximately offset the elimination of other, itemized deductions and redistribute the benefit of the deductions toward very low-income elderly households. Based on 1979 data, the average annual medical deduction taken by all Section 8 elderly tenants was $197; by Section 8 elderly tenants of less than 20% of median income was $82; and by Section 8 elderly tenants of more than 30% but less than 50% of median income was $247. In all such cases, the $300 standard deduction more than offsets the average medical deduction. HUD data also indicates that only a small portion of tenant households would appear eligible for the dependent care deduction.

In view of the importance of the questions involved, as evidenced by the expression of concern contained in the Conference Report, the Department specifically invites comment on its proposal to utilize a system limited to two standard deductions rather than permit additional itemized deductions subject to verification requirements.

Comments on the Interim Increase Rules included statements about anticipated revisions in the system of deductions that actually appear for the first time in this proposed rule. Some public housing agencies ("PHAs") complained that the increase in the deduction for minors, combined with an anticipated child care expense deduction would more than offset the increase in rental income derived from the increase of 25% of adjusted income. The Department believes that the increase is justified in recognition of inflation and to mitigate the effect of the elimination of additional itemized deductions. Other comments received are covered in the discussion above relating to itemized deductions.

3. *Income Limits—Section 813.103.* Section 322 of the Amendments provides that dwelling units shall be rented only to families who are lower income at the time of their initial occupancy, consistent with the previous requirement under the Section 8 Program. Lower income families are defined in the statute as families with incomes that do not exceed 80 percent of the median income of the area as determined by HUD with adjustments for family size and other factors. The Amendments thus prescribe, for the first time, statistically defined income limits for the Public Housing Program. The responsibility for establishing such limits was previously vested in the local public housing agencies (PHAs) and Indian Housing Authorities (IHAs) which administer the program.

Within the class of lower income families, the statute defines very low income families as families with incomes that do not exceed 50 percent of the median income of the area. Section 323 of the Amendments limits the participation of lower income families other than very low income families. Specifically, only 10 percent of those public housing and section 8 units under contract and available for occupancy before October 1, 1981 and leased on or after that date may be leased to lower income families other than very low income families. In addition, no more than 5 percent of any public housing and Section 8 units which first become available for occupancy on or after October 1, 1981 may be leased to lower income families other than very low income families.

One comment received on the Interim Increase Rules stated that the cost of the programs would not be reduced since the percentage of very low income families has been increased significantly, increasing subsidy requirements. The criticism misses the point of the legislative changes. As stated by the Senate Banking Committee:

> "Although this lower eligibility limit will tend to increase housing program costs, the Committee rejects the argument that for cost reasons moderate-income people should get housing while the poor wait in line. It will always be less expensive to house only those who can afford to pay more of the rent themselves. The government's purpose in lower-income housing programs though should be to help those who most need assistance." S. Rep. No. 87, 97th Cong., 1st Sess. 5 (1981).

To minimize Federal intervention in local housing programs and to avoid the disruption of established housing patterns, this rule does not contain any specific limitations applicable to project-based programs placed under contract and available for occupancy before October 1, 1981. HUD monitoring procedures will be established to assure that the 10 percent limitation is not exceeded, and under this rule the Department reserves the right to limit occupancy if necessary.

Under the proposed rule, HUD may approve occupancy by lower income families with incomes above 50 percent of the median for up to 5 percent of the units placed under contract and available for occupancy on or after October 1, 1981. For this purpose, the post-October 1, 1981 universe includes units for which lease approval under the Section 8 Existing Housing Program (see 24 CFR section 882.210) is first granted after such date, including units to which certificate holders now being assisted move. The regulations provide for priority for approval of lower income families with incomes above 50% of median to projects being rehabilitated if necessary to avoid displacement, to bond-financed Section 8 projects, to projects where there is a commitment to occupancy for a broad range of incomes, and to projects where such tenants are needed for financial viability.

Mutual Help and Turnkey III homeownership projects may house lower income families other than very low income families without prior HUD approval. This is due to the small size of the programs, their homeownership nature, and the need to house families who can afford program costs.

4. *Rent—Section 813.105.* Section 322 of the Amendments establishes formulas for computing the rent which families participating in public housing and Section 8 will pay. For all families, rent is the greatest of 10 percent of gross income, 30 percent of adjusted income, or if the family receives welfare assistance, a portion of which is designated for housing and is adjusted in accordance with actual housing costs, that portion designated for housing ("welfare rent"). PHA discretion to set rents in the public housing program is eliminated. The Amendments delete the several Section 8 rent formulas which varied depending on such factors as

whether a family was a large very low-income family, a very large lower-income family, or a family with exceptional medical expenses.

Section 322(i) of the Amendments authorizes the Secretary to provide for delayed applicability or staged implementation of the rent computation requirements for tenants already occupying assisted housing if the Secretary determines that immediate application of the procedures would be impracticable, would violate the terms of existing leases, or would result in extraordinary hardship for any class of tenants. The Amendments require tenants whose occupancy begins after the effective date of the Amendments to be subject to immediate application of the revised rates except that the Secretary, in his discretion, may provide for delayed applicability or staged implementation if he determines that immediate application would be impracticable or that uniform procedures for assessing rents would significantly decrease administrative costs and burdens. Section 322 also restricts rent increases pursuant to the statutory changes to a maximum of 10 percent during any 12-month period and further provides that such procedures shall not result in reduction of a tenant's rent below the amount paid on the day before the effective date of the Amendments. The 10 percent ceiling upon annual increases also applies to increases resulting from changes effective on or after October 1, 1981, in other Federal law defining which governmental benefits shall or may be counted as income. All of these provisions are reflected in the proposed regulations as discussed below.

The welfare rent statutory language which previously applied only to public housing now applies to Section 8 families who are recipients of public assistance in "as paid" States. For essentially the same reasons given in explaining the clarifying change proposed for § 813.104(a)(6) described above, a new sentence is being proposed in § 813.105(a)(3) (as incorporated in the already effective Interim Increase Rules), consistent with past practice in the public housing program, to provide that in States which apply a percentage reduction factor to the actual rent paid, the amount designated by the public agency administering the welfare assistance program shall be reduced by such percentage one time. Considering the small impact on the family (since both the grant and the family gross rent ratchet downward) and the great administrative burden of several rounds of recomputation, the Secretary has determined that limiting percentage adjustment reductions of public assistance to one adjustment for purposes of § 813.105(a)(3) is a reasonable exercise of administrative discretion and is not inconsistent with Section 3(a)(3) of the '37 Act.

Commenting on the Interim Increase Rules, many PHAs complained about the elimination of ceiling rents, set at a fixed amount, which they argued attracted and retained working families for whom 25% of income would have been greater. They stated that keeping such families in occupancy was a stabilizing influence on public housing projects. They also criticized the elimination of flexibility to set rents which had allowed them to take into account such factors as the relative undesirability of a particular project, which helped them keep units occupied. The elimination of authority for ceiling rents and PHA flexibility in setting rents was effected by the statute and the regulations merely implement the revised statutory scheme in these respects.

As he has done in the Interim Increase Rules, the Secretary here proposes to exercise his discretion under Section 322(i) of the Amendments to phase in rent increases for tenants already occupying assisted housing at the effective date of the Interim Increase Rules in order to minimize hardship to persons relying upon established low rents. For tenants whose occupancy begins after the effective date of the Interim Increase Rules, the Secretary proposes not to exercise his discretion to provide for delayed applicability (beyond the delay from October 1, 1981, to August 1, 1982, which was the effective date of the Interim Increase Rules) or staged implementation since they do not have the same hardship. New tenants are likely to be paying less for housing upon entering an assisted program at 30% of income than they were paying before, and they have no reason to rely on rents at 25% of income. More importantly, the Secretary's discretion under the statute to delay or phase in application of the revised rates to new tenants is not based upon hardship to tenants, as in the case of existing occupants, but is related solely to administrative burdens. The Secretary recognizes that the phase-in of the revised rates for existing tenants creates some administrative burden but does not believe that the failure to apply similar provisions to new tenants increases those burdens. (Numerous comments on the Interim Increase Rules asserted that such increased burdens would result from the failure to phase in the increase for new tenants, but such comments were made principally by tenants and not by administering agencies.)

The phase-in of the new system would begin at the first reexamination occurring after the effective date of the rule. For Federal Fiscal Year 1983, the rent will be computed using 27 percent of adjusted income, in Fiscal Year 1984, using 28 percent of adjusted income, etc., until in Fiscal Year 1986, the full 30 percent will be used. In no case will tenant rents increase by more than 10 percent during any 12-month period because of these changes or other changes in Federal law regarding the counting of other governmental benefits as income, nor will there be a decrease in rent because of these changes.

Many PHAs have objected to the phase-in schedule as administratively burdensome; a few PHAs and legal aid organizations also have objected to it as inequitable to tenants. Some PHAs pointed out that as many as four percentages could be applied to various categories of tenants during 1982 just to compute the rent under the first of at least two calculations required for each family under Section 3(a) of the '37 Act as amended. (The assumption was that during the first several months after October 1, 1982, and until all current tenants had received their first reexamination following August 1, 1982, various tenants might be paying rents at 25%, 26%, 27%, or 30% of adjusted income.) The programming costs for this requirement were stated to be enormous at a time when resources are scarce. However, while different tenants might be subject to different percentages depending upon the dates when their calculations occur, that does not mean that more than one percentage calculation must be made as to any particular tenant family. Further, at hearings before the Congressional committees considering the Amendments, the Secretary expressed his commitment to phasing the higher rents in over a period of five years. [House hearings cited above; Housing and Community Development Amendments of 1981: Hearings before the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking, Housing and Urban Affairs, 97th Cong., 1st Sess. 6 (1981).] The Secretary feels bound by his representations to Congress, and he believes that the hardship that would be imposed on tenants if the 30 percent increase were implemented more rapidly, subject only to the 10 percent annual increase cap, outweighs the

burden imposed on PHAs. Furthermore, when Congress enacted the Amendments it approved the mandatory increase based on the Secretary's assurance that he would phase in the increase gradually. The decision to implement the increase immediately for new tenants is not inequitable since it is clearly contemplated by the statute and there is a logical and justifiable distinction between established program beneficiaries and new entrants to the program.

Several commentors suggested that clarification was required as to who would be considered a new entrant to the program for purposes of the percentage of adjusted income to be paid. The National Housing Law Project, for example, suggested that the following should not be classified as new tenants: (1) Tenants who transfer from one unit in a project to another, from one project to another, or from one program to another; (2) family members who move out of the household but remain in the project, the program, or another assisted program; and (3) Section 8 Existing Housing Certificate holders who receive the certificates before August 1, 1982, but locate units afterwards. The Department agrees that tenants in the first category should not be considered new tenants but disagrees as to the second two categories. When family members move out of the household, the remaining "Family" in the original unit or program will be considered as a prior tenant, but there appears to be no sound reason for extending the same status to the new household unit. From the perspective of financial hardship, persons who have received a Section 8 Certificate but are not yet occupying a unit and paying a subsidized rent are in no different position from other new entrants to an assisted program. Clarifications consistent with the foregoing determinations have been incorporated into the proposed rule at § 813.105(b)(2).

Several commentors pointed out that, in accordance with the Amendments, the 10 percent cap should apply to the use of the new definitions of income and adjusted income, when implemented, and to any increases resulting from any provision of Federal law becoming effective on or after October 1, 1981, redefining which governmental benefits are required to or may be considered as income, as well as to the increased percentages. Section 813.105(c) of the proposed rule covers the application of the 10 percent cap to increases resulting from such clauses.

One legal services corporation suggested that rents of assisted tenants should not be raised to 30% of income because rents paid by tenants in the nation generally average less than 30% of income. It would be sufficient to respond that the 30% rate is set by statute. However, it is also noted that the data relied upon by the commentor is not wholly pertinent. The commentor cited data in the Annual Housing Survey: 1979, published by the Department, indicating that the median percentage of income paid as gross rent by all renters is 26%. (The comparable figure in the Annual Housing Survey: 1980 is 25%.) However, such figure represents a percentage of gross income, not adjusted income. Moreover, the Department believes that the more pertinent comparison is with rents paid by unassisted households in comparable income ranges. Recent data indicated that while the rent paid by all market-rate nonelderly renters averaged 29% of gross income, the rents paid by market-rate nonelderly renters with 30% or less of median income averaged 67% of gross income, and the rents paid by market-rate nonelderly renters with more than 30% but less than 50% of median income averaged 37% of gross income. The same data source indicated that the rent paid by all market-rate elderly renters averaged 33% of gross income; that rents paid by market-rate elderly tenants with less than 30% of median income averaged 48% of gross income; and that the rents paid by market-rate elderly tenants with more than 30% but less than 50% of median income averaged 37% of gross income. Report to the Congress: Social Security Benefits and Assisted Housing Rent Charges, Appendix 2 (Office of Policy Development and Research, HUD, May 1981).

Section 813.105(d) exempts Mutual Help projects from the rent formulas otherwise applicable to housing assisted under the '37 Act. The authority for this exemption is found in Section 203 of the Housing and Community Development Act of 1974 (42 U.S.C. 1437f Note), which permits special rent schedules where approved by HUD for Mutual Help projects.

5. *Annual reexaminations for all tenants—Section 813.107.* Section 322 of the Amendments also requires that the incomes of all families (including elderly) be reexamined no less frequently than annually. This proposed rule provides for reexamination annually for all tenants by the owner of PHA, as appropriate, or more frequently than annually at the option of the owner or PHA.

Since the Section 202/8 program regulations in 24 CFR Part 885 do not cover determination of eligibility for admission or reexamination of family income and composition, § 813.107 would make Subpart F of Part 880 or 881 applicable to projects developed under Part 885, for purposes of Part 813. Section 813.102 similarly would make Part 880 or 881 applicable in the determination of utility allowances for Section 202/8 projects.

In response to concerns expressed by Congress and the General Accounting Office, HUD is proposing to add a provision clarifying that PHAs and owners may require applicants and tenants to provide copies of their income tax returns and requiring the applicant or tenant to sign a release and consent authorizing any depository or private source of income, or any Federal, State, or local agency, to provide information necessary to determine or audit a family's eligibility to receive assistance or the amount of a family's gross rent. The use or disclosure of such information would be limited to purposes directly related to Part 813 and the applicable assistance program. In section 210 of the Housing and Community Development Amendments of 1979, (42 U.S.C. 1437f(k)), Congress specifically directed the Secretary to take such steps to assure that the information provided by applicants for Section 8 assistance is accurate. The Department does not interpret this specific direction applicable to the Section 8 program as indicating a lack of Secretarial authority to impose such requirements generally in income-based programs.

6. *Changes to Other Regulations Required by the Amendments.* This rule proposes to revoke or amend several regulations for the reasons indicated:

(a) Part 860, Subpart A, Income Limits, and Part 860, Subpart D, Minimum and Maximum Rent-Income Ratios and Minimum Rent requirements would be revoked. Since the Amendments establish income limits, rent formulas, and a method for phasing in increases, these Subparts are obsolete. Section 860.204(b)(3) would be amended to indicate that the requirement in section 6(c)(4)(A) of the Act that public housing agencies establish a policy to attain a tenant body with a broad range of incomes is subject to the statutory changed implemented by Part 813, which limits the number of tenants which may be lower income families other than very low income families. The provision of Part 860 recently proposed (47 FR 55689 (December 13, 1982)), stating circumstances under which an applicant or resident Family is to be provided an opportunity for an informal hearing, is

modified to incorporate a reference to Part 813. (This modification does not affect the remaining parts of the recent proposal regarding procedures for the conduct of such hearings.)

(b) Part 861, PHA–owned Projects-Rents, has been revoked by the Interim Increase Rules. One PHA applauded this revocation as published in the Interim Increase Rules, while a tenant organization and a legal aid society criticized it. The complaint raised was that it effectively eliminated tenant comment concerning the establishment or revison of utility allowances incorporated in rent schedules which then had been subject to comment under Part 861, allegedly in violation of tenants' due process rights. A proposed rule has been published to revise Part 865, Subpart D—Utilities (47 FR 55689, December 13, 1982). This comment will be considered in the development of that rule.

(c) Parts 804, Low Rent Homeownership Opportunities, and 805, Indian Housing, would be amended to reflect the changes in Part 813.

(d) Part 865, Parts 880 through 884 and Part 886 would be amended to: (i) Conform to new definitions in Part 813, (ii) eliminate the requirement that at least 30 percent of the units be leased to very low income tenants, and (iii) (for Parts 880, 881, and 883) eliminate the requirement that owners use their best efforts to achieve average tenant incomes of 40 percent of the median for the area.

(e) Part 889, Section 8 Housing Assistance Payments Program-Determination of Income for Eligibility and Gross Family Contribution, would be revoked. Since the Amendments revise the rent formulas and income limit requirements and make them the same as those for public housing, Part 889 will not longer be necessary.

An interim rule was published recently amending Parts 880 and 881 to implement Section 329H of the 1981 Amendments concerning Section 8 assistance for families residing in manufactured homes. When the final rule in this proceeding is published, it will reflect changes to conform to that interim rule.

This proposed rule includes most, but not all, of the conforming changes in affected Parts of Title 24 that will be included when the final rule is promulgated. Subject to changes in the final rule which are the result of public comment, additional conforming and technical changes will be consistent with the changes set out in this rule.

7. *Utility Reimbursement.* The term "rent" is not defined statutorily with specific reference to the context in which utilities and other essential housing services are not supplied by the owner (and therefore not included in the rent payment) but are purchased directly by the tenant. However, the Department historically has considered that "rent" in this circumstance should take into account some amount paid by the tenant family for utilities and accordingly has permitted a deduction to be made from the rent paid to the owner on account of the separate payment being made to the utility supplier. Where the estimated cost of a reasonable level of utility consumption by the tenant family is equal to or greater than the maximum "rent" payable based upon tenant income, the payment for shelter rent made to the owner is reduced to zero. This practice is continued in the proposed rule (see definition of Family Contract Rent in § 813.102).

Administrative practice also went beyond this point. In instances in which the estimated cost of a reasonable level of utilty consumption by a tenant family in an individually-metered unit has exceeded the maximum "rent" payable based upon tenant income, it has been the Department's practice to require that the tenant family be reimbursed for the excess. In the Section 8 programs other than Existing Housing, this reimbursement takes the form of an additional housing assistance payment made to the owner for the purpose of being paid over by the owner to the tenant (see, e.g., 24 CFR 881.501(e)). In the Section 8 Existing Housing program, an unlabeled payment is made directly to the tenant family by the PHA administering the program (24 CFR 882.210(c)). In all Section 8 programs, this practice is provided for by an existing regulation, except for the Farmers Home Administration program under Part 884, where it is covered by contract. In the public housing program, this practice is implied in the definition of contract rent in 24 CFR 865.472, and HUD Handbooks instruct the PHA owner to make a payment to the tenant equal to the amount by which the estimated reasonable utility cost exceeds the maximum "rent" payable by the family (Handbook 7465.1 REV, Par. 3–4). Since these payments are made by owners to tenants, they are sometimes called "negative rents."

As indicated, the '37 Act does not require explicitly that payment of this nature be made by owners or PHA's to tenants. However, in the case of tenants occupying master-metered units for whom the cost of utilities is included in the rent payment made to the owner, the '37 Act clearly imposes a ceiling, based upon income, on the amount payable by such tenants for housing expense including the reasonable cost for utilities. (The "ceiling" imposed by the '37 Act does not extend beyond reasonable utility costs. The Department has long recognized that tenants may be surcharged for excess utility consumption determined by individual checkmeter (see 24 CFR 866.4(b)). In the case of individually-metered public housing or Section 8 units, the cost of excess utility consumption is borne by the tenant through the measurement of the credit allowed against rent—plus, where applicable, the "negative rent" payment—on the basis of reasonable utility costs. Therefore, elimination of "negative rent" payments to tenants occupying individually-metered units would create a disparity in economic outcomes between tenants with equal adjusted incomes, depending on whether they reside in units where utilities are supplied by the owner and included in the rent payment made to the owner or in units where they are not. Moreover, the inequity produced by such disparity would be aggravated by the fact that tenants in master-metered projects tend to have a higher consumption rate because their actual utility cost is not related to their actual consumption and they therefore have less financial incentive to be conservative in their energy consumption.

Accordingly, the proposed regulation continues the Department's existing practice in this regard and includes this practice, for the first time, as a regulatory requirement in the public housing program. Section 813.102 defines "Utility Reimbursement" as the amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Family Gross Rent for the Family occupying the unit. Section 813.106 provides that, where applicable, Utility Reimbursement shall be paid to the family in the manner provided in the pertinent program regulation. A provision requiring such payment has been added to the public housing regulation at § 860.208, and is continued throughout the Section 8 program regulations. The definition of Utility Allowance has been revised throughout to incorporate the standard of "reasonable consumption * * * by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment" recently proposed by the Department to be applicable to public housing tenants (47 FR 35249 (August 13, 1982)).

8. *Response to Other Comments on the Interim Increase Rules.* One PHA

asked how the percentages of income used to determine a family's contribution toward rent could be changed by those rules if the family had an outstanding long-term lease-purchase agreement providing for payment of 20 percent or 25 percent of income. A PHA which believes it is subject to such a contract should submit a copy to the Department and request a determination as to applicability of the rent increase rules.

Other Matters

The Department has determined that this rule does not constitute a "major rule" as defined in Executive Order 12291 because while its economic impact, when considered together with the Interim Increase Rules, may exceed $100 million annually, such impact results to the greatest degree from the legislative enactment and only to a substantially lesser degree from its administrative implementation embodied in the Interim Increase Rules and in this rulemaking.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying (at a charge of 10 cents per page) during regular business hours in the Office of General Counsel, Rules Docket Clerk, at the address listed above.

Pursuant to Section 605 (b) of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., the undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities.

This rule was listed in the Department's Semiannual Agenda of Regulations, published pursuant to Executive Order 12291 and the Regulatory Flexibility Act on October 28, 1982 (47 FR 48423), as item H–79–82.

(The Catalog of Federal Domestic Assistance numbers are: 14.146, Lower Income Housing-Assistance Program (Public Housing), and 14.156, Lower-Income Housing Assistance Program (Section 8)).

List of Subjects

24 CFR Part 813

Lower income housing, Public housing.

24 CFR Part 804

Grant programs—housing and community development, Loan programs—housing and community development, Low and moderate income housing, Public housing, Homeownership.

24 CFR Part 805

Grant programs—housing and community development, Grant programs—Indians, Loan programs—Indians, Low and moderate income housing, Public housing, Homeownership.

24 CFR Parts 860 and 861.

Public housing.

24 CFR Part 865

Energy consrvation, Loan programs—housing and community development, Public housing, Utilities.

24 CFR Parts 880 and 881

Grant programs—housing and community development, Rent subsidies, Low and moderate income housing.

24 CFR Part 882

Grant programs—housing and community development, Housing, Mobile homes, Rent subsidies.

24 CFR Part 883

Grant programs—housing and community development, Rent subsidies, New construction and substantial rehabilitation.

24 CFR Part 884

Grant programs—housing and community development, Rent subsides, Rural areas, Low and moderate income housing.

24 CFR Part 886

Grant programs—housing and community development, Low and moderate income housing, Rent subsidies.

24 CFR Part 889

Rent subsidies.

Accordingly, the Department proposes to amend 24 CFR Chapter VIII as follows:

1. A new Part 813 would be added to read as follows:

PART 813—DEFINITION OF INCOME, INCOME LIMITES, RENT AND REEXAMINATION OF FAMILY INCOME FOR THE PUBLIC HOUSING AND SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS

Sec.

813.101 Purpose and applicability.
813.102 Definitions.
813.103 Income eligibility for admission.
813.104 Annual income.
813.105 Gross rent.
813.106 Utility reimbursement.
813.107 Examination, verification, and reexamination of family income and composition.

Authority: Secs. 3, 6, 8, and 16, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437d, 1437f, 1437n); secs. 322 and 323, Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35; sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 813.101 Purpose and applicability.

This Part establishes definitions, policies and procedures related to income limits and the determination of eligibility, income and rent for applicants and tenants assisted in housing pursuant to the United States Housing Act of 1937. These policies and procedures are applicable to:

(a) Public Housing, including Indian Housing, the Section 10(c) and the Section 23 Leased Housing Programs, the Section 23 Housing Assistance Payments Program, the Turnkey III Homeownership Opportunities Program, and (except as otherwise noted) the Mutual Help Homeownership Opportunities Program.

(b) The Section 8 Housing Assistance Payments Program.

§ 813.102 Definitions.

Adjusted Income.

Annual income less:

(a) $400 for each minor; and

(b) $300 for an elderly, disabled, or handicapped (see 24 CFR Part 812) head of household.

Annual Income: See § 813.104.

Family. All members of the household residing in an assisted unit or participating in an assistance program to which this Part is applicable, or applying for admission to such a unit or to such participation, provided that all such members are eligible for such admission or continued occupancy or participation under Part 812 of this chapter. "Family" includes individuals to the extent permitted by Part 812 of this chapter.

Family Contract Rent. The amount paid monthly by the Family as rent to the owner (including a PHA). Where all utilities (except telephone) and other essential housing services are supplied by the owner, Family Contract Rent equals Family Gross Rent. Where some or all utilities (except telephone) and other essential housing services are not supplied by the owner and the cost thereof are not included in the amount paid as rent to the owner, Family Contract Rent equals Family Gross Rent less Utility Allowance. If the Utility Allowance is equal to or greater than the Family Gross Rent, then the Family Contract Rent is zero.

Family Gross Rent. The amount calculated pursuant to § 813.105. Family Gross Rent does not include charges for excess utility consumption or other miscellaneous charges (see, *e.g.*, 24 CFR 865.477, 866.4(b)(2) and (3)).

Lower Income Family. A Family whose Annual Income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs or unusually high or low incomes.

Minor. A member of the Family (excluding foster children), other than the family head or spouse, who is under 18 years of age.

Monthly Adjusted Income. One twelfth of Adjusted Income.

Monthly Income. One twelfth of Annual Income.

Net Family Assets. Value of equity in real property, savings, stocks, bonds, and other forms of capital investment. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the Family or household, the value of the trust fund will not be considered an asset as long as the fund continues to be held in trust. Any income distributed from the trust fund should be counted when determining Annual Income.) In determining Net Family Assets, PHAs and owners shall include the value of any assets disposed of by an applicant for less than fair market value (including a disposition in trust) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

Owner. For Section 8 programs, the meaning ascribed to such term in the pertinent program regulations. For public housing, the PHA.

PHA. The meaning ascribed to such term in pertinent program regulations. As used in this Part 813, where appropriate, "PHA" shall also include an Agency as defined in Part 883 of this chapter.

Utility Allowance. If the cost of utilities (except telephone) and other essential housing services for an assisted unit is not included in the Family Contract Rent paid directly to the owner (including a PHA) but is the responsibility of the Family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD pursuant to applicable sections of these regulations (see Parts 865, 880, 881, 882, 883, 884, and 886 of this chapter, and Part 880 or 881 for projects under Part 885) of the monthly cost of a reasonable consumption of such utilities and other services for the unit by and energy-conservative household of modest circumstances consistance with the requirements of a safe, sanitary, and healthful living environment.

Utility Reimbursement. The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Family Gross Rent for the Family occupying the unit.

Very Low-Income Family. A Lower-Income Family whose Annual Income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families.

§ 813.103 Income eligibility for admission.

(a) *General Provisions.* No Family shall be eligible for admission which is not a Lower-Income Family. No Family shall be admitted to the Section 8 Existing Housing (Finders-Keepers) Program which is not a Very Low-Income Family, unless assistance to such Family is being converted to Section 8 Existing Housing from another Federal housing assistance program (see, *e.g.*, 24 CFR 882.123).

(b) *Contract.* As used in this Section, "contract" means Annual Contributions Contract (ACC) for the public housing program and Housing Assistance Payments (HAP) Contract for the Section 8 programs.

(c) *Units under contract and available for occupancy prior to October 1, 1981.* With respect to units (other than units in the Finders-Keepers Program) under contract and available for occupany prior to October 1, 1981, HUD may limit the admission of Lower-Income Families other than Very Low-Income Families.

(d) *Units not under contract and available for occupancy prior to October 1, 1981.* Admission to units (other than units in the Finders-Keepers Program) which were not both under contract and available for occupancy prior to October 1, 1981 shall be limited to Very Low-Income Families unless admission of Lower-Income Families other than Very Low-Income Families has been approved by HUD. This limitation does not apply to Mutual Help Homeownership Opportunities projects and units included in the Turnkey III Homeownership Opportunities Program.

(e) *Procedures.* HUD may approve the admission of Lower-Income Families other than Very Low-Income Families in up to five percent of the units placed under contract or made available for occupancy on or after October 1, 1981. For purposes of the calculation required by this subsection, "units placed under contract or made available for occupancy on or after October 1, 1981" shall include units for which Lease Approval under the Section 8 Existing Housing program (see 24 CFR 882.210) is first granted after such date, including units to which certificate holders move from other units occupied with assistance. In deciding which projects may fill some units with Lower-Income Families other than Very Low Income Families, priority will be given to:

(1) Section 8 Substantial Rehabilitation and Moderate Rehabilitation projects that are occupied by Lower-Income Families who would otherwise be displaced;

(2) Section 8 projects financed by State Agencies or tax exempt obligations under Section 11(b) of the U.S. Housing Act of 1937, as amended;

(3) Projects which, because of diminished markets or for other reasons, need such tenants to preserve the financial or management viability of housing or reduce Federal expenditures; and

(4) Projects where there is a local commitment to attaining occupancy by families with a broad range of incomes.

§ 813.104 Annual income.

(a) Annual Income is the anticipated total annual income of each member of the Family from all sources, including all net income derived from assets or from the operation of a business or profession, for the 12-month period following the effective date of determination of income, exclusive of income which is temporary, non-recurring or sporadic as defined in paragraph (c) and exclusive of certain other types of income specified in paragraph (d).

(b) Income shall include, but not be limited to:

(1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

(2) Net income from operation of a business or profession (for this purpose, expenditures for business expansion or amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from a business);

(3) Interest, dividends, and other net income of any kind from real or personal property. Where the Family has Net Family Assets in excess of $5,000, Annual Income shall include the actual

amount of income, if any, derived from all of the Net Family Assets or 10 percent of the value of all such assets, whichever is greater.

(4) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts whether payable to or on behalf of members of the Family;

(5) Payments in lieu of earnings, such as unemployment and disability compensation, workmen's compensation and severance pay (but see paragraph (c)(3) of this section).

(6) Public Assistance. If the public assistance payment includes an amount specifically designated for shelter and utilities which is subject to adjustment by the public assistance agency in accordance with the actual cost of shelter and utilities, the amount of public assistance income to be included as income shall consist of:

(i) The amount of the allowance or grant exclusive of the amount specifically designated for shelter and utilities, plus

(ii) The maximum amount that the Public Assistance Agency could in fact allow the Family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph (a)(6)(ii) shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the Family or spouse.

(c) Temporary, non-recurring or sporadic income includes:

(1) Casual, sporadic or irregular gifts;

(2) Amounts which are specifically for or in reimbursement of the cost of medical expenses;

(3) Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and workmen's compensation), capital gains and settlement for personal or property losses;

(4) Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the Government to a veteran for use in meeting the costs of tuition, fees, books and equipment. Any amounts of such scholarships, or payments to veterans, not used for the above purposes and which are available for subsistence are to be included in income.

(d) Income shall not include:

(1) Earned income of minors and foster children under the age of 18 years;

(2) Payments for the care of foster children;

(3) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of other assistance programs which would include assistance under the United States Housing Act of 1937. The following types of income are subject to such exclusion:

(i) Relocation payments made pursuant to title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621 et seq.);

(ii) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(iii) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.);

(iv) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1620(c));

(v) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Pub. L. 94–114, section 6, 25 U.S.C. 459e);

(vi) Payments or allowances made under a Federal program for the purpose of energy assistance, such as the Department of Health and Human Services' Low-Income Energy Assistance Program or the Office of Community Services' Crisis Intervention Program, where the authorizing statute provides for exclusion of the assistance from income for purposes of other Federal programs.

(vii) Payments received from the youth incentive entitlement pilot projects, the youth community conservation and improvements projects, and the youth employment and training programs under Title IV of the Comprehensive Employment and Training Act Amendments of 1978 (29 U.S.C. 921).

(viii) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94–540, 90 Stat. 2503).

(e) If it is not feasible to anticipate a level of income over a 12-month period, a shorter period may be used subject to a redetermination at the end of such period.

§ 813.105 Gross rent.

(a) *Family gross rent for families whose initial lease is effective on or after August 1, 1982.* Family Gross Rent shall be the highest of the following, rounded to the nearest dollar:

(1) 30 percent of Monthly Adjusted Income.

(2) 10 percent of Monthly Income.

(3) If the Family receives welfare assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the portions of such payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph (a)(3) shall be the amount resulting from one application of the percentage.

(b) *Family gross rent for families whose initial lease is effective prior to August 1, 1982.* (1) At the first reexamination occurring on or after August 1, 1982, Family Gross Rent shall be calculated in accordance with § 813.105(a), except that instead of 30 percent the percentage applied to Monthly Adjusted Income shall be as follows:

Effective date of reexamination	Percentage
August 1, 1982–September 30, 1983	27
October 1, 1983–September 30, 1984	28
October 1, 1984–September 30, 1985	29
October 1, 1985 and after	30

(2) For purposes of paragraphs (a) and (b) of this section, a Family that resided in a unit under lease with assistance under a program to which this Part applies prior to August 1, 1982, and whose assistance under such a program has been continuous thereafter, shall be considered a Family whose initial lease was effective before August 1, 1982, notwithstanding that the Family after that date may have moved from one unit to another, from one project to another, or from one such program to another.

(c) The Family Gross Rent charged is subject to the following conditions:

(1) Family Gross Rent shall not be increased by more than 10 percent during any 12-month period as a result of: (i) Application of the percentages in paragraph (b) of this section; (ii) for families subject to paragraph (b) of this section, an increase resulting from regulatory changes in the definition of Monthly Adjusted Income or Monthly Income, or other regulatory changes caused by this Part 813; and (iii) any other provision of Federal law becoming

effective on or after October 1, 1981, redefining which governmental benefits are required to or may be considered as income. However, Family Gross Rent may be increased by more than 10 percent during any 12-month period to the extent that the portion of such increase above 10 percent is attributed solely to increases in income not caused by the regulatory changes referred to in (c)(1)(ii) of this section or redefinitions referred to in (c)(1)(iii) of this section.

(2) Family Gross Rent of any Family shall not be decreased below the amount, if any, payable by such Family as of August 1, 1982, by application of the definitions and procedures of this Part unless due to decreases in Monthly Income or Monthly Adjusted Income not caused by this Part.

(d) *Mutual Help Projects.* This section shall not apply to Mutual Help projects (see CFR 805.416).

§ 813.106 Utility reimbursement.

Where applicable, the Utility Reimbursement shall be paid to the Family in the manner provided in the pertinent program regulation.

§ 813.107 Examination, Verification, and Reexamination of Family Income and Composition.

(a) *Responsibility for Examination and Reexamination.* The owner or PHA shall be responsible for determination of eligibility for admission, and for annual reexamination of family income and composition, as provided in pertinent program regulations and handbooks (see, *e.g.*, 24 CFR Part 860 Subpart B, Part 880 Subpart F, Part 881 Subpart F, Part 882 Subpart B, Part 882 Subpart E, Part 883 Subpart C, Part 884 Subpart B, Part 886 Subpart A, and Part 886 Subpart C; for purposes of this Part, the provisions of Subpart F of Part 880 or 881 shall be applicable to projects developed under part 885). For Families in occupancy on August 1, 1982, the annual reexamination cycle must begin no later than the first anniversary date occurring after the date of their last reexamination.

(b) *Verification.* As a condition to admission to our continued occupancy of any assisted unit under any housing program covered by this Part, the person or agency responsible for determination of eligibility or reexamination of income may require any Family member to provide a copy, at the Family member's expense, of his or her preceding year's Federal Income Tax return, and shall require the Family head and other such Family members as it shall designate to execute a release and consent authorizing any depository or private source of income, or any Federal, State or local agency, to furnish or release to such responsible person or agency and to HUD such information as such responsible person or agency, or HUD, shall determine to be necessary for purposes of determining or auditing a Family's eligibility to receive housing assistance or the determination of Family Gross Rent, or verifying information related thereto. The use or disclosure of information obtained from a Family or from another source pursuant to such release and consent shall be limited to purposes directly connected with administration of this Part 813 or the housing program under which the Family is receiving or applying for assistance.

* * * * *

PART 860—INCOME LIMITS FOR ADMISSION TO, AND OCCUPANCY OF, LOW-INCOME PUBLIC HOUSING

2. The title of Part 860 would be revised to read as follows:

PART 860—ADMISSION TO, AND OCCUPANCY OF, PUBLIC HOUSING PROJECTS

3. The authority citation for Part 860 would be revised to read as follows:

Authority: Secs. 3, 5, 6 and 16 of the United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437d, 1437n); Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subparts A and D—[Removed]

4. Subpart A and Subpart D of Part 860 would be removed in their entirety. Subpart A would be reserved.

5. The title of Subpart B would be revised to read as follows:

Subpart B—Admission, Rent and Reexamination

6. Section 860.201 would be revised to read as follows:

§ 860.201 Purpose and scope.

The purpose of this Subpart is to prescribe standards and criteria for tenant selection and annual reexamination of income and family composition by each public housing agency (PHA) in accordance with the U.S. Housing Act of 1937 (the Act) and the Annual Contributions Contract (ACC).

7. Section 860.204(b) would be revised to read as follows:

§ 860.204 PHA tenant selection policies.

* * * * *

(b) Such policies and procedures shall be designed to: (1) Avoid concentrations of the most economically and socially deprived families in any one or all of the PHA's lower-income housing projects; (2) preclude admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the tenants or the project environment; and (3) subject to the requirements and limitations of Part 813 of this chapter, attain, within a reasonable period of time, a tenant body in each project composed of families with a broad range of incomes and rent-paying ability which is generally representative of the range of incomes of lower-income families, but families whose incomes are between 50% and 80% of area median income shall not be given a priority by virtue of their income.

* * * * *

8. Section 860.206(a) would be revised to read as follows:

§ 860.206 Verification procedures.

(a) *General.* Adequate procedures shall be developed to obtain and verify information with respect to each applicant. Information relative to the acceptance or rejection of an applicant shall be documented and placed in the applicant's file.

9. New §§ 860.208 through 860.210 would be added after § 860.207, to read as follows:

§ 860.208 Rent; utility reimbursement.

The amount of rent payable by the tenant to the PHA shall be the Family Contract Rent, as defined in and calculated pursuant to 24 CFR Part 813. Where applicable, the Utility Reimbursement (as defined in 24 CFR 813.102) will be paid to the tenant by the PHA.

§ 860.209 Reexamination.

The PHA shall reexamine the income and composition of all tenant families at least once each year. Upon verification of the information, the PHA shall make appropriate adjustments in the Family Gross Rent and Family Contract Rent in accordance with Part 813 of this chapter and such reexaminations of unit size appropriate for the Family as may be required under the standards established by the PHA for determining the appropriate unit size for families of different sizes and compositions. The PHA may schedule reexaminations more frequently than once a year.

§ 860.210 Restriction on eviction of families based upon income.

No PHA shall commence eviction proceedings, or refuse to renew a lease, based on the income of the tenant family unless: (a) It has identified, for possible rental by the family, a unit of decent,

safe, and sanitary housing of suitable size available at a rent not exceeding 30 percent of monthly adjusted income as defined in Part 813 of this chapter, or (b) it is required to do so by local law.

10. Section 860.208, Informal hearings, proposed at 47 FR 55689 (December 13, 1982) would be redesignated as a new § 860.211, Informal hearings, and paragraph (a) thereof would be revised. As revised § 860.211 reads as follows:

§ 860.211 Informal hearings.

(a) *When required.* The PHA shall provide an opportunity for an informal hearing:

(1) To an applicant determined to be ineligible for admission under the requirements of 24 CFR Parts 812 and 813 or this Subpart (on the basis of income or Family composition or for any other reason) or to an applicant to whom listing on the PHA waiting list is denied on the basis of other PHA selection criteria; and

(2) To a Family desiring to challenge the PHA's initial determination or redetermination of Family income, or the PHA's computation of Family rent based on such determination or redetermination;

(b) *Limitation on hearing right.* The PHA shall not be required to provide an informal hearing in accordance with paragaph (a):

(1) Except (i) to consider factual determinations by the PHA relating to the individual circumstances of an applicant or Family; or (ii) to consider whether determinations by the PHA relating to the individual circumstances of an applicant or Family are in accordance with law, HUD regulations or PHA rules;

(2) To consider a challenge to discretionary administrative determinations by the PHA, or to consider general policy issues, class grievances or grievances between tenants not involving the PHA;

(3) To consider a challenge to a factor generally applicable to families participating in the PHA's Public Housing program, or to families in such program who are similarly situated (e.g., application of HUD-required admission requirements or rental increases; changes in the Allowance for Utilities and Other Services).

(c) *Notification.* The PHA shall give the applicant or Family prompt written notification of a PHA determination for which the PHA is required to provide an informal hearing in accordance with paragraph (a) of this section, and of the basis for such determination. The Notice shall state that the applicant or Family may request an informal hearing and shall specify a reasonable date by which the applicant or Family must request the hearing.

(d) *Hearing procedures.* The PHA shall adopt and publish procedures for the conduct of hearing required by this section. Notification of the availability and format of such procedures (including indentification of the PHA representative with whom initial contact shall be made by an applicant or Family) shall be communicated to applicants and to tenants in such manner as the PHA shall deem appropriate, which shall include, in any event, posting in project offices. Hearing procedures may contain appropriate variations depending upon the nature and relative seriousness of the subject matter and the importance of the private interest affected in a particular instance. For example, a PHA may adopt different procedures for applicants from those adopted for current tenants. In determining hearing procedures, the PHA shall give due consideration to the following elements:

(1) *An unbiased tribunal.* If the procedures call for a hearing officer who is a PHA officer or employee, such officer or employee must not have participated in the PHA's original decisions.

(2) *Presentation of basis of decision.* The procedures shall state the manner in which the PHA will be required to present the factual or other basis for its decision, and whether, and the manner and extent to which the applicant or Family will be permitted to examine evidence and examine and question witnesses.

(3) *Opportunity to present reasons why proposed action should not be taken.* The procedures shall specify the manner in which the applicant or Family will be permitted to present reasons why the action proposed by the PHA should not be taken, including whether presentation may be oral or written or both.

(4) *Decision based on evidence.* The procedures shall indicate whether and the extent to which the decision of the tribunal (whether an individual or panel) must be based on evidence presented in the hearing proceeding, and the extent to which decision of some factual matters and other matters may be based on the tribunal's own knowledge and experience.

(5) *Counsel.* The procedures shall indicate whether, or the circumstances under which, the applicant or Family will be entitled to be represented, at its own expense, by a lawyer or other representative.

(6) *Decision.* The procedures shall indicate whether, or the circumstances under which, the tribunal (whether an individual or panel) will issue a written statement of the factual or other reasons for its decision, in which event a copy of such statement will be furnished promptly to the applicant of Family.

(7) *Review.* The procedures shall indicate whether, or the circumstances under which, further review of the tribunal's decision will be available, and the effect or weight to be given to the tribunal's decision in such subsequent review.

PART 805—INDIAN HOUSING

11. The authority citation for Part 805 would be revised to read as follows:

Authority: Secs. 3, 4, 5, 6, 9, 11, 12, and 16, the United States Housing Act of 1937 (42 U.S.C. 1437a, 1437b, 1437c, 1437d, 1437g, 1437i, 1437j, 1437n); sec. 7(d), the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

12. Section 805.302(a) would be revised to read as follows:

§ 805.302 Admission policies.

(a) Income and Assets Limits.

(1) IHA's shall admit families in accordance with Part 813 of this Chapter.

(2) Where decent, safe and sanitary housing is not otherwise being provided in the Indian area even for those of relatively high income, the IHA may request that HUD increase income limits for lower income families in the Indian area because of unusually high family incomes.

* * * * *

13. Section 805.302(b)(2)(i) would be revised to read as follows:

§ 805.302 Admission policies.

* * * * *

(b) * * *

(2) These regulations shall be designed:

(i) Subject to the requirements and limitations of Part 813 of this chapter, to attain at initial occupancy or within a reasonable period of time for Projects beyond the state of initial occupancy (but without prejudice to contract rights of Homebuyers in Turnkey III or MH Projects), a tenant or Homebuyer body in each Project composed of families with a broad range of incomes and rent-paying ability which is generally representative of the range of incomes of those low income families in the Indian area who would be qualified for admission to the type of project (Rental or Mutual Help);

(ii) To avoid concentrations of the most economically and socially deprived families in any one or all of the IHA's Projects.

14. Sections 805.304 (a) and (c) would be revised to read as follows:

§ 805.304 Determination of rents and homebuyer payments.

(a) *Rental and Turnkey III Projects.* The amount of rent or Homebuyer payment required of a tenant in a rental Project or a Homebuyer in a Turnkey III Project shall be determined in accordance with the provisions of Part 813 of this chapter.

* * * * *

(c) *Examination and Reexamination of Family Income.* For purposes of determining rent and Homebuyer payment amounts under paragraphs (a) and (b) of this section, making adjustments in the amounts so determined, and determining whether an MH Homebuyer is required to purchase the home under § 805.422(e), the IHA shall examine the Family's earnings and other income prior to initial occupancy, and shall make periodic reexaminations thereafter at least once a year.

For each examination or reexamination, the tenant or Homebuyer shall furnish to the IHA certification of his Family's earnings and other income and Family composition, including any information and evidence required by the IHA.

§ 805.416 [Amended]

15. Section 805.416(a)(1)(ii) would be amended by changing "25" to "30" percent.

16. Section 805.416(a)(2) would be removed and reserved.

17. Section 805.416(c)(1) would be revised to read as follows:

(1) "Family income" shall have the same meaning as "Adjusted Income" as defined in Part 813. "Total Family Income" shall have the same meaning as "Monthly Income" as defined in Part 813;

* * * * *

§ 805.423 [Amended]

18. Section 805.423(a)(2) is amended by changing "25" to "30" percent.

PART 889—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—DETERMINATION OF INCOME FOR ELIGIBILITY AND GROSS FAMILY CONTRIBUTION—[REMOVED]

29. Part 889 would be removed.

PART 865—PHA-OWNED OR LEASED PROJECTS—MAINTENANCE AND OPERATION

20. Section 865.472 would be amended by removing the definitions of "contract rent" and "gross rent" and by adding definitions for "Family contract rent" and "family gross rent" to read as follows:

§ 865.472 Definitions.

Checkmeter. * * *

Family Contract Rent. The amount paid monthly by the Family as rent to the PHA. Where utilities (except telephone) and other essential housing services are supplied by the PHA, Family Contract Rent equals Family Gross Rent. Where utilities (except telephone) and other essential housing services are not supplied by the PHA and the costs thereof are not included in the amount paid as rent to the PHA, Family Contract Rent equals Family Gross Rent less the Utility Allowances provided under Section 865.478 below. If the Utility Allowance is equal to or greater than the Family Gross Rent, then the Family Contract Rent is zero.

Family Gross Rent. The amount defined in, and calculated in accordance with, 24 CFR Part 813.

Mastermeter System. * * *

Surcharge. * * *

Utility. * * *

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

21. The authority citation for Part 880 would be revised to read as follows:

Authority: Secs. 3, 5 and 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

22. Section 880.101(c) would be revised to read as follows:

§ 880.101 General.

* * * * *

(c) *Tenant Rents and Eligible Families.* In addition to the housing assistance payments, the project owner receives a tenant rent, known as "Family Contract Rent," directly from the assisted family. The total amount received by the owner for rent is called the Contract Rent. Eligible families must have incomes within the HUD specified income limits and pay a prescribed amount of their income towards rent in accordance with HUD regulations in Part 813 of this chapter.

* * * * *

23. Section 880.201 would be amended by removing the definitions for "tenant rent", "total family contribution", and "total housing expense", by adding definitions for "family contract rent", "family gross rent", and "utility reimbursement", and by revising the definitions for "family (eligible family)", "housing assistance payments", "lower-income family", and "utility allowance" to read as follows:

§ 880.201 Definitions.

Family (eligible family). As defined in Part 813 of this chapter.

Family Contract Rent. The portion of the Contract Rent payable directly to the owner by an eligible family participating in this program, determined in accordance with Part 813 of this chapter.

Family Gross Rent. The amount defined in, and calculated in accordance with, Part 813 of this chapter.

* * * * *

Housing Assistance Payment. The payment made by the contract administrator to the owner of an assisted unit as provided in the Contract. Where the unit is leased to an eligible family, the payment is the difference between the contract rent and the family contract rent. A housing assistance payment, known as a "vacancy payment", may be made to the owner when an assisted unit is vacant. An additional payment is made to the family when the utility allowance is greater than the family gross rent. In the case of a family renting only a manufactured home space, the housing assistance payment is the sum of the contract rent for the space, the monthly payment made by the family to amortize the purchase price of the manufactured home, and any applicable utility allowance, less the family gross rent; but such payment may not exceed the contract rent for the space.

* * * * *

Lower-Income Family. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs or unusually high or low incomes.

* * * * *

Utility Allowance. An estimate, made or approved by HUD, of the amount defined in 24 CFR 813.102, where applicable.

Utility Reimbursement. As defined in 24 CFR 813.102

24. Section 880.501(e) would be revised as follows:

§ 880.501 The contract.

* * * * *

(e) *Additional Housing Assistance Payments to Families.* Where applicable, the Utility Reimbursement will be paid to the family as an additional housing assistance payment. The Contract will provide that the

owner will make this payment on behalf of the contract administrator. Funds for this purpose will be paid to the owner in trust solely for the purpose of making the additional payment.

25. Section 880.603 would would be amended by removing paragraph (c), by redesignating paragraph (d) as new paragraph (c) and revising paragraph (b) introductory text and newly redesignated paragraph (c)(1) and (3) to read as follows:

§ 880.603 Selection and admission of assisted tenants.

* * * * *

(b) *Determination of Eligiblity and Selection of Tenants.* The owner is responsible for determining whether the applicant is eligible in accordance with Parts 812 and 813 of this chapter and for the selection of families:

* * * * *

(c) *Reexamination of Family Income and Composition.*

(1) The owner is responsible for reexamining the income and composition of all families at least once each year. Upon verification of the information, the owner shall make appropriate adjustments in the family gross rent in accordance with Part 813 of this chapter. The owner will adjust family contract rent and the housing assistance payment to reflect any change in family gross rent. The owner may schedule reexaminations more frequently than once a yeaf.

* * * * *

(3) A Family's eligibility for housing assistance payments continues until the Family Gross Rent equals the Contract Rent plus, if applicable, the Utility Allowance as defined in 24 CFR 813.102. However, the termination of eligibility at such point will not affect the family's other rights under its lease nor will such termination preclude resumption of payments as a result of changes in income or rents or other relevant circumstances during the term of the Contract.

26. Section 880.604 would be revised to read as follows:

§ 880.604 Family contract rent.

The eligible family pays the Family Contract Rent directly to the owner.

§§ 880.501 and 880.610 [Amended]

27. Sections 880.501(d)(1) and 880.610 would be amended by changing the term "tenant rent" to "Family Contract Rent."

§§ 880.603 and 880.608 [Amended]

28. Sections 880.603(c)(2) and 880.608(a) would be amended by changing the term "total family contribution" to "Family Gross Rent."

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR SUBSTANTIAL REHABILITATION

29. The authority citation for Part 881 would be revised to read as follows:

Authority: Secs. 3, 5 and 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

30. Section 881.101(c) would be revised as follows:

§ 881.101 General.

* * * * *

(c) *Tenant Rents and Eligible Families.* In addition to the housing assistance payments, the project owner receives a tenant rent, known as "Family Contract Rent," directly from the assisted family. The total amount received by the owner for rent is called the Contract Rent. Eligible families must have incomes within the HUD specified income limits and pay a prescribed amount of their income toward rent in accordance with HUD regulations in Part 813 of this chapter.

* * * * *

31. Section 881.201 would be revised by: (i) Deleting the definitions of tenant rent, total family contribution, and total housing expense; (ii) adding definitions of family contract rent, family gross rent and utility reimbursement; and (iii) revising the terms family (eligible family), housing assistance payment, lower-income family, and utility allowance to read as follows:

881.201 Definitions.

* * * * *

Family (eligible family). As defined in Part 813 of this chapter.

Family Contract Rent. The portion of the contract rent payable directly to the owner by an eligible family participating in this program, determined in accordance with Part 813 of this chapter.

* * * * *

Housing Assistance Payment. The payment made by the contract administrator to the owner of an assisted unit as provided in the Contract. Where the unit is leased to an eligible family, the payment is the difference between the contract rent and the family contract rent. A housing assistance payment, known as a "vacancy payment," may be made to the owner when an assisted unit is vacant. An additional payment is made to the family when the utility allowance is greater than the family gross rent. In the case of a family renting only a manufactured home space, the housing assistance payment is the sum of the contract rent for the space, the monthly payment made by the family to amortize the purchase price of the manufactured home, and any applicable utility allowance, less the family gross rent; but such payment may not exceed the contract rent for the space.

* * * * *

Lower-Income Family. A Family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families., HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs or unusually high or low incomes.

* * * * *

Utility Allowance. An estimate, made or approved by HUD, of the amount defined in 24 CFR 813.102, where applicable.

Utility Reimbursement. As defined in 24 CFR 813.102.

32. Section 881.501(e) would be revised as follows:

§ 881.501 The contract.

* * * * *

(e) *Additional Housing Assistance Payments to Families.* Where applicable, the Utility Reimbursement will be paid to the family as an additional housing assistance payment. The Contract will provide that the owner will make this payment on behalf of the contract administrator. Funds for this purpose will be paid to the owner in trust solely for the purpose of making the additional payment.

33. Section 881.603 is amended by removing paragraph (c), redesignating paragraph (d) as paragraph (c), by revising paragraph (b) introductory text and newly redesignated paragaphs (c)(1) and (3) to read as follows:

§ 881.603 Selection and admission of assisted tenants.

* * * * *

(b) *Determination of Eligibility and Selection of Tenants.* The owner is responsible for determining whether the applicant is eligible in accordance with 24 CFR Parts 812 and 813 and for the selection of families:

* * * * *

(c) *Reexamination of Family Income and Composition.*

(1) The owner is responsible for reexamining the income and composition of all families at least once each year. Upon verification of the information, the owner shall make

appropriate adjustments in the Family Gross Rent in accordance with 24 CFR Part 813. The owner will adjust Family Contract Rent and the housing assistance payment to reflect any change in Family Gross Rent. The owner may schedule reexaminations more frequently than once a year.

(2) * * *

(3) A Family's eligibility for housing assistance payments continues until the Family Gross Rent equals the Contract Rent plus, if applicable, the Utility Allowance as defined in 24 CFR 813.102. However, the termination of eligibility at such point will not affect the family's other rights under its lease nor will such termination preclude resumption of payments as a result of changes in income or rents or other relevant circumstances during the term of the Contract.

34. Section 881.604 would be revised to read as follows:

§ 881.604 Family contract rent.

The eligible family pays the contract rent directly to the owner.

35. Sections 881.501(d)(1) and 881.610 would be amended by changing the term "tenant rent" to "Family Contract Rent."

§§ 881.603 and 881.608 [Amended]

36. Sections 881.603(c)(2) and 881.608(a) would be revised by changing the term "total family contribution" to "Family Gross Rent."

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

37. The authority citation for Part 882 would be revised to read as follows:

Authority: Secs. 3, 5 and 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

38. Section 882.102 would be revised by: (i) Deleting definitions of Gross Family Contribution, Housing Assistance Payment on Behalf of Eligible Family, and Eligible Family; (ii) by adding definitions for Family (eligible family), Family Contract Rent, Family gross rent, housing assistance payment, utility allowance, utility reimbursement; and (iii) by revising allowance for utilities and other services ("allowance"), gross rent and lower-income family to read as follows:

§ 882.102 Definitions.

* * * * *

Allowance for utilities and other services ("allowance"). See the definition of utility allowance.

* * * * *

Family (eligible family). As defined in Part 813 of this Chapter.

Family Contract Rent. The portion of the Contract Rent payable directly to the owner by an eligible Family participating in this program, determined in accordance with 24 CFR Part 813.

Family Gross Rent. The amount defined in, and calculated in accordance with, 24 CFR Part 813.

* * * * *

Gross Rent. Contract Rent plus any Utility Allowance.

* * * * *

Housing Assistance Payment. The payment made by the PHA to the owner of an assisted unit as provided in the Contract. Where the unit is leased to an eligible family, the payment is the difference between the contract rent and the family contract rent. A housing assistance payment may be made to the owner when a unit is vacant in accordance with 24 CFR 882.105. An additional payment is made by the PHA to the family when the utility allowance is greater than the family gross rent.

* * * * *

Lower-Income Family. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low incomes.

* * * * *

Utility Allowance. An estimate, made or approved by a PHA or HUD, of the amount defined in 24 CFR 813.102, where applicable.

Utility Reimbursement. As defined in 24 CFR 813.102.

§ 882.113 [Removed and Reserved]

39. Section 882.113 would be removed and reserved.

40. Section 882.210(c) would be revised as follows:

§ 882.210 Request for lease approval.

* * * * *

(c) *Amount of Rent Payable by Family to Owner.* The amount of rent payable by the Family to the Owner shall be the Family Contract Rent. Where applicable, the Utility Reimbursement will be paid by the PHA directly to the Family.

* * * * *

41. Section 882.212 would be revised as follows:

§ 882.212 Reexamination of family income and composition.

(a) The PHA is responsible for reexamining the income and composition of all families at least once each year. Upon verification of the information, the PHA shall make appropriate adjustments in the Family Gross Rent in accordance with 24 CFR Part 813. The owner will adjust Family Contract Rent and the Housing Assistance Payment to reflect any change in Family Gross Rent. The PHA may schedule reexaminations more frequently than once a year.

(b) A Family's eligibility for housing assistance payments shall continue until the Family Gross Rent equals the Contract Rent plus, if applicable, the Utility Allowance as defined in § 813.102. However, the termination of eligibility at such point will not affect the Family's other rights under its lease nor will termination preclude resumption of payments as a result of changes in income or rents or other relevant circumstances during the term of the Contract.

(c) If the Contract terminates at a time when the Family is ineligible for payments, the contract shall not be renewed. In addition, if one year has elapsed since the date of the last housing assistance payment, the contract shall be terminated (with the consent of the Owner if the contract does not provide for termination under such circumstances) even if the termination date has not yet been reached.

(d) A family may at any time request a redetermination of its Family Gross Rent on the basis of changes in family income or other relevant circumstances.

§ 882.412 [Removed and Reserved]

42. Section 882.412 would be removed and reserved.

§ 882.602 [Amended]

43. In § 882.602, the term and definition for *"Family Contribution"* would be removed and the following term and definition substituted thereof.

* * * * *

Family Gross Rent. The Family Gross Rent shall be determined in accordance with § 813.105. The last sentence of § 882.210(c) shall not apply.

* * * * *

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

44. The authority citation for Part 883 would be revised to read as follows:

Authority: Secs. 3, 5 and 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f); sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

45. Section 883.101(c) would be revised as follows:

§ 883.101 General.

* * * * *

(c) *Tenant Rents and Eligible Families.* In addition to the housing assistance payments, the project owner receives a tenant rent, known as "Family Contract Rent," directly from the assisted family. The total amount received by the owner for rent is called the Contract Rent. Eligible families must have incomes within the HUD specified income limits and pay a prescribed amount of their income towards rent in accordance with HUD regulations in Part 813 of this chapter.

* * * * *

46. Section 883.302 would be revised by: (i) Deleting the definitions of "tenant rent," "total family contribution," and "total housing expense"; (ii) adding definitions of "family contract rent," "family gross rent" and "utility reimbursement," and by revising the definitions for "family (eligible family), housing assistance payment, lower-income family, and utility allowance to read as follows:

§ 883.302 Definitions.

* * * * *

Family (eligible family). As defined in Part 813 of this chapter.

Family Contract Rent. The portion of the contract rent payable directly to the owner by an eligible family participating in this program, determined in accordance with Part 813 of this chapter.

Family Gross Rent. The amount defined in, and calculated in accordance with Part 813 of this chapter.

* * * * *

Housing Assistance Payment. The payment made by to the owner of an assisted unit by the State Agency as provided in the Contract. Where the unit is leased to an eligible family, the payment is the difference between the contract rent and the family contract rent. A housing assistance payment, known as a "vacancy payment," may be made to the owner when an assisted unit is vacant. An additional payment is made to the family when the utility allowance is greater than family gross rent. In the case of a family renting only a manufactured home space, the housing assistance payment is the sum of the contract rent for the space, the monthly payment made by the family to amortize the purchase price of the manufactured home, and any applicable utility allowance, less the family gross rent; but such payment may not exceed the contract rent for the space.

* * * * *

Lower-Income Family. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs or unusually high or low incomes.

* * * * *

Utility Allowance. An estimate, accepted by HUD, of the amount defined in 24 CFR 813.102.

Utility Reimbursement. As defined in 24 CFR 813.102.

47. Section 883.602(e) would be revised as follows:

§ 883.602 The contract.

* * * * *

(e) *Additional housing assistance payments to families.* Where applicable, the Utility Reimbursement will be paid to the family as an additional housing assistance payment. The Contract will provide that the owner will make this payment on behalf of the Agency. Funds for this purpose will be paid to the owner in trust solely for the purpose of making the additional payment.

48. Section 883.704 would be amended by removing paragraph (c), redesignating paragraph (d) and new (c), and by revising paragraph (b) introductory text and newly redesignated paragraphs (c)(1) and (3) to read as follows:

§ 883.704 Selection and admission of assisted tenants.

* * * * *

(b) *Determination of Eligibility and Selection of Tenants.* The owner is responsible for determining whether the applicant is eligible in accordance with 24 CFR Parts 812 and 813 and for the selection of families:

* * * * *

(c) *Reexamination of Family Income and Composition.*

(1) The owner is responsible for reexamining the income and composition of all families at least once each year. Upon verification of the information, the owner shall make appropriate adjustments in the family gross rent in accordance with 24 CFR Part 813. The owner will adjust family contract rent and the housing assistance payment to reflect any change in family gross rent. The owner may schedule reexaminations more frequently than once a year.

* * * * *

(3) A Family's eligibility for housing assistance payments continues until the Family Gross Rent equals the Contract Rent plus, if applicable, the Utility Allowance as defined in § 813.102. However, the termination of eligibility at such point will not affect the family's other rights under its lease nor will such termination preclude resumption of payments as a result of changes in income or rents or other relevant circumstances during the term of the Contract.

49. Section 883.705 would be revised to read as follows:

§ 883.705 Family Contract Rent.

The eligible family pays the family contract rent directly to the owner.

§ 883.602 and 883.711 [Amended]

50. Sections 883.602(d) (1) and (2) and 883.711 would be amended by changing the term "tenant rent" to "family contract rent".

§ 883.709 [Amended]

51. Section 883.709(a) would be revised by changing the term "total family contribution" to "family gross rent".

PART 884—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

52. The authority citation for Part 884 would be revised to read as follows:

Authority: Secs. 3, 5 and 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f); sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

53. Section 884.102 would be revised by: (i) Deleting definitions of Eligible Family, Housing Assistance Payment on Behalf of Eligible Family, Gross Family Contribution, and Gross Rent, (ii) adding definitions of family, family contract rent, family gross rent, housing assistance payment, utility allowance and utility reimbursement, and (iii) by revising the definitions of "allowance for utilities and other services ("allowance")" and "lower-income family" to read as follows:

§ 884.102 Definitions.

* * * * *

Allowance for utilities and other services ("allowance"). See the definition of utility allowance.

* * * * *

Family. A family, as defined in 24 CFR Part 812, which is determined eligible for

admission in accordance with Part 813 of this Chapter.

Family Contract Rent. The portion of the contract rent payable directly to the owner by an eligible family participating in this program, determined in accordance with Part 813 of this Chapter.

Family Gross Rent. The amount defined in, and calculated in accordance with, Part 813 of this Chapter.

* * * * *

Housing Assistance Payment. The payment made by the contract administrator to the owner of an assisted unit as provided in the Contract. Where the unit is leased to an eligible family, the payment is the difference between the contract rent and the family contract rent. A housing assistance payment may be made to the owner when a unit becomes vacant in accordance with the terms of the Contract. An additional housing assistance payment is made to the family when the utility allowance is greater than the family gross rent. In the case of a family renting only a manufactured home space, the housing assistance payment is the sum of the contract rent for the space, the monthly payment made by the family to amortize the purchase price of the manufactured home, and any applicable utility allowance, less the family gross rent; but such payment may not exceed the contract rent for the space.

* * * * *

Lower-Income Family. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low incomes.

* * * * *

Utility Allowance (allowance for utilities and other services). An estimate, made or approved by HUD, of the amount defined in 24 CFR 813.102.

Utility Reimbursement. As defined in § 813.102.

54. Section 884.106(a) would be revised as follows:

§ 884.106 Housing assistance payments to owners.

(a) *General.* Housing assistance payments shall be paid to Owners for units under lease by eligible families, in accordance with the Contract and as provided in this section. These housing assistance payments will cover the difference between the Contract Rent and the Family Contract Rent. Where applicable, the Utility Reimbursement will be paid to the family as an additional housing assistance payment. The Contract will provide that the Owner will make this payment on behalf of the contract administrator. Funds for this purpose will be paid to the Owner in trust solely for the purpose of making the additional payment. No Section 8 assistance may be provided for any unit occupied by an Owner; however, cooperatives are considered rental housing rather than Owner-occupied housing for this purpose.

§ § 884.116 and 884.117 [Removed and Reserved]

55. Sections 884.116 and 884.117 would be removed and reserved.

56. Section 884.218 would be revised as follows:

§ 884.218 Reexamination of family income and composition.

(a) The Owner is responsible for reexamining the income and composition of all families at least once each year. Upon verfication of the information, the Owner shall make appropriate adjustments in the Family Gross Rent in accordance with 24 CFR Part 813. The Owner shall adjust Family Contract Rent and the Housing Assistance Payment to reflect any change in Family Gross Rent. The Owner may schedule reexaminations more frequently than once a year.

(b) A family's eligibility for housing assistance payments continues until the Family Gross Rent equals the total Contract Rent plus, if applicable, the Utility Allowance as defined in § 813.102. However, the termination of eligibility at such point will not affect the family's other rights under its lease nor will such termination preclude resumption of payments as a result of changes in income or rents or other relevant circumstances during the term of the Contract.

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS—SPECIAL ALLOCATIONS

57. The authority for Part 886 would be revised to read as follows:

Authority: Secs. 3, 5 and 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

58. Section 886.102 would be amended by: (i) Deleting the definitions of Eligible Family, Gross Family Contribution, Gross Rent and Housing Assistance Payment on behalf of Eligible Family, (ii) adding definitions of familiy, family contract rent, family gross rent, housing assistance payment, utility allowance and utility reimbursement, and (iii) by revising the definitions for gross rent, and lower-income family, to read as follows:

§ 886.102 Definitions.

* * * * *

Allowance for utilities and other services ("allowance"). See the definition of utility allowance.

* * * * *

Family (eligible family). A family, as defined in 24 CFR Part 812, which is determined eligible for admission and continued occupancy in accordance with Part 813 of this Chapter.

Family Contract Rent. The portion of the contract rent payable directly to the owner by an eligible family participating in this program, determined in accordance with Part 813 of this chapter.

Family Gross Rent. The amount defined in, and calculated in accordance with, Part 813 of this chapter.

* * * * *

Gross Rent. Contract Rent plus any Utility Allowance.

Housing Assistance Payment. The payment made by HUD to the owner of an assisted unit as provided in the Contract. Where the unit is leased to an eligible family, the payment is the difference between the contract rent and the family contract rent. A housing assistance payment may be made to the owner when a unit is vacant in accordance with 24 CFR 886.109. An additional housing assistance payment is made when the utility allowance is greater than the family gross rent. In the case of a family renting only a manufactured home space, the housing assistance payment is the sum of the contract rent for the space, the monthly payment made by the family to amortize the purchase price of the manufactured home, and any applicable utility allowance, less the family gross rent; but such payment may not exceed the contract rent for the space.

Lower-Income Family. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low incomes.

* * * * *

Utility Allowance (Allowance for utilities and other services). An

estimate, made or approved by HUD, of the amount defined in § 813.102.

Utility Reimbursement. As defined in § 813.102.

59. Section 886.109(a) would be revised as follows:

§ 886.109 Housing assistance payments to owners.

(a) *General.* Housing assistance payments shall be paid to Owners for units under lease by eligible families, in accordance with the Contract and as provided in this section. These housing assistance payments will cover the difference between the Contract Rent and the Family Contract Rent. Where applicable, the Utility Reimbursement will be paid to the family as an additional housing assistance payment. The Contract will provide that the owner will make this payment on behalf of HUD. Funds for this purpose will be paid to the Owner in trust solely for the purpose of making the additional payment.

* * * * *

§ 886.117 [Removed and Reserved]

60. Section 886.117 would be removed and reserved.

61. Section 886.118(a) would be revised as follows:

§ 886.118 Establishment of amount of housing assistance payments.

(a) See 886.109(a).

* * * * *

62. Section 886.124 would be revised as follows:

§ 886.124 Reexamination of family income and composition.

(a) The Owner is responsible for reexamining the income and composition of all families at least once each year. Upon verification of the information, the Owner shall make appropriate adjustments in the family gross rent in accordance with Part 813 of this Chapter. The Owner will adjust family contract rent and the housing assistance payment to reflect any change in family gross rent. The owner may schedule reexaminations more frequently than once a year.

(b) A Family's eligibility for housing assistance payments shall continue until the Family Gross Rent equals the Contract Rent plus, if applicable, the Utility Allowance as defined in § 813.102. However, the termination of eligibility at such point will not affect the Family's other rights under its Lease nor will termination preclude resumption of payments as a result of changes in income or rents or other relevant circumstances during the term of the Contract. A family may at any time request a redetermination of its Family Gross Rent on the basis of changes in family income or other relevant circumstances.

63. Section 886.302 would be revised by: (i) Deleting definitions of Eligible Family and Gross Family Contribution, (ii) adding definitions of Family, Family Contract Rent, Family Gross Rent, Utility Allowance and Utility Reimbursement, and (iii) by revising the definitions of allowance for utilities and other services ("allowance"), housing assistance payment, and lower-income family.

§ 886.302 Definitions.

* * * * *

Allowance for utilities and other services ("allowance"). See the definition of utility allowance.

* * * * *

Family (eligible family). A family, as defined in 24 CFR Part 812, which is determined eligible for admission in accordance with Part 813 of this Chapter.

Family Contract Rent. The portion of the contract rent payable directly to the owner by the Family, determined in accordance with 24 CFR Part 813 of this Chapter.

Family Gross Rent. The amount defined in, and calculated in accordance with Part 813 of this Chapter.

* * * * *

Housing Assistance Payment. The payment made by the contract administrator to the owner of an assisted unit as provided in the Contract. Where the unit is leased to an eligible family, the payment is the difference between the contract rent and the family contract rent. A housing assistance payment may be made to the owner when a unit is vacant in accordance with the terms of the Contract. An additional housing assistance payment is made when the utility allowance is greater than the family gross rent.

* * * * *

Lower-Income Family. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low incomes.

* * * * *

Utility Allowance. An estimate, made or approved by HUD, of the amount defined in 24 CFR 813.102.

Utility Reimbursement. As defined in § 813.102.

64. Section 886.309(a) would be revised as follows:

§ 886.309 Housing assistance payment to owners.

(a) *General.* Housing assistance payments shall be paid to owners for units under lease by eligible families, in accordance with the Contract and as provided in this section. These housing assistance payments will cover the difference between the Contract Rent and Family Contract Rent. Where applicable, the Utility Reimbursement will be paid to the family as an additional housing assistance payment. The Contract shall provide that the owner shall make this payment on behalf of HUD. Funds for this purpose will be paid to the owner in trust solely for the purpose of making the additional payment.

* * * * *

§§ 886.316 and 886.317 [Removed and Reserved]

65. Section 886.316 would be removed and reserved.

66. Section 886.317 would be removed and reserved.

67. Section 886.324 would be revised to read as follows:

§ 886.324 Reexamination of family income and composition.

(a) The owner is responsible for reexamining the income and composition of all families at least once each year. Upon verification of the information, the owner shall make appropriate adjustments in the family gross rent in accordance with Part 813 of this chapter. The owner will adjust family contract rent and the housing assistance payment to reflect any change in family gross rent. The owner may schedule reexaminations more frequently than once a year.

(b) A Family's eligibility for housing assistance payments shall continue until the Family Gross Rent equals the Contract Rent plus, if applicable, the Utility Allowance as defined in 24 CFR 813.102. However, the termination of eligibility at such point will not affect the Family's other rights under its Lease nor will termination preclude resumption of payments as a result of changes in income or rents or other relevant circumstances during the term of the Contract. A family may at any time request a redetermination of its Family Gross Rent on the basis of changes in family income or other relevant circumstances.

PART 804—LOW RENT HOUSING HOMEOWNERSHIP OPPORTUNITIES

68. The authority citation for Part 804 would be revised to read as follows:

Authority: United States Housing Act of 1937 (42 U.S.C. 1437, et seq.); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

69. In § 804.104, paragraph (h)(1) would be revised to remove reference to a maximum monthly payment and to include reference to the Family Contract Rent and to read as follows:

§ 804.104 Eligibility and selection of homebuyers

* * * * *

(h) *Eligibility for continued occupancy.*

(1) A homebuyer shall cease to be eligible for continued occupancy with the aid of HUD annual contributions when the LHA determines that his adjusted monthly income has reached the level, and is likely to continue at such level, at which the current amount of his required montly payment equals or exceeds the monthly housing cost (see paragraph (h)(2) of this section). In such event, if the LHA determines, with HUD approval, that suitable financing is available, the LHA shall notify the homebuyer that he shall either: (i) Purchase the home; or (ii) move from the development; provided, however, that if the LHA determines that, due to special circumstances, the homebuyer is unable to find decent, safe and sanitary housing within his financial reach although making every reasonable effort to do so, the homebuyer may be permitted to remain for the duration of such a situation.

* * * * *

70. In § 804.107, paragraph (j)(1) would be revised, paragraph (j)(3) would be removed, and paragraph (j)(4) would be redesignated as paragraph (j)(3) and revised to read as follows:

§ 804.107 Responsibilities of homebuyer.

* * * * *

(j) *Homebuyer's required monthly payment.*

(1) The term "required monthly payment" as used herein means the monthly payment the homebuyer is required to pay to the LHA on or before the first day of each month. Although the total monthly housing cost consists of the sum of the breakeven amount (see § 804.108) and the debt service (payments of principal and interest) on the applicable share of the capital cost of the development, the homebuyer is not required to pay the full amount, but is assisted by HUD annual contributions. The homebuyer's required monthly payment, which is based upon his income, shall be the amount of Family Contract Rent as determined in accordance with Part 813 of this chapter, plus the monthly amounts budgeted by the PHA for EHPA and NRMR.

* * * * *

(3) The LHA shall not refuse to accept monthly payments because of any other charges (i.e., other than overdue monthly payments) owed by the homebuyer to the LHA; however, by accepting monthly payments under such circumstances the LHA shall not be deemed to have waived any of its rights and remedies with respect to such other charges.

* * * * *

Dated: October 22, 1982.

Philip Abrams,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 82-34778 Filed 12-28-82; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 4a

Source of Interest and Dividends

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains a notice of proposed rulemaking with respect to the source of interest derived from resident alien individuals and domestic corporations and the source of dividends derived from domestic corporations under section 861 of the Internal Revenue Code of 1954. In the Rules and Regulations portion of this **Federal Register**, temporary income tax regulations relating to the same subject are published.

DATE: Written comments and requests for a public hearing must be delivered or mailed before February 28, 1983.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-296-82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Martha E. Kadue of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (LR-296-82), 202-566-3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 861 of the Internal Revenue Code of 1954. These amendments are proposed to be issued under the authority contained in section 7805 (68A Stat. 917, 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

Discussion

Section 861 prescribes rules for determining when certain items of gross income shall be treated as income from sources within the United States. Subsection (a)(1) states that interest on indebtedness of a United States resident (including a corporation) is generally treated as income from U.S. sources. One of the exceptions to this general rule, found in section 861(a)(1)(B), is for U.S. resident alien individuals and domestic corporations that have derived less than 20 percent of their gross income for their prior three taxable years from U.S. sources. Interest received from these individuals and corporations is treated as income from sources outside the United States under section 862(a)(1).

Subsection (a)(2)(A) of section 861 provides generally that dividends from domestic corporations are treated as income from U.S. sources. However, if the domestic corporation derived less than 20 percent of its gross income for its prior three taxable years from sources within the United States, the dividend is treated as income from sources outside the United States under section 862(a)(2).

Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States each have a separate territorial income tax system and generally apply the Internal Revenue Code as their territional income tax law by substituting the name of the possession for the words "United States" as appropriate. These "mirror codes" include the source rules described above. Except as otherwise required, United States corporations are foreign corporations under these mirror codes. While each of these possessions has a separate tax system, each of those mirror codes together with the Internal Revenue Code forms an integrated scheme of income taxation.

Fixed and determinable annual and periodical income received by a U.S. person from sources within the above-mentioned possessions is not subject to tax to the recipient by certain of these possessions. These tax rules are generally designed to encourage U.S. investment in such possessions. They are not intended or designed to allow income earned in such possessions by a foreign person (not a citizen, resident, or

domestic corporation of either jurisdiction) to avoid taxation by both the possession and the United States under sections 871(a) and 881(a) of their respective tax codes. Accordingly, these proposed regulations provide that income derived from Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States that is not subject to tax to the recipient by that jurisdiction is treated as U.S. source income for purposes of the source of income rules in section 861 (a)(1)(B) and (a)(2)(A).

Comments and Requests for a Public Hearing

Before adopting as final regulations these proposed regulations, consideration will be given to any written comments that are submitted (preferally seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Certification of Nonapplicability of Regulatory Flexibility Act of 1980 and Exceutive Order 12291

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the proposed regulations are interpretative and that the notice and public comments procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act of 1980 (5 U.S.C. Chapter 6). The Commissioner of Internal Revenue has determined that this proposed rule is not subject to Executive Order 12291.

Drafting Information

The principal author of these regulations is Martha E. Kadue of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other office of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of substance and style.

List of Subjects in 26 CFR 1.861–1 Through 1.997–1

Income taxes, Aliens, Exports, DISC, Foreign investment in U.S., Foreign tax credit, Sources of income, United States investments abroad.

List of Subjects in 26 CFR Part 4a

Income taxes, Sources of income.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Parts 1 and 4a are as follows:

PART 1—INCOME TAX REGULATIONS

Paragraph 1. Section 1.861–2 is amended as follows:

1. Paragraph (b)(2) is revised to read as set forth below.

2. The first sentence of paragraph (e) is revised to read: "This section applies with respect to taxable years beginning after December 31, 1966, except that paragraph (b) (2) (ii) applies with respect to interest received or accrued after [date which is 30 days after publication of final regulations in the **Federal Register**]."

§ 1.861–2 Interest.

* * * * *

(b) *Interest not derived from U.S. sources.* * * *

(2) *Interest from a resident alien individual or domestic corporation deriving substantial income from sources without the United States*—(i) *In general.* Interest received from a resident alien individual or a domestic corporation shall be treated as income from sources without the United States when it is shown to the satisfaction of the district director that less than 20 percent of the gross income from all sources of such individual or corporation has been derived from sources within the United States, as determined under the provisions of sections 861 to 864, inclusive and the regulations thereunder, for the 3-year period ending with the close of the taxable year of such individual or corporation preceding its taxable year in which such interest is paid or credited, or for such part of such period as may be applicable. If 20 percent or more of the gross income from all sources of such individual or corporation has been derived from sources within the United States, as so determined, for such 3-year period (or part thereof), the entire amount of the interest from such individual or corporation shall be treated as income from sources within the United States.

(ii) *Special rule for certain income.* For purposes of this paragraph (b) (2), income derived from Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States that is not subject to tax to the recipient by that jurisdiction shall be considered income from sources within the United States.

* * * * *

Par. 2. Section 1.861–3 is amended as follows:

1. Paragraph (a)(2) is revised to read as set forth below.

2. The first sentence of paragraph (d) is revised to read: "This section applies with respect to dividends received or accrued after December 31, 1966, except that paragraph (a)(5) of this section applies to certain dividends from a DISC or a former DISC in taxable years ending after December 31, 1971, and that paragraph (a)(2)(ii) of this section applies with respect to dividends received or accrued after [date which is 30 days after publication of final regulations in the **Federal Register**]."

§ 1.861–3 Dividends.

(a) *General*—* * *

(2) *Dividend from a domestic corporation*—(i) *In general.* A dividend described in this subparagraph (2) is a dividend from a domestic corporation other than a domestic corporation which has an election in effect under section 936, and other than a domestic corporation less than 20 percent of the gross income of which is shown to the satisfaction of the district director to have been derived from sources within the United States, as determined under the provisions of sections 861 to 864, inclusive, and the regulations thereunder, for the 3-year period ending with the close of the taxable year of such corporation preceding the declaration of such dividend, or for such part of such period as the corporation has been in existence. See subparagraph (5) of this paragraph for the treatment of certain dividends from a DISC or former DISC.

(ii) *Special rule for certain income.* For purposes of this paragraph (a)(2), income derived from Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States that is not subject to tax to the recipient by that jurisdiction shall be considered income from sources within the United States.

* * * * *

PART 4a—TEMPORARY INCOME TAX REGULATIONS RELATING TO SOURCE OF INCOME

§ 4a.861–1 [Removed]

Par. 3. Section 4a.861–1 is removed.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82–35313 Filed 12–28–82; 8:45 am]

BILLING CODE 4830–01–M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 444; Re: Notice No. 418]

Alexander Valley Viticultural Area; Public Hearing

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

ACTION: Notice of hearing on a proposed rule.

SUMMARY: This notice announces the time and place of a public hearing to be held by the Bureau of Alcohol, Tobacco and Firearms (ATF) concerning establishment of a viticultural area in northeastern Sonoma County, California, to be known as "Alexander Valley." In Notice No. 418 (47 FR 36221) published in the **Federal Register** on August 19, 1982, ATF detailed two proposals for establishment of this viticultural area and requested comments. In consideration of the comments received, ATF has determined that the public interest would best be served by the holding of a public hearing on this matter. The purpose of the hearing is to gather additional information and to receive evidence with respect to the establishment of this viticultural area, the proposed boundaries, and other possible boundaries.

DATES: The hearing will be held on January 24, 1983, at 9:30 a.m. (an evening session may be held if necessary at 7:00 p.m.).

Persons desiring to make oral comments at the hearing should submit a letter notifying ATF of their intent to comment on or before January 17, 1983. Written comments must be received on or before February 7, 1983.

ADDRESSES: The hearing will be held at the: Santa Rosa Veterans Memorial Building, 1351 Maple Avenue, Santa Rosa, CA 95402.

Letter notifications and written comments are to be submitted to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385, Attention Notice No. 444.

FOR FURTHER INFORMATION CONTACT: Jim Whitley, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 19, 1982, ATF published notice of proposed rulemaking No. 418 (47 FR 36221) in the **Federal Register**. In the notice, proposals for the establishment of a viticultural area in northeastern Sonoma County, California, to be known as "Alexander Valley" were detailed. These proposals, identified as Group "A" proposal and Group "B" proposal, resulted from petitions filed by grape/wine industry groups in the area. Both groups proposed that the viticultural area be established in the valley area lying north of the town of Healdsburg. The point of disagreement is the northern boundary. As required by 27 CFR 4.25a(e)(2), each group submitted supporting evidence. On the basis of this evidence, the proposals were determined to have equal merit. Interested persons were invited to submit comments on the proposals. The 60-day comment period ended October 18, 1982.

We received seven (7) comments in response to the notice. Comments were received from the petitioning industry groups, from members of a petitioning group, and from wineries and associations in the area. The comments from the petitioning groups and members thereof reiterated their position on the matter. In addition, the comment of Group "A" also contained additional historical evidence. Furthermore, we received two (2) comments prior to publication of the notice. A comment expressed support for the proposal of Group "B." The other concerned a boundary modification.

Hearing

Based on the facts and representations presented in the comments, it is apparent that disagreement remains between the petitioners on a boundary for the viticultural area. In addition, ATF desires to obtain additional information on the establishment of this viticultural area, the proposed boundaries, and other possible boundaries.

For these reasons, ATF has determined that a hearing is necessary and serves the public interest. The purpose of the hearing is to obtain evidence for the record and to afford interested parties an opportunity to express their views. Evidence obtained and views expressed will be considered in the preparation of any final rule on this matter.

Participation

Any person desiring to participate in the hearing should notify ATF by submitting a letter specifying the name, address, and telephone number of the individual who will present oral comments. Any preference a person may have as to the time of day for presentation of comments should also be stated. The letter must be accompanied by an outline which briefly summarizes the topics the commenter will discuss and the information to be presented. Each topic to be discussed should be separately numbered and each numbered topic should specify with particularity the information to be presented. Assurance of having the opportunity to be heard is given only to those persons notifying ATF prior to the scheduling cutoff date of January 17, 1983.

Any person unable to attend the hearing or who prefers not to present oral comments may submit written comments before or after the hearing. ATF will accept written comments until February 7, 1983. In written comments, each topic to be discussed should be separately numbered and each numbered topic should specify with particularity the factual basis supporting the views, data, or arguments presented. All written comments received will be considered in the development of a decision on this matter.

General Information on Hearing Procedures

The hearing will be conducted under the procedural rules contained in 27 CFR 71.41(a)(3) and will be open to the public, subject to the limitations of space. In the event attendance exceeds available seating space, persons scheduled to present oral comments will be given preference in respect to admission.

Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. Commenters will not be permitted to trade their time to obtain a longer presentation period. However, the hearing officer may allow any person additional time after all other comments have been heard. To the extent that time is available after presentation of oral comments by those who are scheduled to comment, others will be given an opportunity to be heard.

In order to insure that ATF will have the full benefit of their views even if time constraints limit an oral presentation, persons presenting oral comments are urged to supplement their oral statement with a more complete written statement. A written statement submitted to the hearing officer at the time of presentation of the oral statement will be considered part of the hearing record.

After making an oral presentation, a person should be prepared to answer questions from the hearing panel on not only the topics presented but also on matters relating to any written comments which he or she has

submitted. Other persons will not be permitted to question a commenter. However, questions may be submitted, in writing, to the hearing officer who will evaluate their relevance. If the hearing officer determines that elicitation of further discussion would be beneficial, they may be presented to a commenter for a response.

Persons will be scheduled, whenever possible, according to the time preference, if any, mentioned in their letter notification to ATF. ATF will confirm by telephone the time a person is scheduled to present oral comments. A letter notification received prior to the cutoff date ensures that a person will be scheduled to comment. Letter notifications received after the cutoff date will be honored to the extent practicable on a first-come-first-served basis up to one (1) working day preceding the hearing. Any scheduled commenter not present at the hearing when called will lose his or her place in the scheduled order, but will be recalled after all other scheduled commenters have been heard.

ATF will prepare an agenda listing the persons scheduled to comment and copies will be available at the hearing. In addition, copies of the petitions and all received written comments will be available at the hearing for public inspection.

Comments

Any person participating in the hearing or submitting written comments may present such data, views, or arguments as they desire. Comments that provide the factual basis supporting the views or suggestions presented will be particularly helpful in developing a reasoned regulatory decision on this matter. However, comments consisting of mere allegations or denials are counterproductive to the rulemaking process.

ATF specifically requests that commenters consider making comments on the following questions:

(a) What are the historical and current boundaries of the area known as "Alexander Valley?"

(b) Why and how should the proposed boundaries be modified?

(c) What number of viticultural areas should be established in the areas encompassed by the proposed boundaries?

(1) What historical or current evidence supports establishment of such viticultural areas?

(2) What names would be appropriate for such viticultural areas?

(3) What geographical characteristics support establishment of such viticultural areas?

(d) What similarities of geographical characteristics in the proposed areas support establishment of a single viticultural area?

(e) What geographical characteristics distinguish the proposed areas from each other?

(f) To what extent have grapes grown in a proposed area been or not been marketed as "Alexander Valley" grapes?

(g) Does a price differential exist between the grapes grown in the proposed areas? If so, how much?

(h) What geographical name other than "Alexander Valley" has been applied to a proposed area?

(i) What do wineries outside of the proposed areas consider to be the "Alexander Valley" grape growing area?

(j) To what extent have wineries in a proposed area identified themselves as being in the "Alexander Valley?"

(k) How do grapes grown/wines produced in the proposed areas differ from one another?

(l) To what extent are the proposed areas considered by local, county, State, Federal and national entities to be separate and distinct; to be one and the same?

Drafting Information

The author of this document is Jim Whitley, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and prpcedures, Consumer Protection, Viticultural areas, Wine.

Authority: This notice of hearing is issued under the authority of 27 U.S.C. 205.

Signed: December 16, 1982.

Stephen E. Higgins,

Acting Director.

Approved: December 21, 1982.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 82-35259 Filed 12-23-82; 4:57 pm]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2173-2]

Standards of Performance for New Stationary Sources; Synthetic Fiber Production Facilities

Correction

In FR Doc. 82-31920, beginning on page 52932, in the issue of Tuesday, November 23, 1982, make the following correction:

On page 52944, third column, § 60.600(c), both times the phrase "(date of publication in the **Federal Register**)" appears, it should be replaced with the date "November 23, 1982".

BILLING CODE 1505-01-M

40 CFR Part 60

[AD-FRL-1860-5]

Standards of Performance for New Stationary Sources; Metallic Mineral Processing Plants

Correction

In FR Doc. 82-23136. beginning on page 36859, in the issue of Tuesday, August 24, 1982, make the following correction:

On page 36869, § 60.380(b), and on page 36870, § 60.383(b), the phrase "(date of publication in the **Federal Register**)" should be replaced by the date "August 24, 1982".

BILLING CODE 1505-01-M

40 CFR Part 180

[PP 8E2048/9E2229/0E2345/2E2611/P264; PH-FRL 2273-2]

Paraquat; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bypyridinium ion) in or on a variety of raw agricultural commodities and crop groups. The proposed regulation to establish maximum permissible levels for residues of the pesticide in or on the commodities and crop groups was submitted in a petition by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before January 28, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192) at the address given above.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-

4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, has submitted the following pesticide petitions to EPA on behalf of the IR–4 Technical Committee and the named Agricultural Experiment Stations: 0E2345 on behalf of the Agricultural Experiment Stations of Arkansas, California, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Texas, and Washington; 9E2229 and 2E2611 on behalf of the Agricultural Experiment Station of California; and 8E2048 on behalf of the Agricultural Experiment Stations of Idaho, Indiana, Oregon, Washington, and Wisconsin, and the United States Department of Agriculture.

Pesticide petition 0E2345 requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bypyridinium ion), resulting from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation), in or on the following raw agricultural commodities and crop groups: beans (lima, snap) (succulent form), cabbage, carrots, cauliflower, Chinese cabbage, collards, cucurbits (watermelon, cantaloupe/muskmelon, pumpkin, squash, cucumber), fruiting vegetables (eggplants), peas (succulent form), and turnips (tops and roots) at 0.05 part per million (ppm); beans (forage) at 0.1 ppm; and peas (forage) at 0.2 ppm. The petition was later amended to include proposed tolerances for beans (hay) at 0.4 ppm and peas (hay) at 0.8 ppm.

Petitions 9E2229 and 2E2611 requested that the Administrator propose the establishment of tolerances for residues of paraquat, resulting from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation), in or on the raw agricultural commodities kiwifruit (PP 2E2611) and pistachio nuts (9E2229) at 0.05 ppm.

Petition 8E2048 requested that the Administrator propose the establishment of a tolerance for residues of paraquat, resulting from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation), in or on the raw agricultural commodity mint hay at 0.5 ppm. In addition IR–4 has submitted a related Feed Additive Petition (8H5181) proposing to amend 21 CFR 561.289 by establishing a regulation permitting residues of paraquat in spent mint hay at 3.0 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purposes for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances were several rat acute oral feeding studies with LD_{50} values of 112–150 milligrams (mg) paraquat cation/kilogram (kg) of body weight (bw); a 90-day dog feeding study with a no-observed-effect level (NOEL) of 20 ppm of paraquat cation (0.5 mg/kg bw), based on systemic effects; a one-generation rat reproduction study with a NOEL of 100 ppm paraquat cation (10 mg/kg bw, highest level tested); two teratology studies, rat and mouse, with NOEL's of 1.0 mg paraquat cation/kg bw and 10 mg paraquat cation/kg bw, respectively; mutagenic studies with *Salmonella typhimurium* (paraquat was not mutagenic with the following histidine-requiring strains: TA 1535, TA 1537, TA 1538, TA 98, TA 100); and a mutagenic dominant lethal test (no observed mutagenicity to male CD–1 strain of mice). A subchronic dog feeding study and a rat chronic feeding/oncogenic study are currently lacking but not needed to support these proposed tolerances; however, the rat study is in progress. Mouse oncogenic and 2-generation rat reproduction studies have been submitted and are currently under review; a preliminary review indicated no adverse effects.

The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.1010 mg/day. The current action for all named commodities in petition OE2345 taken as a whole will increase the TMRC by 3.13%; taken individually, the increases in TMRC on a per-crop basis will range from 0.020 percent to 0.732 percent. Tolerances have previously been established on a wide variety of food commodities, including meat, milk, grain, fruits, vegetables, and nuts, at levels ranging from 0.01 ppm to 2 ppm. There are existing tolerances for peppers, tomatoes, and melons at 0.05 ppm; the proposed tolerances for the crop groups fruiting vegetables and cucurbits will negate the need for these individual tolerances which will therefore be deleted from the regulation.

The current action on kiwifruit and pistachio nuts will increase the TMRC by 0.00004 mg/day (0.04 percent). The current action on mint hay will increase the TMRC by 0.00023 mg/day (0.23 percent). Residues are not expected to concentrate in mint oil and currently established tolerances for negligible residues of paraquat in meat and milk are adequate to cover any secondary residues resulting from spent mint hay used as animal feed.

The Agency has concluded that the amount of paraquat added to the diet from the proposed uses will not significantly increase dietary exposure in humans. Thus, the tolerances that will be established by this proposed rule are considered to pose a negligible increment in risk.

The nature of the residues in plants is adequately understood and an adequate analytical method, spectrometry, is available for enforcement purposes. EPA has reviewed paraquat as a candidate for a rebuttable presumption against registration (RPAR), and determined that potential effects do not merit issuance of an RPAR.

Based on the above information considered by the Agency, the fact that there is no reasonable expectation of secondary residues in eggs, meat, milk, and poultry from the use for kiwifruit and pistachio nuts, and the fact that currently established tolerances for meat and milk are adequate to cover any residues resulting from the other treated crops used as animal feed, the tolerances established by amending 40 CFR 180.205 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request with 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, "[PP 8E2048/9E2229/0E2345/2E2611/P264]". All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances

or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)]).

List of Subjects in 40 CFR Part 180

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

Dated: December 15, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.205 be amended by removing the entries melons, peppers, and tomatoes, and adding and alphabetically inserting the proposed raw agricultural commodities and crop groups to read as follows:

§ 180.205 Paraquat; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Beans, forage	0.1
Beans, hay	0.4
Beans, lima (succulent)	0.05
Beans, snap (succulent)	0.05
* * * * *	
Cabbage	0.05
Carrots	0.05
* * * * *	
Cauliflower	0.05
* * * * *	
Chinese cabbage	0.05
* * * * *	
Collards	0.05
* * * * *	
Cucurbits	0.05
* * * * *	
Kiwifruit	0.05
* * * * *	
Melons	[1]0.05(N)
* * * * *	
Mint, hay	0.5
* * * * *	
Peas (succulent)	0.05
Peas, forage	0.2
Peas, hay	0.8
Peppers	[1]0.05(N)
* * * * *	
Pistachio nuts	0.05
* * * * *	
Tomatoes	[1]0.05(N)
Turnips (roots)	0.05
Turnips (tops)	0..05
Vegetables, fruiting	0.05
* * * * *	

[1] Removed.

[FR Doc. 82-34809 Filed 12-28-82; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 21221-255]

Pacific Coast Groundfish Fishery

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

ACTION: Notice of preliminary fishery specifications and request for comment.

SUMMARY: This notice announces and requests comment on the preliminary 1983 management specifications for Pacific whiting, sablefish, Pacific ocean perch, shortbelly rockfish, and widow rockfish caught in the fishery conservation zone (3–200 nautical miles from shore) and territorial waters (0–3 nautical miles from shore) off the coasts of Washington, Oregon, and California. The intended effect of this notice is to identify the acceptable biological catch as well as the optimum yield and its distribuiton among domestic and foreign fishing operations, as required in the regulations implementing the Pacific Coast Groundfish Fishery Management Plan.

DATE: Comments on the preliminary specifications for 1983 must be received by January 13, 1983.

ADDRESSES: Send comments to H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115.

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

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved by the Assistant Administrator for Fisheries, NOAA, on January 4, 1982. The FMP and its implementing regulations at 50 CFR Part 663 (47 FR 43974, published on October 5, 1982) state that management specifications for certain species (Pacific whiting, sablefish, Pacific ocean perch, shortbelly rockfish, and widow rockfish) will be evaluated each calendar year, that preliminary specifications will be published in the **Federal Register**, public comment will be requested, and final specifications for the succeeding calendar year will be published. The management specifications are made for the acceptable biological catch (ABC), an estimate of the annual catch that could be taken without jeopardizing a resource's productivity, and the optimum yield (OY), based on socio-economic as well as biological factors and thus not necessarily equal to the ABC. The OYs for these five species are the maximum amounts of fish (in round weight) that may be taken and retained or landed each year from the fishery conservation zone (3–200 nautical miles) and the territorial sea (0–3 nautical miles) off Washington, Oregon, and California.

The OY for each of these five species is comprised of several components that will be reassessed near July 1. The domestic annual harvest (DAH), which consists of estimates of domestic annual processing (DAP) and joint venture processing (JVP), is verified by surveys of the fishing industry in November and June. The total allowable level of foreign fishing (TALFF) is the remainder, if any, of OY after domestic needs (DAH) have been confirmed. A reserve is established for any species with a TALFF in order to accommodate any underestimates in DAH.

The OYs and ABCs may be changed during the year under the procedures outlined in the regulations at 50 CFR 663.22.

The preliminary specifications for 1983 were reviewed and approved by the Pacific Fishery Management Council (Council) and received public comment at the Council's November 17–18, 1982, meeting in Monterey, CA. The aggregate data upon which these preliminary specifications are based are available for public inspection at the Regional Director's office during business hours until the end of the comment period.

The 1983 preliminary management specifications are listed below, followed by a discussion of the specifications for each species.

TABLE 1.—PRELIMINARY SPECIFICATIONS OF ABC FOR 1983

[In thousands of metric tons]

Species/areas	Vancouver	Columbia	Eureka	Monterey	Conception	Total
Groundfish:						
Lingcod	1.0	4.0	0.5	1.1	0.4	7.0
Pacific cod	2.2	0.9	(1)	(1)	(1)	3.1
Pacific whiting						175.5
Sablefish				[3]2.5		[2]13.4
Rockfish:						
Pacific ocean perch	0.0–0.6	0.0–0.95	(1)	(1)	(1)	0.0–1.55
Shortbelly						[2]10.0
Widow	0.4	[4]6.5	1.5	2.1	(1)	10.5
Other rockfish: [6]						
Bocaccio	(1)	(1)	(1)	4.1	2.0	6.1
Canary	4.0	1.3	0.6	(1)	(1)	5.9
Chilipepper	(1)	(1)	(1)	1.3	1.0	2.3
Yellowtail	1.4	1.5	0.3	(1)	(1)	3.2
Remaining rockfish	2.0	2.5	1.9	4.3	3.3	14.0
Flatfish:						
Dover sole	1.0	4.0	8.0	5.0	1.0	19.0
English sole	0.6	2.0	0.8	0.9	0.2	4.5
Petrale sole	0.6	1.1	0.5	0.8	0.2	3.2
Other flatfish (except arrowtooth flounder)	0.7	3.0	1.7	1.8	0.5	7.7
Othere Fish: [7]						
Jack mackeral						[5]12.0
Others	3.0	7.0	2.0	2.0	2.0	16.0

[1] These species are not common or important in the areas footnoted. Accordingly, for convenience, Pacific cod is included in the "other fish" category for the areas footnoted, and rockfish species are included in the "remaining rockfish" category for the areas footnoted only.
[2] Total all areas.
[3] Monterey Bay only.
[4] 1,600 metric tons for that portion of the Columbia subarea north of Cape Lookout (45°20' N. latitude), and 4,900 metric tons for that portion of the Columbia subarea south of Cape Lookout.
[5] Insufficient data available to estimate ABC.
[6] "Other rockfish" means rockfish species, listed in § 663.2, which do not have a numerical OY.
[7] "Other fish" includes sharks, skates, ratfish, morids, grenadiers, jack mackerel, arrowtooth flounder, and, in the Eureka, Monterey, and Conception areas, Pacific cod. "Other fish" is part of the "other species" category listed in § 663.2.
[8] North of 39°00' N. latitude.

TABLE 2.—PRELIMINARY SPECIFICATIONS OF OY AND ITS DISTRIBUTION FOR 1983

[In thousands of metric tons]

Species	Total OY	DAH	DAP	JVP	Reserve	TALFF
Pacific whiting	175.5	105.0	5.0	100.0	35.0	35.5
Sablefish	[1]17.4	17.4	17.4	[2]0.0	0.0	[2]0.0
Pacific ocean perch	[3]1.55	1.55	1.55	[3,4]0.0	0.0	[2]0.0
Shortbelly rockfish	10.0	10.0	6.0	[3,4]4.0	0.0	[3,4]0.0
Widow rockfish	10.5	10.5	10.5	[3,4]0.0	0.0	[3,4]0.0
Other species	(5)	(5)	(5)	[3,6]0.0	0.0	[3,6]0.0

[1] Of this 13,400 metric tons, 2,500 metric tons is from part of the Monterey subarea. See § 663.21(a)(2).
[2] Incidental catch allowance percentages (based on TALFF) and incidental retention allowance percentages (based on JVP) are: sablefish 0.173%, Pacific ocean perch 0.062%, rockfish excluding Pacific ocean perch 0.736%, flatfish 0.1%, jack mackerel 3.0%, and other species 0.5%. See footnotes 4 and 6 of this table. See § 611.70(c)(2) for application of incidental retention allowance percentages to joint venture operations.
[3] Of this 1,550 metric tons, 600 metric tons is for the Vancouver subarea and 950 metric tons is for the Columbia subarea. Pacific ocean perch from other subareas are included in the OY for "other species." See § 663.21(a)(3).
[4] In foreign trawl and joint venture processing operations, shortbelly and widow rockfishes are included in the category "rockfishes excluding Pacific ocean perch."
[5] The total OY for "other species" is that amount of fish that may be lawfully harvested and/or processed under § 611.70 and Part 663. See § 663.2 for species listing.
[6] In foreign trawl and joint venture processing operations, "other species" means all species, including non-groundfish species, except Pacific whiting, sablefish, Pacific ocean perch, rockfish excluding Pacific ocean perch, flatfish, jack mackerel, and prohibited species.

Pacific whiting. The 1983 preliminary specifications for ABC, OY, DAH, DAP, JVP, TALFF, and reserve are the same as in 1982. Shore-based processors indicate their intent to process about 5,000 metric tons (mt) of Pacific whiting in 1983; joint venture operations are expected to process near 100,000 mt.

Sablefish. The 1982 ABC for sablefish of 13,400 mt is maintained for 1983 because there are no new data or analyses to justify a change.

In 1982, ABC=OY=13,400 mt. Catches in 1982 exceeded OY, but the fishery was not immediately closed when OY was reached because the Council had not had sufficient time to reevaluate the appropriateness of OY, the regulations implementing the FMP had just taken effect, and the industry had had insufficient time to react to an impending closure. The Secretary of Commerce (Secretary) subsequently imposed a trip limit of 3,000 pounds of sablefish taken and retained or landed per vessel per trip to slow the growth of the fishery, allow incidental catches of sablefish to be landed (rather than discarded, which a complete closure would have required), and to give the Council time to determine whether the OY should be increased. By the time the Council met in November, landings had exceeded the maximum possible increase to OY (30 percent) that could be allowed in 1982, but the Council was unable to document evidence of stress on the stock. Consequently, the 1982 ABC is unchanged and remains at 13,400 mt for 1983. The 1982 OY, as it is proposed to be increased by 30 percent to 17,400 mt, is specified as the preliminary OY for 1983. Because domestic processors can fully utilize the harvest, there are no sablefish available to JVP or TALFF in 1983.

Pacific ocean perch. Pacific ocean perch have been overfished and are managed under a rebuilding schedule specified in the FMP. A trip limit of 5,000 pounds or 10 percent by weight (all round weights) of all fish on board, whichever is greater, per vessel per fishing trip, is imposed under 50 CFR 663.27(b)(2). Domestic processors will fully utilize OY so there are no Pacific ocean perch available for JVP or TALFF in 1983.

Shortbelly rockfish. The preliminary 1983 ABC, OY, and DAH specifications for shortbelly rockfish are the same as in 1982, all three at 10,000 mt. In 1982, JVP was set at 1,000 mt and DAP at 9,000 mt, but domestic shore-side landings were well below the DAP estimate. The November survey of the

domestic fishing industry's intentions for 1983 indicated that a DAP of 6,000 mt would adequately supply domestic processing needs, leaving 4,000 mt available for JVP.

Widow rockfish. In the FMP, ABCs for 1982 were determined for only two statistical subareas (Columbia and Eureka); data were too inconclusive to estimate a coastwide ABC. The 1982 OY of 26,000 mt was higher than the combined ABCs to allow stocks to be fished down to maximum sustainable yield (MSY) levels; stress on the stock had not been definitively documented at that time. By mid-summer of 1982, however, stress on the widow rockfish stock was well documented, and a trip limit of 75,000 pounds (round weight) per vessel per trip was implemented on October 13, 1982 (47 FR 46287).

The preliminary specification for the 1983 coastwide OY and ABC is 10,500 mt, less than half the 1982 estimates. This reflects the large declines in availability and abundance of widow rockfish. Data have become available that facilitate specification of 1983 ABCs for all the surbareas where widow rockfish have been caught in major quantities. Widow rockfish will be fully utilized by domestic processors in 1983; none is available for JVP or TALFF.

Other species. The other species managed under the FMP do not have numerical OYs. For the most part, they cannot be harvested selectively and are regulated by management measures such as gear specifications and area closures rather than quotas. Full utilization by domestic processors of some species in this multispecies complex precludes joint venture or foreign fishing operations on any other species in the complex, because large incidental catches of the fully utilized species are likely to result. Consequently, no numerical specifications for DAH, DAP, JVP, and TALFF are made for 1983 because JVP and TALFF are not available for any other species in the multispecies complex.

However, ABCs are specified for the major species or species groups in this complex. At this time, only one ABC, for yellowtail rockfish, is lower in 1983 than 1982. However, analyses of other species are on-going and it is likely that ABCs may also be reduced for Dover sole and canary rockfish during 1983.

Classification

These preliminary specifications are made under the authority of 50 CFR 663.24. This action is in compliance with Executive Order 12291 and is covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

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

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing.

Dated: December 21, 1982.

Carmen Blondin,

Deputy Assistant Administrator for Fisheries Resource Management.

[FR Doc. 82-35142 Filed 12-28-82; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 47, No. 250
Wednesday, December 29, 1982

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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Leases and Exchanges of Historic Properties

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: On December 9, 1982, the Chairman of the Advisory Council on Historic Preservation ratified the Programmatic Memorandum of Agreement with the National Park Service, Department of the Interior and the National Conference of State Historic Preservation Officers regarding the lease and exchange of historic properties owned or under the control of the National Park Service.

FOR FURTHER INFORMATION CONTACT: J. Cullinane, Senior Architect, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, DC 20005 (202–254–3974).

Dated: December 22, 1982.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 82–35212 Filed 12–28–82; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review by Office of Management and Budget

December 23, 1982.

The Department of Agriculture has submitted to OMB 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. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Richard J. Schrimper, Statistical Clearance Officer, (202) 447–6201.

Revised

• Farmers Home Administration
Coordinated Financial Statements
On occasion
Individuals, farms: 8,500 responses; 42,500 hours; not applicable under 3504(h)
Molly T. Baldrige, (202) 447–7597

Extension

• Food and Nutrition Service
Food Stamp Redemption Certificates
FNS–278 and FNS–278–4
On occasion
Businesses or other institutions: 23,407,848 responses; 5,016,301 hours; not applicable under 3504(h)
Haywood Taylor, (703) 756–3534

• Rural Electrification Administration
Annual Supplement to December 31 Financial and Statistical Report
REA Form 479a
Annually
Businesses or other institutions: 1,000 responses; 4,000 hours; not applicable under 3504(h)
John Rose, (202) 382–8532

Richard J. Schrimper,

Statistical Clearance Officer.

[FR Doc. 82–35221 Filed 12–28–82; 8:45 am]

BILLING CODE 3410–01–M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Closed Meeting

In accordance with the Federal Advisory Committee Act, as amended, the U.S. Arms Control and Disarmament Agency announces the following meeting:

Name: General Advisory Committee on Arms Control and Disarmament
Date: January 13 and 14, 1983
Time: 9:00 a.m. each day
Place: State Department Building, Washington, D.C.
Type of Meeting: Closed
Contact person: Dr. Charles M. Kupperman, Executive Director of the General Advisory Committee, Room 5927, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, telephone (202) 632–5176.
Purpose of advisory committee: To advise the Director of the U.S. Arms Control and Disarmament Agency on arms control and disarmament policy and activities, and from time to time to advise the President and the Secretary of State respecting matters affecting arms control, disarmament, and world peace.
Agenda: Will include the following discussions and presentations:

January 13

A.M.—U.S. START and INF Negotiating Positions and Tactics
P.M.—Soviet Negotiating Positions and Tactics

January 14

A.M.—Discussion of the foregoing and possibly other similar matters.
Reason for closing: The GAC members will be reviewing and discussing matters specifically required by Executive Order to be kept secret in the interest of national defense and foreign policy.
Authority to close meeting: The closing of this meeting is in accordance with a determination by the Director of the U.S. Arms Control and Disarmament Agency dated December 10, 1982, made pursuant to the provisions of Section 10(d) of the Federal Advisory Committee Act, as amended.

John E. Grassle,

Committee Management Officer.

[FR Doc. 82–34560 Filed 12–28–82; 8:45 am]

BILLING CODE 6820–32–M

DEPARTMENT OF COMMERCE

International Trade Administration

Wool From Argentina; Termination of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Termination of Countervailing Duty Investigation.

SUMMARY: On October 18, 1982, we initiated under section 303 of the Tariff Act of 1930, as amended (the Act), a countervailing duty investigation of wool from Argentina. This notice terminates the countervailing duty investigation with respect to the wool included in the initiation that is duty-free, and as such requires an injury determination in order for countervailing duties to be assessed.

EFFECTIVE DATE: December 29, 1982.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, Telephone: (202) 377–1273.

SUPPLEMENTARY INFORMATION: On September 21, 1982, we received a petition from the National Wool Growers Association, Inc. on behalf of the U.S. industry producing wool. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that the manufacturers, producers, or exporters of wool in Argentina receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended, (the Act).

After reviewing the petition and finding that it was in proper form, we published a notice of initiation of a countervailing duty investigation under section 303 of the Act in the Federal Register of October 18, 1982, (47 FR 46349).

Since Argentina is not a "country under the Agreement" within the meaning of section 701(b) of the Act, section 303 of the Act applies to this investigation. Therefore, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether dutiable imports of this product cause or threaten to cause material injury to a U.S. industry.

However, since Argentina is a member of the General Agreement on Trade and Tariffs (GATT) and certain of the wool subject to this investigation is non-dutiable, the domestic industry is required to allege that, and the U.S. International Trade Commission is required under section 303(a)(2) of the Act to determine whether non-dutiable imports of this product cause or threaten to cause material injury to the U.S. industry in question. Under the provision of this paragraph, the Department lacks the authority to impose duties on duty-free goods from Argentina unless an affirmative injury determination has been made. Therefore, we are terminating our countervailing duty investigation with regard to duty-free wool from Argentina.

Scope of Investigation Termination

The following non-dutiable wool from Argentina for which this investigation is being terminated is currently provided for under items 306.3132 and 306.3334 of the *Tariff Schedules of the United States Annotated (TSUSA)*. The imported dutiable merchandise which is wool, finer than 44s, not on the skin, from Argentina, is currently provided for under items 306.3152, 306.3172, 306.3253, 306.3273, 306.3354, and 306.3374. We are not terminating our investigation with regard to this merchandise.

Gary N. Horlick,

Deputy Assistant Secretary for Trade Administration.

December 22, 1982.

[FR Doc. 82–35270 Filed 12–28–82; 8:45 am]

BILLING CODE 3510–25–M

Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with § 301.5(a)(3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 2097, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82–00033R. Applicant: University of Utah, Salt Lake City, UT 84112. Instrument: Gas Chromatograph/Mass Spectrometer with Data System, MM7025. Application is a resubmission, notice of which was published in the Federal Register of December 8, 1981.

Docket No. 82–00176R. Applicant: State of New York Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233. Instrument: Trace Analysis System, TAGA 3000. Application is a resubmission, notice of which was published in the Federal Register of June 3, 1982.

Docket No. 83–74. Applicant: Henry Ford Hospital, 2799 West Grand Boulevard, Detroit, MI 48202. Instrument: NMR Spectrometer, Model TMR–32/200. Manufacturer: Oxford Research Instruments, United Kingdom. Intended use of instrument: The instrument is intended to be used for the study of energy metabolism of the brain of living animals and the energy metabolism of human muscle. Several disease states will be studied. The experiments will concentrate on the effect of experimental stroke on changes in brain energy metabolism together with the potential for recovery of energy metabolism in brain when stroke is reversed. Energy metabolism will be studied in the muscle of the arm or the leg in the human by simply placing the limb inside the magnet. By this means it is possible to measure the biochemical substances of glucose phosphate, ATP, creatine phosphate, inorganic phosphate and pH. Application received by Commissioner of Customs: November 19, 1982.

Docket No. 83–77. Applicant: University of Connecticut, Institute of Materials Science, U–136, Storrs, Connecticut 06268. Instrument: Electron Microscope EM 420 with Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of instrument: The instrument is intended to be used for studies of nickel and iron base alloys; ion implanted microstructures, fatigue structures and phase transformations. Experiments will consist of structural analysis of changes in grain shape, dislocation geometry and content, spinodal geometry. The instrument will also be used to teach students techniques for revealing the microstructure of crystalline metals in the courses Materials Characterization 236 and Electron Microscopy 323. Application received by Commissioner of Customs: November 23, 1982.

Docket No. 83–79. Applicant: University of Illinois at Urbana-Champaign, 223 Administration Building, Urbana, Illinois 61801. Instrument: Analytical 2AB–HF Mass Spectrometer and Accessories. Manufacturer: VG Analytical Instruments Limited, United Kingdom. Intended use of instrument: The instrument is intended to be used for studies of compounds of high molecular weight and low volatility. Molecular weights and molecular formulas of the compounds will be determined by mass spectrometry from low resolution and high resolution data recording masses of molecular ions. In addition, masses of fragment ions will be determined which may allow assignment of sequences of amino acids in polypeptides, nucleotides in oligonucleotides, sugars in oligosaccharides, etc. Application received by Commissioner of Customs: November 23, 1982.

Docket No. 83–80. Applicant: National Institutes of Health, Biomedical Engineering & Instrumentation Branch, Building 13, Room 3W13, Bethesda, MD 20205. Instrument: Ion Source and Power Supply. Manufacturer: Ion Tech Limited, United Kingdom. Intended use of instrument: The instrument is intended to be used to modify mass spectrometers for analysis of high molecular weight compounds of biological interest. Application received by Commissioner of Customs: November 23, 1982.

Docket No. 83–81. Applicant: University of California, Los Alamos National Laboratory, P.O. Box 990, Los Alamos, NM 87545. Instrument: Surface Analysis Spectrometer. Manufacturer: Leybold-Heraeus, Incorporated, West Germany. Intended use of instrument: The instrument is intended to be used for the study of surface-catalyzed chemical reactions. The approach in studying model catalytic reactions will be to perform detailed structural and compositional characterization of the working catalyst's surface immediately before and after high pressure reactions, and to correlate these results with the transient and steady-state kinetics measured under realistic pressure conditions. The aim of this research is to gain fundamental understanding of the relationship of surface structural, compositional and electronic factors to the rates and mechanisms of this important class of slower processes. Application received by Commissioner of Customs: November 22, 1982.

Docket No. 83–82. Applicant: SUNY at Stony Brook, Department of Neurobiology and Behavior, Stony Brook, N.Y. 11794. Instrument: Single Microelectrode Clamp, ASFI with Bridge and Accessories. Manufacturer: Audivac Instruments, Australia. Intended use of instrument: The instrument is intended to be used to perform voltage clamp studies on mammalian neurons, using glass microelectrodes and brain slices. A microelectrode will be connected to the single electrode clamp and impaled onto a suitable nerve cell. Membrane currents set up by appropriate voltage command waveforms will be measured. The effects of ions and pharmacological agents on these responses will be studied, so as to improve the understanding of brain functions and pathology. Application received by Commissioner of Customs: November 23, 1982.

Docket No. 83–85. Applicant: MIT National Magnet Laboratory, 150 Albany Street, Cambridge, MA 02139. Instrument: Millimeter Wave Open Reonator System with 28 GHZ Mirror. Manufacturer: National Physical Laboratory, United Kingdom. Intended use of instrument: The instrument is intended to be used for the study of dielectrics, semiconductors and magnetic materials. Investigations will be conducted to learn and record fundamental physical properties of materials and to reveal the relative feasibility for applications in high technology communications and radar systems. Application received by Commissioner of Customs: December 2, 1982.

Docket No. 83–87. Applicant: Sandia National Laboratories, P.O. Box 5800, Division 1111, Albuquerque, NM 87185. Instrument: Electron Microscope Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: The instruments are intended to be used for experiments which are related to ongoing research into surface alloys. These studies will include examination of crystalline and non-crystalline solids, including iron, aluminum, and stainless steels, which have been ion implanted with a second species. The resulting surface alloys will be examined (a) just after implantation, (b) after furnace annealing, and (c) after pulsed electron beam or pulsed laser irradiation. Application received by Commissioner of Customs: December 1, 1982.

Docket No. 83–88. Applicant: Department of Health, Education & Welfare, National Institute of Health, National Cancer Institute, Division of Cancer Biology & Diagnosis, Building 31, Room 3A–05, Bethesda, MD 20205. Instrument: Gammacell–40 (Small Animal Irradiator). Manufacturer: Atomic Energy of Canada Limited, Canada. Intended use of instrument: The instrument is intended to be used for irradiation of mice to produce chimeras that are to be used in the investigation of immunologic functions. Mice will be lethally irradiated (950R) followed by transplantation of hematopoietic cells from strains different than recipient. This will allow Cancer Institute immunologists to study functions of the immune system by producing T-cell or B-cell different animals. Application received by Commissioner of Customs: December 2, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials).

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-35271 Filed 12-28-82; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

[Docket No. 21102-223]

Revision to Federal Information Processing Standard 86; Additional Controls for Use With ASCII

Under the provisions of Pub. L. 89–306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards.

On January 29, 1981, a notice was published in the **Federal Register** (46 FR 9687–9688) announcing the approval of Federal Information Processing Standards Publication (FIPS PUB) 86, Additional Controls for Use with ASDII.

On February 5, 1982, a notice was published in the **Federal Register** (47 FR 5450) indicating that the Secretary had amended FIPS PUB 86 by changing the effective date from January 29, 1982 to September 30, 1982, and indicating that a proposed revision to the applicability section of FIPS PUB 86 would be forthcoming.

On May 21, 1982, a notice was published in the **Federal Register** (47 FR 22139) announcing proposed revisions to FIPS PUB 86 section 8, *Applicability,* and section 10, *Qualifications,* and soliciting comments concerning these proposed revisions. As a result of that solicitation, no Federal agency objected to the proposed revisions, and only one comment was received from industry, suggesting minor editorial changes in the text, which have been incorporated into the revised FIPS PUB 86, along with minor editorial rearrangement of the text.

The purpose of this announcement is to confirm that FIPS PUB 86 became

effective on September 30, 1982, and that on December 14, 1982, the Secretary has approved the following revised sections on Applicability and Qualifications:

"8. *Applicability.* This standard is applicable to the acquisition and use of all ADP equipment and services that involve character imaging which: 1) employ the character set and encoding conventions prescribed by FIPS PUB 1–1 (ASCII) and FIPS PUB 35 (Code Extension in 7 or 8 Bits); 2) employ primarily character-oriented controls; and 3) are consistent with the device architectural assumptions given in Appendix B of ANSI X3.64–1979. All ADP terminal devices containing alphanumeric keyboards and either CRT displays or printers that may be used in any form of on-line interactive applications (such as data entry) of stand-alone off-line data preparation, and which satisfy all three of the conditions above, are covered by this standard. A waiver must be requested in accordance with the waiver provisions in section 12 below for the acquisition of ADP terminal equipment having control functions defined by this standard (or their operational equivalents) which are performed by means that do not conform with the provisions of this standard."

"10. *Qualifications.* Terminals conforming with this standard need not implement all of the control functions defined by this standard, and they may implement supplemental character-oriented control functions not defined by this standard. However, when any of the control functions defined by this standard (or their operational equivalents) are implemented, they must be implemented in accordance with the provisions of this standard. Additionally, computer resident control software may be, or may not be, required to implement specific features of this standard, at the option of the procuring agency."

Persons desiring further information about these revisions to FIPS PUB 86 may contract Mr. John L. Little, System Components Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234, telephone: 301/921–3723.

Dated: December 23, 1982.

Ernest Ambler,

Director.

[FR Doc. 82–35213 Filed 12–28–82; 8:45 am]

BILLING CODE 3510–CN–M

National Oceanic and Atmospheric Administration

Issuance of Permit

On November 12, 182, Notice was published in the **Federal Register** (47 FR 51178), that an application had been filed with the National Marine Fisheries Service, by Mr. Richard Flyer, 5484 Reservoir Road, Apt. B39, San Diego, California 92120, for a permit to take by harassment Pacific pilot whales over a two year period for the purpose of scientific research.

Notice is hereby given that on December 21, 1982, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 21, 1982.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 82–35280 Filed 12–28–82; 8:45 am]

BILLING CODE 3510–22–M

Receipt of Application for General Permit

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. fishery conservation zone, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the regulations thereunder.

The Embassy of the Republic of Korea has applied for a Category 1: "Towed or Dragged Gear" general permit to incidentally take 100 otariid seals, 100 phocid seals, and 50 cetaceans within the U.S. fishery conservation zone in 1983.

The application is available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Interested parties may submit written views on the application within 30 days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235.

Dated: December 21, 1982.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 82–35281 Filed 12–28–82; 8:45 am]

BILLING CODE 3510–22–M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has established a Surf Clam and Ocean Quahog Subpanel, which will meet to discuss alternatives to Amendment No. 4 to the Surf Clam and Ocean Quahog Fishery Management Plan.

DATE: The Meeting will convene at 10:00 A.M. on January 28, 1983 and will adjourn at approximately 4:00 P.M. The meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress of the agenda.

ADDRESS: The meeting will take place at the Sheraton, Route 13, Dover, Delaware 19901, Phone: 302–678–8500.

FOR FURTHER INFORMATION CONTACT: John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901, Phone: 302–674–2331.

Dated: December 23, 1982.

Joe P. Clem,

Acting Chief, Operations Coordination Group National Marine Fisheries Service.

[FR Doc. 82–35282 Filed 12–28–82; 8:45 am]

BILLING CODE 3510–22–M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

AGENCY: Notice.

SUMMARY: The Mid-Atlantic Fishery Management Council is established by Section 302 of the Magnuson Fishery Conservation and Management Act of 1976 (Pub. L. 94–265). As required by

Section 204(b)(5) of said Act, the Council announces that the public may comment on any and all foreign fishing applications received by the Council on or before February 7, 1983. Council staff will be available between 9:00 A.M. and 12:00 noon on February 7, 1983 to receive comments. Comments may be made in person at the Council offices in Room 2115 of the Federal Building, 300 South New Street, Dover, DE 19901. Phone: 302–674–2331 between the above stated hours.

DATE: Written comments may be mailed in time to be received and reviewed by February 7, 1983.

FOR FURTHER INFORMATION CONTACT: John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901

Dated: December 23, 1982.

Joe P. Clem,

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

[FR Doc. 82-35283 Filed 12-28-82; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From Republic of Korea Under New Agreement

December 22, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing the import restraint levels for certain cotton, wool, and man-made fiber textile and apparel products, produced or manufactured in Korea and exported during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982, under a new agreement.

SUMMARY: On December 14, 1982, the Governments of the United States and the Republic of Korea signed an agreement concerning cotton, wool, and man-made fiber textile products, produced or manufactured in Korea, and exported during the six-year period beginning on January 1, 1982, and extending through December 31, 1987. The new agreement establishes ceilings, among other categories, for Categories 333/334, 335, 338/339, 340, 341, 347/348, 353/354/653/654, 433/434, 440, 443, 444, 445/446, 604, 605 pt., 633/634/635, 638/639, 640, 641, 643, 645/646, 648, 659 pt., and 669 pt. for the agreement year which began on January 1, 1982. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool, and man-made fiber textile products in the foregoing categories be limited to the designated amounts during the agreement year which began on January 1, 1982. In accordance with the flexibility provisions of the new agreement the base levels for Categories 353/354/653/654, 443, 605 pt., 633/634/635, 640, and 669 pt. have been adjusted to account for flexibility, as follows. All of the remaining categories affected by this action have been adjusted to include swing.

Category	Base level	Adjustment	Adjusted level
353/354/653/654	210,012 dozen	Deduction for Swing	130,013 dozen.
443	26,838 dozen	Swing	28,180 dozen.
605 pt. (only TSUSA Nos. 316.5500 and 316.5800)	2,000,000 pounds	Swing	2,120,000 pounds.
633/634/635	1,382,921 dozen	Swing and Carryforward	1,424,409 dozen.
(633)	174,684 dozen	Swing and Carryforward	(179,925 dozen).
(634)	804,704 dozen	Swing and Carryforward	(828,845 dozen).
(635)	610,970 dozen	Swing and Carryforward	(629,299 dozen).
640 pt. (only TSUSA Nos. 379.3130, 379.3334, 379.9535, and 379.9540, and 379.9639).	3,729,287 dozen	Deduction for Special Carryforward Applied in 1981 plus Shift.	3,992,216 dozen.
640 pt. (except TSUSA Nos. 379.3130, 379.3334, 379.9535, and 379.9540, and 379.9639).	2,486,191 dozen	Deduction for Carryforward Applied in 1981 Minus Shift.	1,873,262 dozen.
669 pt. (only TSUSA Nos. 348.0065, 348.0075, 348.0565 and 348.0575).	1,500,000 dozen	Deduction for Swing	993,302 dozen.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: December 29, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 22, 1982.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner:

This directive cancels and supersedes the directive of December 14, 1981, as amended, which directed you to prohibit entry of certain specific categories of cotton, wool, and man-made fiber textile products, produced or manufactured in Korea.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 14, 1982, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982 and for the twelve-month period extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in Categories, produced or manufactured in Korea, in excess of the indicated levels of restraint:

Category	12-month level of restraint[1]
333/334	59,400.
335	60,654 dozen.
338/339	596,078 dozen.
340	184,266 dozen.
341	14,797 dozen.
347/348	274,694 dozen.

Category	12-month level of restraint[1]
353/354/653/654	130,012 dozen.
433/434	17,613 dozen of which not more than 13,447 dozen shall be in Category 433 and not more than 6,896 dozen shall be in Category 434.
440	217,443 dozen.
443	28,180 dozen.
444	4,121 dozen.
445/446	53,198 dozen.
604	519,878 pounds.
605 pt.[2]	2,120,000 pounds.
633/634/635	1,424,409 dozen of which not more than 179,925 dozen shall be in Category 633; not more than 828,845 dozen shall be in Category 634; and not more than 629,299 dozen shall be in Category 635.
638/639	5,670,912 dozen.
640 pt.[3]	3,992,216 dozen.
640 pt.[4]	1,873,262 dozen.
641	1,050,780 dozen.
643	62,219 dozen.
645/646	3,282,736 dozen.
648	324,813 dozen.
659 pt.[5]	2,411,858 pounds.
669 pt.[6]	993,302 pounds.

[1] The levels of restraint have not been adjusted to account for any imports after December 31, 1981.
[2] In Category 605, only TSUSA numbers 316.5500 and 316.5800.
[3] In Category 640, only TSUSA numbers 379.3130, 379.3334, 379.9535, 379.9540, 379.9639.
[4] In Category 640, all TSUSA numbers in the category except those listed in footnote 3.
[5] In Category 659, only TSUSA numbers 703.0500, 703.1000, and 703.1515.
[6] In Category 669 only TSUSA numbers 348.0065, 348.0075, 348.0565, and 348.0575.

In carrying out this directive, entries of textile products in the foregoing categories, except Categories 604, 605 pt.[1] 648, and 669 pt.[2] which have been exported to the United States on and after January 1, 1981, and extending through December 31, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Categories 604, 605 pt.[1] 648, and 669 pt.[2] that have been exported prior to January 1, 1982, shall not be subject to this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool, and man-made textile products from Korea have 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. 82-35227 Filed 12-28-82; 8:45 am]

BILLING CODE 3510-25-M

[1] In Category 605, only TSUSA numbers 316.5500 and 316.5800.

[2] In Category 669, only TSUSA numbers 348.0065, 348.0075, 348.0565, and 348.0575.

Additional Import Controls on Certain Cotton Textile Products From Taiwan, Effective on January 1, 1983

December 22, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of cotton sweaters in Category 345 and cotton nightwear in Category 351, produced or manufactured in Taiwan and exported during the twelve-month period beginning on January 1, 1983, at respective levels of 82,000 dozen and 291,259 dozen.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

SUMMARY: Under the terms of the bilateral agreement of November 18, 1982 concerning cotton, wool, and man-made fiber textile products from Taiwan, the United States Government has decided to control imports of cotton textile products in Categories 345 and 351, produced or manufactured in Taiwan and exported to the United States during the twelve-month period beginning on January 1, 1983, in addition to those categories previously designated. These two categories will also become specific ceilings at these levels.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 22, 1982, there was published in the **Federal Register** (47 FR 57083) a letter dated December 16, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in Taiwan, which may by entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period beginning on January 1, 1983. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports of cotton textile products in Categories 345 and 351, produced or manufactured in Taiwan and exported to the United States during the twelve-month period beginning on January 1, 1983. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption of cotton textile products in Categories 345 and 351, produced or manufactured in Taiwan and exported during the twelve-month period beginning on January 1, 1983, in excess of 82,000 dozen and 291,259 dozen, respectively.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 22, 1982.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 16, 1982 by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Taiwan.

Effective on January 1, 1983, the directive of December 16, 1982 is amended to establish specific levels of restraint for cotton textile products in Categories 345 and 351 at the following levels.

Category	Twelve-month level of restraint (dozen)
345	82,000
351	291,259

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the authorities in Taiwan and with respect to imports of cotton textile products from Taiwan have 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 82-35225 Filed 12-28-82; 8:45 am]

BILLING CODE 3510-25-M

Import Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From the Republic of the Philippines, Effective on January 1, 1983, Under New Bilateral Agreement

December 22, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import levels for certain cotton, wool, and man-made fiber textile products imported from the Philippines, effective on January 1, 1983.

SUMMARY: On November 24, 1982, the Governments of the United States and the Republic of the Philippines signed a new four-year Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement beginning on January 1, 1983 and extending through December 31, 1986. The new agreement establishes levels of restraint for cotton, wool, and man-made fiber textile products in Categories 331, 333/334, 335, 336pt., 337pt., 340, 341, 347, 348, 431, 435, 443, 445/446, 604, 631, 635pt., 636pt., 641pt., 645/646, 648pt., 649, and 652pt., among other categories, during the areement year which begins on January 1, 1983 and extends through December 31, 1983. In the letter published below, the Chairman, Committee for the Implementation of Textile Agreements, directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in the Philippines and exported during the twelve-month period which begins on January 1, 1983, in excess of the designated levels. As agreed between the two governments, the levels for Categories 337(NT), 341(T), 348(NT), and 645/646pt.(NT) have been reduced to account for carryforward used in 1982.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of November 24, 1982, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1983 and for the twelve-month period extending through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in Categories 331, 333/334, 335, 336pt., 337pt., 340, 341, 347, 348, 431, 435, 443, 445/446, 604, 631, 635pt., 636pt., 641pt., 645/646, 648pt., 649, and 652pt., produced or manufactured in the Philippines, in excess of the following levels of restraint:

Category	Twelve-month level of restraint
331	639,301 dozen pairs.
333/334	83,475 dozen.
335 pt.[1]	35,797 dozen.
335 pt.[2]	36,963 dozen.
336 pt.[3]	27,654 dozen.
337 pt.[4]	39,461 dozen.
340	250,294 dozen.
341 pt.[5]	67,369 dozen.
341 pt.[6]	90,739 dozen.
347	260,526 dozen.
348 pt.[7]	205,874 dozen.
348 pt.[8]	229,642 dozen.
431	56,980 dozen pairs.
435	2,216 dozen.
443	2,238 dozen.
445/446	17,949 dozen.
604	2,221,641 pounds.
631	1,700,267 dozen pairs.
635 pt.[9]	220,884 dozen.
636 pt.[10]	42,701 dozen.
641 pt.[11]	185,421 dozen.
645/646 pt.[12]	87,806 dozen.
646 pt.[13]	238,702 dozen.
648 pt.[14]	57,053 dozen.
649	3,899,753 dozen.
652 pt.[15]	60,449 dozen.

[1] In Category 335, all TSUSA numbers except 383.3405, 383.3410, 383.3415, 383.3445, 383.3448, 383.3450, 383.3460, and 383.3465.

[2] In Category 335, only TSUSA numbers listed in footnote 1.

[3] In Category 336, all TSUSA numbers except 383.0306, 383.0815, 383.2920, 383.4816, 383.4820, and 383.4823.

[4] In Category 337 all TSUSA numbers except 383.0335, 383.0830, 383.5036, and 383.5047.

[5] In Category 341, only TSUSA numbers 383.0506, 383.4704, 383.4707, and 383.4711.

[6] In Category 341, all TSUSA numbers except those listed in footnote 5.

[7] In Category 348, only TSUSA numbers 383.0611, 383.0616, 383.2836, 383.4749, 383.4755, 383.4759, and 383.4763.

[8] In Category 348, all TSUSA numbers except those listed in footnote 7.

[9] In Category 635, all TSUSA numbers except 383.8116.

[10] In Category 636 pt., all TSUSA numbers except 383.2016, 383.8622, 383.2315, and 383.9230.

[11] In Category 641, all TSUSA numbers except 383.2215 and 383.9030.

[12] In Category 645/646, all TSUSA numbers except 383.1857 and 383.8070.

[13] In Category 646, only TSUSA numbers 383.1857 and 383.8070.

[14] In Category 648, all TSUSA numbers except 383.1940, 383.8146, 383.2250, and 383.9071.

[15] In Category 652, only TSUSA numbers 378.6030.

In carrying out this directive, entries of textile products in the foregoing categories, except Categories 333/334, 435, 631, 636pt.,[1] 646pt.,[2] and 652pt.,[3] which have been exported to the United States on and after the period beginning on January 1, 1982 and extending through December 31, 1982, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Categories 333/334, 435, 631, 636pt.,[1] 646pt.,[2] and 652pt.,[3] that have been exported prior to January 1, 1983, shall not be subject to this directive.

The levels of restraint are subject to adjustment according to the provisions of the bilateral agreement of November 24, 1982 between the Governments of the United States and the Republic of the Philippines which provide, in parts, that: (1) Specific levels of restraint may be exceeded during the agreement year by designated percentages; (2) specific levels of restraint may be adjusted for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton, wool, and man-made fiber textile products from the Philippines have 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.**

[1] In Category 636pt., all TSUSA numbers except 383.2016, 383.8622, 383.2315, and 383.9230.

[2] In Category 646, only TSUSA numbers 383.1857 and 383.8070.

[3] In Category 652, only TSUSA number 378.6030.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-35226 Filed 12-28-82; 8:45 am]

BILLING CODE 3510-25-M

Announcing Continuation of Export Visa Requirement for Certain Cotton, Wool, and Man-Made Fiber Textile Products From China

On August 5, 1980 a letter dated August 1, 1980 from the Chairman of the Committee for the Implementation of Texile Agreements to the Commissioner of Customs was published in the Federal Register (45 FR 51872), which established an export visa requirement for certain cotton, wool, and man-made fiber textile products, produced or manfactured in China and exported to the United States.

The purpose of this notice is to advise the public that export visas will still be required from January 1, 1983 and until further notice for cotton, wool, and man-made fiber textile products subject to the terms of the Bilateral Cotton, Wool, and Man-Man Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China, which expires on December 31, 1982.

Interested persons are advised to take all necessary steps to ensure that cotton, wool, and man-made fiber textiles and apparel, produced or manufactured in China and exported on and after January 1, 1983, which are to be entered into the United States for consumption, or withdrawn from warehouse for consumption, will continue to meet the established visa requirements.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-35193 Filed 12-28-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Improvements to Navigation at Coquille River, Oregon

AGENCY: Army Corps of Engineers, Department of Defense.

ACTION: Notice of intent to prepare a DEIS.

SUPPLEMENTARY INFORMATION: The Corps of Engineers, Portland District, is currently investigating several alternatives for improvements to navigation at Coquille River, Oregon. Navigation improvements will be recommended to assure project depths in the channel throughout the year, reduce harmful wave activity at the entrance bar and assure a protected and safe entrance. River entrance improvements, channel deepening and channel extension alternatives will be studied in detail to provide a recommended plan of improvement. Our detailed studies will also include analysis of a 500-foot jetty extension at the request of the Port of Bandon. The Environmental Impact Statement (EIS) will be prepared to insure provisions for the quality of both the natural and human environment.

The scoping process will formally commence in January 1983, with the issuance of a public notice containing a draft outline of alternatives and potential effects which will be discussed in the DEIS. Federal, State, and local agencies, Indian tribes, and interested organizations and individuals will be asked to comment on the draft outline and to identify significant issues relating to the effects of the alternatives. The DEIS is scheduled for agency and public review in January 1984. The final EIS is scheduled for publication in the fall of 1984.

ADDRESS: If you have any questions or need additional information, please contact Steve Stevens, (503) 221-6438 (FTS 423-6438), U.S. Army Corps of Engineers, Natural Resources Branch, P.O. Box 2946, Portland, Oregon 97208.

Dated: December 20, 1982.

R. L. Friedenwald,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 82-35172 Filed 12-28-82; 8:45 am]

BILLING CODE 3710-AR-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

[Case No. F-005; Docket No. CAS-RM-79-104]

Energy Conservation Program for Consumer Products; Decision and Order Granting Waiver From Furnace Test Procedures to Arkla Industries, Inc.

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Decision and order

SUMMARY: Notice is given of the Decision and Order (case no. F-005) granting Arkla Industries, Inc. a waiver for its model UR and DR series condensing furnace line from the existing DOE test procedures for furnaces.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-113.1, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-33, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-9510.

SUPPLEMENTARY INFORMATION:

In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order set out below. In the Decision and Order, Arkla Industries, Inc. has been granted a waiver for its models UR and DR condensing warm air furnaces, permitting the company to use an alternate test method and in-house test facilities.

Issued in Washington, D.C., December 20, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Decision and Order of the Department of Energy Assistant Secretary for Conservation and Renewable Energy

[Case No. F-005]

In the Matter of: Arkla Industries, Inc.

Background

The Energy Conservation Program for Consumer Products was established pursuant to the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3266, which requires the Department of Energy (DOE) to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchase decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department of Energy amended the prescribed test procedure regulations, by adding § 430.27, to allow the Assistant Secretary for Conservation and Renewable Energy to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing of the basic model according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 45 FR 64108 (Sept. 26, 1980).

Pursuant to § 430.27(g), the Assistant Secretary shall publish in the Federal Register notice of each waiver granted, and any limiting conditions of each waiver.

Arkla Industries, Inc. (Arkla), filed a "Petition for Waiver" in accordance with § 430.27 of 10 CFR Part 430. DOE published in the Federal Register the Arkla petition and solicited comments, data, and information respecting the petition. 47 FR 27957 (June 28, 1982). Notice of the petition for waiver was sent to known manufacturers of domestically marketed condensing furnances, i.e., Lennox Industries and Hydro Therm Inc. Comments were received from Hydro Therm Inc., a manufacturer of furnaces. The comments were sent to the petitioner on August 19, 1982, and no rebuttal comments were submitted by Arkla. DOE consulted with the Federal Trade Commission on August 2, 1982, concerning the petition from Arkla.

Assertions and Determinations

The Arkla petition contends that even though the DOE test procedures for furnaces were amended to allow testing of condensing furnaces, 45 FR 53714 (Aug. 12, 1980), the company's model UR and DR condensing furnace lines, when tested according to those procedures, will yield materially inaccurate comparative data.

The Arkla petition seeks a waiver from the present DOE Test method basing condensation calculations on the average flue gas temperature. Arkla contends that its model UR and DR furnace lines condenses more of the water vapor than is calculated by the DOE test method. In lieu of the current test method, Arkla requests the use of the condensate measuring test method as set forth in Appendix C of the National Bureau of Standards (NBS) Interagency Report 80-2110, "Recommended Testing and Calculation Procedures for Estimating the Seasonal Performance of Residential Condensing Furnaces and Boilers" (hereafter referred to as the alternate test method), dated April 1981, to determine the energy efficiency of its model UR and DR furnace lines.

Arkla further seeks permission to conduct testing using the alternate test method at its in-house test facilities. Such allowance for in-house testing was rejected in a previous Decision and Order on the grounds that the reliability of the alternate test method was suspect. 46 FR 34621 (July 2, 1981). Arkla contends that the alternate test method is of sufficient reliability to permit in-house testing by manufacturers.

The comments from Hydro Therm support Arkla's assertion that the existing condensing furnace test procedures understate the seasonal efficiency of a condensing furnace, such as the Arkla UR and DR condensing furnace. In addition, NBS investigated Arkla's claims and reported that efficency improvement attributable to the condensing mode of operation could be understated as a result of the existing DOE Test procedures. Based on this information, DOE has determined that Arkla should be granted a waiver to use the alternate test method when testing its UR and DR condensing furnaces.

Hydro Therm also supported Arkla's request for in-house testing. Hydro Therm commented that the results of tests conducted at an independent laboratory using the alternate test method were substantially identical to results the company obtained through its own in-house testing. Thus, Hydro Therm states the alternate test method has been shown to be of sufficient reliability to permit "in-house" testing.

Based principally on the statement of Hydro Therm concerning the reliability of the alternate test method, and in order to save the manufacturer time and money, DOE has determined to grant Arkla's request for in-house testing.

It is therefore ordered that:

(1) The "Petition for Waiver" filed by Arkla Industries Inc. is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3) and (4).

(2) Notwithstanding any contrary provisions of Appendix N of 10 CFR, Part 430, Subpart B, Arkla Industries Inc. shall be permitted to use in-house test facilities to test its model UR and DR model condensing warm air furnace on the basis of the test procedures specified in 10 CFR, Part 430, with the modifications set forth below:

(i) *Test Conditions.*—(A) The test unit shall be installed according to the requirements given in section 2.

(B) Control devices shall be installed to allow cyclical operation of the unit and return water as described in section 3.3.

(C) The test unit shall be leveled prior to test.

(D) Operation times and the beginning and end of condensate collection shall be determined by a clock or timer with a minimum resolution to one second.

(E) Control of on or off operation actions shall be within ± 6 seconds of the scheduled time.

(F) Condensate drain lines shall be attached to the unit as specified in the manufacturer's installation instructions.

(G) The flue pipe installation must not allow condensate formed in the flue pipe to flow back into the unit. An initial downward slope from the unit's exit, an offset with a drip leg, annular collection rings, or drain holes must be included in the flue pipe installation without disturbing normal flue gas flow (as given in section 2.2), and temperature measurement instrumentation (as given in section 2.6). Flue gases shall not flow out of the drain with the condensate.

(H) Collection-containers must be glass or polished stainless steel, so removal of interior deposits can be easily made.

(I) The collection-container shall have a vent opening to the atmosphere.

(J) The scale for measuring the containers and condensate sample mass shall be calibrated with an error no larger than ±0.5 percent over the range of interest.

(ii) *Test Method.*—(A) The condensing furnace is to have steady-state, cool-down, and heat-up tests conducted in accordance with the procedures for non-condensing units given in section 3, using the flue gas, air or water flow, and room ambient conditions given in section 2 of the condensing furnace test procedure.

(B) The condensate collection containers shall be dried prior to each use and be at room ambient temperature prior to a sample collection.

(C) Tare weight of the collection-container must be measured and recorded prior to each sample collection.

(D) Operating times for on and off periods at 22.5 percent on time schedule shall be: 3 minutes 52 seconds on and 13 minutes 20 seconds off for warm air furnaces.

(E) The unit should be operated in a cyclical manner until flue gas temperatures at the end of each on period are within 50°F (2.8°C) of each other for two consecutive cycles.

(F) Begin the three test cycles.

(G) Return air temperature for furnaces shall be equal to those required for steady-state test periods, and shall remain within the limits given in the existing test procedure.

(H) Begin condensate collection at one minute before start up of the first test on-period.

(I) Three cycles later, the container shall be removed at the end of the cool down cycle one minute prior to the beginning of what would be the fourth cycle period.

(J) Condensate mass shall be measured immediately at the end of the collection period to prevent evaporation loss from the sample.

(K) Fuel input shall be recorded during the entire test period starting at the beginning of the on-time of the first cycle to the beginning of the on-time of the second cycle, etc., for each of the three test cycles. Fuel Higher Heating Value (HHV), temperature and pressures necessary for determining fuel energy input, Q_c, will be observed and recorded. The fuel quantity and HHV shall be measured with errors no greater than one percent.

(iii) *Calculating the condensing Annual Fuel Utilization Efficiency (AFUE).*—(A) Determine the Mass of Condensate for three cycles, m_c, by subtracting the tare container weight from the total container and condensate weight at end of the three cycles of operations.

(B) Calculate the fuel energy input during the three cycles, Q_c, in Btu/(3 cycles).

(C) Calculate the heat gain due to condensation, L_G, in percent by the following equation:

$$L_G = \frac{m_c(\text{lbm/(3 cycle)}) \times 1053.3(\text{Btu/lbm}) \times 100}{Q_c(\text{Btu/(3 cycles)})}$$

(D) Calculate the loss, L_e, due to hot condensate going down the drain, correcting the fact that this condensate did not go up the flue as heated vapor.

$$L_e = \frac{L_G[1.0(T_{f.\,ss} - 70) - .45(T_{f.\,ss} - 42)]}{1053.3}$$

(E) Calculate the condensing AFUE by adding the percent heat gain due to condensing, L_G, to the previously calculated non-condensing AFUE and by subtraction L_e.

$$AFUE_c = AFUE_{NC} + L_G - L_e$$

(iv) With the exception of the modifications set forth in subparagraphs (i), (ii) and (iii) above, Arkla Industries Inc. shall comply in all respects with the test procedures specified in Appendix N of 10 CFR, Part 430, Subpart B.

(3) The waiver shall remain in effect from the date of issuance of this order until the Department of Energy prescribes final test procedures appropriate to the type of condensing warm air furnace manufactured by Arkla Industries Inc.

(4) This waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the applicant and commenters. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C., December 20, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 82-35219 Filed 12-28-82; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Columbia Gas System, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Columbia Gas System, Inc. (Columbia) as a final order of the Department.

EFFECTIVE DATE: November 22, 1982.

FOR FURTHER INFORMATION CONTACT: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466, (816) 374-2092.

SUPPLEMENTARY INFORMATION: On October 5, 1982, 47 43999, the ERA published a notice in the **Federal Register** that it executed a proposed Consent Order with Columbia Gas System, Inc. of Wilmington, Delaware, on September 24, 1982 which would not become effective sooner than 30 days after publication of that notice. The Consent Order settles alleged regulatory violations brought by the Department of Energy (DOE) against Columbia, involving natural gas liquid and natural gas liquid product price overcharges by Columbia's subsidiaries Columbia Hydrocarbon Corporation and Columbia Gas Transmission Corporation during the period September 1, 1973 through January 27, 1981. Under the terms of the Consent Order, Columbia agrees to pay $800,000 to customers listed in the Consent Order and $5,000 in civil penalties.

Pursuant to 10 C.F.R. 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order. Three comments were received. Each proposed an alternative method of distributing the funds to be paid by Columbia under the terms of the Proposed Consent Order. Each comment suggested that funds remaining, if any, after restitution to purchasers as required in the Consent Order be distributed to the States for redistribution.

ERA considered these comments; but, because there is no reason to believe that the funds cannot be fully distributed to the purchasers identified in the Order, and because in the event that a portion remained undistributed, the amount is likely to be too insubstantial to justify the administrative burden and the expense of determining and making proper allocation to the States, the ERA determined that deposit in the United States Treasury would be an appropriate disposition of any undistributed funds.

Issued in Kansas City on the 2d day of December, 1982.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 82-35216 Filed 12-28-82; 8:45 am]

BILLING CODE 6450-01-M

RECO Petroleum, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Reco Petroleum, Inc., 100 North 4th Street, Reading, Pennsylvania 19603. This Proposed Remedial Order charges Reco with pricing violations in the amount of $172,502.00, exclusive of interest, in connection with the sale of motor gasoline at its company operated retail stations during the period March 1, 1979 through September 30, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, (215) 597-2633. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th & Pennsylvania Avenue, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania on the 7th day of December, 1982.

Robert J. McKee, Jr.,

Director, Philadelphia Field Office, ERA.

[FR Doc. 82-35215 Filed 12-28-82; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-82-36; FC Case No. 67047-9224-01-24]

Sunlaw Energy Corp.; Acceptance of Petition

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption and availability of certification by Sunlaw Energy Corporation.

SUMMARY: On November 22, 1982, the Sunlaw Energy Corporation, hereinafter referred to as petitioner, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for an electric powerplant from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in new powerplants and certain new major fuel burning installations. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1981) ("final rules"). A revised final rule governing eligibility and evidentiary requirements for the cogeneration exemption was issued on June 25, 1982 (47 FR 29209 (July 6, 1982)).

The proposed powerplant for which the petition was filed is a 25.2 megawatt (NW) combined cycle cogeneration facility capable of using natural gas or No. 2 distillate oil, and designed to produce electricity and a refrigerant at the petitioner's plant located in Vernon, California.

It is expected that more than fifty percent of the net annual electric power generation of the petitioner's turbine generator will be sold to Southern California Edison Company (SCE), making the cogeneration facility an electric powerplant pursuant to 10 CFR 500.2.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination, and is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33 of the final rules, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding are available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m. to 4:00 p.m. ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before February 14, 1983. A request for a public hearing must be made within this same 45-day period.

ADDRESS: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585. "Docket No. ERA–FC–82–36" should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Roland DeVries, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Bldg., Room GA–093, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–6002

Allan Stein, Esq., Office of General Counsel, Department of Energy, Forrestal Bldg., Room 6B–222, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967

SUPPLEMENTARY INFORMATION: The petitioner proposes to install a 21.5 MW gas-fired combustion turbine, with the capability of burning distillate oil as a backup fuel, at its plant located in Vernon, California. An unfired heat recovery steam generator will produce 65,000 pounds/hour of steam, which will be used to generate 3.7 MW of power in an extraction steam turbine and provide low pressure steam to an absorption chiller. All the electric power generated will be sold to the Southern California Edison Company, and the refrigerant will be sold to the U.S. Growers Cold Storage and Pacific Cold Storage facilities.

The cogeneration facility is classified as a powerplant under FUA because more than 50 percent of its net annual electric power generation will be sold.

Section 212(c) of the Act provides for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the certification procedures of 10 CFR 503.37(a)(1), the petitioner certified that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of petroleum and natural gas and an alternate fuel in the cogeneration facility for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

In accordance with the evidentiary requirements of 10 CFR 503.37(c), the petitioner has also included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

Pursuant to 10 CFR 501.3, ERA hereby accepts the petitioner's petition for a permanent cogneration exemption. ERA retains the right, however, to request additional relevant information from the petitioner at any time during the pendency of these proceedings. As provided in 10 CFR 501.3(b)(4), acceptance of this petition by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. That determination will be based on the entire record of these proceedings, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C. on December 22, 1982.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–35217 Filed 12–28–82; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–82–033; OFP Case No. 65007–9075–05–12]

Mobay Chemical Corp.; Acceptance of Petition

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption and availability of certification.

SUMMARY: On November 24, 1982, Mobay Chemical Corporation, hereinafter referred to as petitioner, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cost exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in certain new major fuel burning installations (MFBI's). Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1981). Eligibility and evidentiary requirements governing the permanent cost exemption are contained in 10 CFR 503.32.

The proposed MFBI for which the petition is filed is a package boiler (designated as Unit #5) burning natural gas, to be installed at the petitioner's Baytown Plant located in Chambers County, Texas.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination, and is therefore accepted pursuant to 10 CFR 501.3. Pursuant to this section, ERA retains the right to request additional information from the petitioner at any time during the course of these proceedings. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting material on this proceeding are available upon request through the DOE Freedom of Information Reading Room, Room 1E–190, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, 8:00 a.m. to 4:00 p.m. ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension,

together with a statement of reasons therefor, would be published in the Federal Register.

DATES: Written comments or a request for public hearing concerning this petition are due on or before February 14, 1983.

ADDRESS: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, Room GA–093, Forrestal Bldg., 1000 Independence Avenue, SW., Washington, D.C. 20585.

Docket No. ERA–FC–82–033 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William H. Freeman, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Bldg., Room GA–093, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Phone (202) 252–2993.

Marya Rowan, Esq., Office of General Counsel, Department of Energy, Forrestal Bldg., Room 6B–222, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: Title II of the Act prohibits the use of natural gas and petroleum as a primary energy source in certain new MFBI's unless an exemption from the prohibitions stated therein has been granted by ERA. The petitioner proposes to install a package boiler, Unit #5, at its Baytown Plant located in Chambers County, Texas. Unit #5 will have a maximum fuel heat input rate of 236 MM Btu per hour and will be used primarily to provide secure peak steam generating capacity; the primary energy source will be natural gas.

Section 212(a)(1)(A)(ii) of the Act provides for a permanent exemption due to lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. In accordance with 10 CFR 503.32(b) which implements that section, the petitioner has provided ERA with duly executed certifications stating that (a) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the unit; (b) the cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit; and (c) the use of mixtures is not feasible as required under 10 CFR 503.9. In accordance with the other evidentiary requirements of 10 CFR 503.32(b), the petitioner has also included exhibits containing the bases for its certifications; the environmental impact analysis required under 10 CFR 503.13; the fuels search required under 10 CFR 503.14; and all data required under 10 CFR 503.6, necessary for computing comparative fuel cost using the formula for cost calculations, set forth therein.

In processing this exemption, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations 40 CFR § 1500 *et seq.;* and DOE's guidelines implementing those regulations, published at 45 FR 20694 on March 28, 1980. NEPA compliance may involve the preparation of (1) An Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the Federal Register as soon as practicable. No final action will be taken on the exemption petition until NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. That determination will be based on the entire record of these proceedings, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C. on December 17, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–35214 Filed 12–28–82; 8:45 am]

BILLING CODE 6450–01–M

Vessels Gas Processing Co. and Vessels Gas Processing, Ltd.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration hereby gives notice of a Proposed Remedial Order which was issued to Vessels Gas Processing Company and Vessels Gas Processing, Ltd., of Denver, Colorado.

The Proposed Remedial Order charged these affiliated companies with pricing violations in the amount of $1,883,155.91, plus accrued interest in sales of propane and natural gas liquids during the period of September 1, 1973 through December 31, 1977.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 1st day of December, 1982.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 82–35218 Filed 12–28–82; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. GP83–7–000]

Amoco Production Co.; Petition of Amoco Production Company for Expedited Issuance of a Declaratory Order To Remove Uncertainty

December 22, 1982.

Take notice that on December 16, 1982, Amoco Production Company (Amoco) filed a "Petition For Expedited Issuance of a Declaratory Order To Remove Uncertainty." Amoco requests the Commission to determine on an expedited basis whether the commitment of gas reserves to its interstate pipeline purchaser limits the reserves committed and dedicated to interstate commerce to the volumes stated in the contract with that purchaser.

Amoco characterizes its petition as a request that the Commission remove an uncertainty which Amoco claims exists as a result of footnote 4 on page 4 of the Federal Energy Regulatory Commission's (FERC) "Order Determining High Cost Gas and Prescribing Incentive Price Under Section 107 of the NGPA" issued on September 22, 1982, in Docket No. GP82–27–000. 20 FERC ¶ 61,330. Amoco asserts that the footnote creates uncertainty with respect to whether allegations may be made in the future that gas sold in intrastate commerce to purchasers other than Natural Gas Pipeline Company of America (NGPL) by Amoco from the Old Ocean Field, Brazoria and Matagorda Counties, Texas, was committed or dedicated to interstate commerce on November 8, 1978, and subject the

FERC's jurisdiction uder the Natural Gas Act.

Amoco claims that notice of its petition is not necessary because it is a request for clarification of an order in a proceeding to which intervention has already been granted all interested parties. Because Amoco's petition requests resolution of an issue that was not addressed in that proceeding, the petition has been given a separate docket number, and notice of petition is hereby given.

Amoco requests expedited considerations of its petition because it claims that the uncertainty it seeks to alleviate jeopardizes the initiation of the time-sensitive nitrogen injection project which it seeks to commence in the Larsen Reservoir of the Old Ocean Field.

Any person desiring to be heard or to protest this petition should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before January 12, 1983. Answers to Amoco's Petition should be filed no later than January 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the petition are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-35198 Filed 12-28-82; 8:45 am]

BILLING CODE 6717-01-M

Iowa Public Service Co.; Notice of Extension of Time

[Docket No. ER83-164-000]

December 22, 1982.

On December 20, 1982, the City of Estherville, Iowa (Estherville) filed a motion for an extension of time to file motions to intervene and protests in response to the Commission's Notice of Filing issued December 8, 1982, in the above-docketed proceeding. The motion states that additional time is required because Estherville only recently retained counsel to represent the city in this proceeding and because of a delay in Estherville's receipt of a copy of the Commission's notice.

Upon consideration, notice is hereby given that an extension of time for the filing of protests and petitions to intervene is granted to and including December 29, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-35199 Filed 12-28-82; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 22, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NORTH DAKOTA INDUSTRIAL COMMISSION									
-AMERADA HESS CORPORATION			RECEIVED:	11/23/82		JA: ND			
8310359	634	3310501024	103			ANDERSON #19-14	BEAVER LODGE SILURIAN	182.5	MONTANA DAKOTA UT
-CONSOLIDATED OIL & GAS INC			RECEIVED:	11/23/82		JA: ND			
8310360	637	3305301482	103			BERGE-FLB 1-24	RAWSON	20.0	PHILLIPS PETROLEU
8310361	636	3305301422	103			HEGGEN #1	RAWSON	14.0	PHILLIPS PETROLEU
-GETTY OIL COMPANY			RECEIVED:	11/23/82		JA: ND			
8310354	627	3305301425	103			CLEAR CREEK #21	CLEAR CREEK	0.0	AMINOIL USA INC
8310355	628	3305301431	103			CLEAR CREEK UNIT #22	CLEAR CREEK	30.0	AMINOIL USA INC
-MARTIN OIL COMPANY			RECEIVED:	11/23/82		JA: ND			
8310353	626	3310500892	103			STRID 35-1	LINDAHL	12.0	AMINOIL U S A INC
8310356	629	3310500951	103			STRID 35-2	LINDAHL	4.6	AMERADA HESS CORP
-NATIONAL OIL COMPANY			RECEIVED:	11/23/82		JA: ND			
8310357	630	3310500000	103			NATIONAL AMERADA GOHRICK #43-17	TEMPLE	39.6	MONTANA-DAKOTA UT
-PETRO-LEWIS CORPORATION			RECEIVED:	11/23/82		JA: ND			
8310358	631	3301100344	103			STATE #2-16A	LITTLE MISSOURI	0.0	MONTANA DAKOTA UT
-SUNBEHM GAS INC			RECEIVED:	11/23/82		JA: ND			
8310363	633	3305301132	103			HAUGEN-COATES #2	BOXCAR BUTTE	16.0	MONTANA-DAKOTA UT
8310362	632	3305300979	103			OKLAND #1	BOXCAR BUTTE	20.0	MONTANA DAKOTA UT
8310364	635	3305301023	103			ORVILLE HAUGEN #1	BOXCAR BUTTE	20.0	MONTANA-DAKOTA UT
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-AMERICAN PENN ENERGY INC			RECEIVED:	11/22/82		JA: NY			
8310475	2740	3101316226	102-2			STATE REFORESTATION AREA 11 (1514)	STEBBINS CORNERS	0.0	COLUMBIA GAS TRAN
8310474	2738	3101316222	102-2			STATE REFORESTATION AREA 2 #1510	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION			RECEIVED:	11/22/82		JA: NY			
8310521	2639	3101316821	102-2			A WINTON #1	WILDCAT	9.0	COLUMBIA GAS TRAN
8310477	2835	3101316822	102-2			A WINTON UNIT #2	WILDCAT	12.0	COLUMBIA GAS TRAN
8310552	2837	3101316822	102-2			A WINTON UNIT #2	WILDCAT	60.0	COLUMBIA GAS TRAN
8310529	2890	3101316881	102-2			BARGAR UNIT #6	WILDCAT	9.0	COLUMBIA GAS TRAN
8310478	2825	3101316824	102-2			CHAUTAUQUA COUNTY #2	WILDCAT	12.0	COLUMBIA GAS TRAN
8310524	2888	3101316878	102-2			CHAUTAUQUA COUNTY UNIT #5	WILDCAT	12.0	COLUMBIA GAS TRAN
8310513	3535	3101317030	102-2			M CADY #1	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
8310512	2378	3101316257	102-2			N Y S CHAUT REF AREA #1 - WELL #8	CHERRY CREEK	30.0	COLUMBIA GAS TRAN
-BOUNTY OIL & GAS INC			RECEIVED:	11/22/82		JA: NY			
8310543	2966	3101316908	102-2			AIKEN UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS
8310530	2926	3101315943	102-2			BACKUS UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS
8310527	2928	3101316305	102-2			BIEHLS AND DAVIDSON WELL #1	WILDCAT	0.0	NATIONAL FUEL GAS
8310546	2999	3101316857	102-2			BUCKLIN UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS
8310542	2964	3101316888	102-2			COONS #1	BUSTI	0.0	NATIONAL FUEL GAS
8310532	2989	3101316938	102-2			D ECKSTROM UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8310545	2958	3101317025		102-2		E MORRISON UNIT #1	WILDCAT	0.0	NATIONAL FUEL GAS
8310488	3071	3101316546		102-2		E SITTERLEY - UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS
8310534	2993	3101317022		102-2		ENGDAHL UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS
8310544	2982	3101316787		102-2		F ANDERSON UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS
8310526	2930	3101315934		102-2		GANEY - #1	WILDCAT	0.0	NATIONAL FUEL GAS
8310522	2980	3101316789		102-2		GENS UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS
8310485	2962	3101316028		102-2		HANSTROM UNIT #1	WILDCAT	0.0	NATIONAL FUEL GAS
8310531	2894	3101315676		102-2		HYDROCARBON FIELD SERVICES INC #1	WILDCAT	0.0	NATIONAL FUEL GAS
8310535	2995	3101316040		102-2		JOHNSTON UNIT #1	WILDCAT	0.0	NATIONAL FUEL GAS
8310541	2960	3101316985		102-2		JUUL UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS
8310523	2807	3101316545		102-2		KENNY #1	BUSTI	0.0	COLUMBIA GAS TRAN
8310491	3073	3101316544		102-2		LAWSON UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS
8310490	3075	3101316583		102-2		LONG - UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS
8310489	3604	3101317085		102-2		MAZZARISI #1	BUSTI	0.0	COLUMBIA GAS TRAN
8310533	2991	3101316983		102-2		NORTHROP UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS
8310547	2997	3101316784		102-2		NYGREN UNIT #1	BUSTI	0.0	NATIONAL FUEL GAS
8310473	2805	3101315720		102-2		W SWEENEY JR #1	BUSTI	0.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED:	11/22/82	JA: NY			
8310525	2882	3101321597		102-2		F ZEMNICK #1 KA-86		30.0	COLUMBIA GAS TRAN
8310528	2884	3101321596		102-2		S JOHNSON #1 KA-99		30.0	COLUMBIA GAS TRAN
8310548	3761	3101317119		102-2		W BURGETT UNIT #1 KV-19	CARROLL	30.0	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED:	11/22/82	JA: NY			
8310456	2458	3101316215		102-2		A GOGGIN #1	CLYMER	18.0	COLUMBIA GAS TRAN
8310581	2028	3101315564		107-TF		A KOPTA #2	CHAUTAUGUA	18.0	COLUMBIA GAS TRAN
8310483	2683	3101316594		102-2		A WENGERD #1	CLYMER	18.0	COLUMBIA GAS TRAN
8310479	2675	3101316794		102-2		C DAMCOTT #1	CLYMER	18.0	COLUMBIA GAS TRAN
8310450	3066	3101317053		107-TF		C VOLK #2	CLYMER	18.0	COLUMBIA GAS TRAN
8310448	2920	3101316613		107-TF		E CARLSON #1	WILDCAT	18.0	NATIONAL FUEL GAS
8310508	2452	3101315936		102-2		F HOWARD #1	WILDCAT	18.0	NATIONAL FUEL GAS
8310586	2952	3101316458		107-TF		G DAMCOTT #1	CLYMER	18.0	COLUMBIA GAS TRAN
8310472	2953	3101316955		107-TF		H PATCHEN #1	CLYMER	18.0	COLUMBIA GAS TRAN
8310471	2957	3101316854		107-TF		H ROUSH #1	CLYMER	18.0	COLUMBIA GAS TRAN
8310476	2673	3101316596		102-2		J FAULKNER #2	CLYMER	18.0	COLUMBIA GAS TRAN
8310583	2916	3101316619		107-TF		J NORDLAND #1	WILDCAT	18.0	NATIONAL FUEL GAS
8310467	3067	3101316980		107-TF		L GIFFORD #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8310585	2950	3101316295		107-TF		L SALOMON #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8310480	2677	3101316403		102-2		LEGTERS BROS #2	CLYMER	18.0	COLUMBIA GAS TRAN
8310538	2689	3101316404		102-2		LEGTERS BROS #3	CLYMER	18.0	COLUMBIA GAS TRAN
8310588	3175	3101316899		107-TF		M BEMIS #2	CLYMER	18.0	COLUMBIA GAS TRAN
8310582	2951	3101316900		107-TF		M BEMIS #3	CLYMER	18.0	COLUMBIA GAS TRAN
8310481	2679	3101316825		102-2		N HOGENBOOM #1-A	CLYMER	18.0	COLUMBIA GAS TRAN
8310539	2687	3101316321		102-2		N Y S REF AREA #3/WELL #11	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8310482	2681	3101316358		102-2		N Y S REF AREA #3/WELL #12	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8310463	3176	3101316392		107-TF		N Y S REF AREA #3/WELL #13	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8310464	3070	3101316393		107-TF		N Y S REF AREA #3/WELL #14	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8310470	3063	3101316394		107-TF		N Y S REF AREA #3/WELL #15	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8310469	3064	3101316395		107-TF		N Y S REF AREA #3/WELL #16	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8310468	3065	3101316396		107-TF		N Y S REF AREA #3/WELL #17	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8310465	3069	3101316356		107-TF		P MARTINSON #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8310514	2456	3101316381		102-2		R AMBROSE #2	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8310451	3173	3101316855		107-TF		R AMBROSE #3	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8310537	2691	3101316616		102-2		R BECKERINK #1	CLYMER	18.0	COLUMBIA GAS TRAN
8310584	2986	3101316306		107-TF		R MARTIN #1	CHAUTAUGUA	18.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API #	PRODUCING STRATA	WELL NAME	FIELD NAME	PROD	PURCHASER
8310587	3174	3101317[illegible]	107-TF	R MCCLELLAND #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8310511	2462	3101316571	102-2	R ROHM #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8310507	2464	3101316594	102-2	R WASSINK #6	CLYMER	18.0	COLUMBIA GAS TRAN
8310449	2921	3101316615	107-TF	S ARMELI	WILDCAT	18.0	NATIONAL FUEL GAS
8310466	3068	3101316981	107-TF	V HUMPHREY #1	GLYMER	18.0	COLUMBIA GAS TRAN
8310536	2693	3101316436	102-2	V LEGTERS #1	CLYMER	18.0	COLUMBIA GAS TRAN
8310495	2543	3101316[illegible]7	102-2	V LICTUS #1	CLYMER	18.0	COLUMBIA GAS TRAN
8310452	2919	3101316456	107-TF	V NELSON #3	WILDCAT	18.0	NATIONAL FUEL GAS
8310549	2685	3101315893	102-2	X WASSINK #1	CLYMER	18.0	COLUMBIA GAS TRAN
-GYPSUM ENERGY MANAGEMENT CO			RECEIVED: 11/22/82	JA: NY			
8310571	4002	3103795213	108	BALL #1	HURON CREEK	6.4	U S GYPSUM CO
8310572	4003	3103712059	108	BENNETT #1	HURON CREEK	1.4	U S GYPSUM CO
8310568	4017	3103710423	108	BRECKENRIDGE #1	HURON CREEK	6.1	U S GYPSUM CO
8310577	4005	3103711932	108	C MILLER #1	HURON CREEK	1.6	U S GYPSUM CO
8310566	4024	3103710425	108	E HALL #1	INDIAN FALLS	5.9	U S GYPSUM CO
8310573	4006	3103712894	108	FRANZ #1	HURON CREEK	11.5	U S GYPSUM CO
8310570	4019	3103712892	108	G MILLER #2	HURON CREEK	4.5	U S GYPSUM CO
8310574	4007	3103712893	108	HERRINGTON #1	HURON CREEK	1.1	U S GYPSUM CO
8310567	4025	3103710421	108	J CAREY #1	INDIAN FALLS	6.8	U S GYPSUM CO
8310564	4022	3103705117	108	J KLOTZBACH #1	INDIAN FALLS	0.2	U S GYPSUM CO
8310578	4014	3103711259	108	J MARTIN #1	INDIAN FALLS	0.0	U S GYPSUM CO
8310560	4028	3103713248	108	JOHNCOX #1	HURON CREEK	6.9	U S GYPSUM CO
8310561	4027	3103713249	108	JOHNCOX #2	HURON CREEK	8.5	U S GYPSUM CO
8310563	4021	3103710494	108	KLOTZBACH - HALL 1	INDIAN FALLS	0.1	U S GYPSUM CO
8310562	4020	3103709245	108	KNAPP #1	INDIAN FALLS	1.5	U S GYPSUM
8310576	4008	3103712058	108	LAWRENCE #1	HURON CREEK	1.5	U S GYPSUM CO
8310575	4009	3103712408	108	LAWRENCE #2	HURON CREEK	2.8	U S GYPSUM CO
8310580	4011	3103712895	108	LAWRENCE #3	HURON CREEK	7.1	U S GYPSUM CO
8310579	4013	3103712891	108	LAWRENCE #4	HURON CREEK	7.3	U S GYPSUM CO
8310555	4034	3103710424	108	MC GUIRE #1	INDIAN FALLS	3.0	U S GYPSUM CO
8310558	4031	3103710497	108	MCGUIRE - BRAUN #1	INDIAN FALLS	0.1	U S GYPSUM CO
8310556	4033	3103709346	108	PHELPS #1	INDIAN FALLS	0.2	U S GYPSUM CO
8310565	4023	3103709242	108	R KERN #1	INDIAN FALLS	0.9	U S GYPSUM CO
8310557	4032	3103710422	108	SCROGER #1	INDIAN FALLS	0.1	U S GYPSUM CO
8310554	4035	3103713271	108	STALKER #1	HURON CREEK	15.5	U S GYPSUM CO
8310559	4030	3103709344	108	THURBER #1	INDIAN FALLS	0.9	U S GYPSUM
8310569	4018	3103712135	108	WIKTORSKI #1	HURON CREEK	1.8	U S GYPSUM CO
-LENAPE RESOURCES CORP			RECEIVED: 11/22/82	JA: NY			
8310460	2714	3105116137	102-2	LRC #65 - JOSEPH R DALEY UNIT #1	CALEDONIA	20.0	NEW JERSEY NATURA
8310461	2715	3105116135	102-2	LRC #66 - W J REID UNIT NO 1	CALEDONIA	20.0	NEW JERSEY NATURA
8310462	2716	3105116142	102-2	LRC #72 - E C DALEY #1	CALEDONIA	20.0	NEW JERSEY NATURA
-NORD/MONTARA PETROLEUM CO			RECEIVED: 11/22/82	JA: NY			
8310453	2323	3112116299	102-2	LIMBURG UNIT #1'	JAVA MEDINA	15.0	COLUMBIA GAS TRAN
-SCG GAS QUEST INC			RECEIVED: 11/22/82	JA: NY			
8310515	2231	3112113275	102-2	BRASS-GLEASON #1	ARCADE - MEDINA	10.9	COLUMBIA GAS TRAN
8310516	2232	3112113274	102-2	MIDSTATES CONTAINER CORP #1	ARCADE - MEDINA	10.9	COLUMBIA GAS TRAN
8310517	2233	3112113276	102-2	WALTER MATTSON ET UX #1	ARCADE - MEDINA	10.9	COLUMBIA GAS TRAN
-SEIS-EX GEOPHYSICAL LTD			RECEIVED: 11/22/82	JA: NY			
8310520	2326	3101314376	102-2	SEIS-EX SWANSON #1	WILDCAT	5.5	NATIONAL FUEL GAS
-SHARON RESOURCES INC			RECEIVED: 11/22/82	JA: NY			
8310518	2228	3112116343	102-2	HIBSCH-KIRSCH #1		10.5	COLUMBIA GAS TRAN
8310519	2229	3112116071	102-2	R HIBSCH #1		10.5	COLUMBIA GAS TRAN
-TRAHAN PETROLEUM INC			RECEIVED: 11/22/82	JA: NY			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8310510	2466	3101316092		102-2		A & H BASCHMANN #1 31-013-16092	KENNEDY	36.0	COLUMBIA GAS TRAN
8310498	2502	3101316319		102-2		A & M MILLER #1 31-013-16319	ELLINGTON	36.0	COLUMBIA GAS TRAN
8310487	3085	3101316539		102-2		ALLWATT #3	WILDCAT	36.0	COLUMBIA GAS TRAN
8310493	3125	3101316320		102-2		BENTLEY # 2 31-013-16320	ELLINGTON	36.0	COLUMBIA GAS TRAN
8310551	3081	3101316968		102-2		CHASE #2	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8310540	2634	3101316460		102-2		CONDON-NY #4 31-013-16460	WILDCAT	36.0	COLUMBIA GAS TRAN
8310499	2500	3101316467		102-2		E & M BENTLEY #1 31-013-16467	ELLINGTON	36.0	COLUMBIA GAS TRAN
8310494	3126	3101312486		102-2		FREDRICKSON NY 26 31-013-12486	LEON	36.0	COLUMBIA GAS TRAN
8310497	2536	3101316093		102-2		G & L DARLING #2 31-013-16093	ELLINGTON	36.0	COLUMBIA GAS TRAN
8310503	2538	3101316468		102-2		H & L REYNOLDS #1 31-013-16468	ELLINGTON	36.0	COLUMBIA GAS TRAN
8310500	2252	3101316254		102-2		J & H DAVIS #1 31-013-16254	ELLINGTON	36.0	COLUMBIA GAS TRAN
8310496	2530	3101316469		102-2		J & R FALCCONE #2 31-013-16469	ELLINGTON	36.0	COLUMBIA GAS TRAN
8310509	2468	3101315743		102-2		J & R FALCONE #1	WILDCAT	36.0	COLUMBIA GAS TRAN
8310501	2532	3101316471		102-2		J & R FALCONE #4 31-013-16471	ELLINGTON	36.0	COLUMBIA GAS TRAN
8310502	2534	3101315744		102-2		J & R FALCONE #5 31-013-15744	ELLINGTON	36.0	COLUMBIA GAS TRAN
8310506	2476	3101315748		102-2		KENNETH C ANDERSON	WILDCAT	36.0	COLUMBIA GAS TRAN
8310504	2250	3101312517		102-2		M & D LENT - N Y #45 31-013-12517	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8310505	2474	3101316094		102-2		M & M WELLMAN #2	KENNEDY	36.0	COLUMBIA GAS TRAN
8310486	3083	3101316523		102-2		MOUNT #1	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8310492	3122	3101316799		102-2		PICKUP #1 31-013-16799	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8310553	3077	3101316800		102-2		PICKUP NY #42	LEON	36.0	COLUMBIA GAS TRAN
8310550	3079	3101315758		102-2		RICE NY #27	LEON	36.0	COLUMBIA GAS TRAN
8310484	2632	3101315488		102-2		RICE-CHAUT #1 31-013-15488	WILDCAT	36.0	COLUMBIA GAS TRAN
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED:	11/22/82	JA: NY			
8310454	2592	3101316833		102-2		W BENEDICT #1	GERRY	20.0	COLUMBIA GAS TRAN
8310455	3115	3101316989		102-2		WARD BENEDICT #3	GERRY	20.0	COLUMBIA GAS TRAN
8310458	2794	3101316845		102-2		WILLIAM SASS #1	GERRY	20.0	COLUMBIA GAS TRAN
8310459	2789	3101316846		102-2		WILLIAM SASS #2	GERRY	20.0	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP				RECEIVED:	11/22/82	JA: NY			
8310457	2483	3101316050		102-2		ZAHM-FREDRICKSON #1	GERRY	20.0	COLUMBIA GAS TRAN
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OREGON DEPARTMENT OF GEOLOGY & MINERAL INDUSTRIES									
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-REICHHOLD ENERGY CORP				RECEIVED:	11/23/82	JA: OR			
8310365		3600900011		102-2		COLUMBIA COUNTY #4 RD #1	MIST GAS FIELD	620.0	NORTHWEST NATURAL
8310366		3600900084		102-2		COLUMBIA COUNTY 13-1 REDRILL #1	MIST GAS FIELD	30.5	NORTHWEST NATURAL
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UTAH DIVISION OF OIL,GAS, & MINING									
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-AMOCO PRODUCTION CO				RECEIVED:	11/22/82	JA: UT			
8310371	K-121-14	4304330138		102-2		BOUNTIFUL LIVESTOCK "A" #1	ANSCHUTZ RANCH EAST	1280.0	MOUNTAIN FUEL SUP
-KENAI OIL AND GAS INC				RECEIVED:	11/22/82	JA: UT			
8310367	K-151-1	4304731004		103		TENNECO #21-19	ALTAMOUNT-BLUEBELL	2.5	GARY ENERGY CORP
-MAPCO PRODUCTION COMPANY				RECEIVED:	11/22/82	JA: UT			
8310369	K-120-3	4304731115		107-TF		RBU 16-16F	RIVER BEND	0.0	PACIFIC GAS & ELE
8310370	K-120-2	4304731115		103		RBU 16-16F	RIVER BEND	0.0	PACIFIC GAS & ELE
-MOSBACHER PRODUCTION CO				RECEIVED:	11/22/82	JA: UT			
8310368	K-148-2	4300730077		102-2		STATE #18-1A	GORDON CREEK	365.0	
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WEST VIRGINIA DEPARTMENT OF MINES									
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-ANGERMAN ASSOCIATES INC				RECEIVED:	11/22/82	JA: WV			
8310385		4701728439		107-DV		CARL HINTER #2 #47-017-2843	NEW MILTON DISTRICT F	20.6	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ASHLAND EXPLORATION INC				RECEIVED:	11/22/82	JA: WV			
8310377		4703900744		108-SA		A S PETERS #1	PAINT CREEK	0.0	COLUMBIA GAS TRAN
8310379		4704500618		108-SA		AMHERST LAND CO #39 - 025720	LOGAN WYOMING	4.0	CONSOLIDATED GAS
8310378		4703901980		108-SA		EASTERN GAS & FUEL #29 - 036400	PAINT CREEK	13.0	COLUMBIA GAS TRAN
8310376		4701900145		108-SA		EASTERN GAS & FUEL #39 - 039740	PAINT CREEK	10.4	COLUMBIA GAS TRAN
8310381		4703102342		108-SA		KANAWHA VALLEY GRAB #3	PAINT CREEK	7.0	COLUMBIA GAS TRAN
8310380		4704700204		108-SA		LON B ROGER #16 - 031940	VIRGINIA	17.4	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED:	11/22/82	JA: WV			
8310386		4700701350		108		HENDERSON	ASPINAL-FINSTER	10.0	CONSOLIDATED GAS
-CHASE PETROLEUM				RECEIVED:	11/22/82	JA: WV			
8310383		4708505079		102-3		LEMLEY #1	CLAY DISTRICT	27.0	
-CHESTERFIELD CORP				RECEIVED:	11/22/82	JA: WV			
8310384		4709702322		103		HANIFAN WELL #2 47-097-2322		0.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	11/22/82	JA: WV			
8310402		4703302126		108		A J MICHAELS WN-3339	EAGLE	3.0	GENERAL SYSTEM PU
8310444		4704101740		108		A W WOODFORD WN-11229	HACKERS CREEK	16.0	GENERAL SYSTEM PU
8310436		4704101707		108		ABRAM GASTON WN-11193	FREEMANS CREEK	13.0	GENERAL SYSTEM PU
8310404		4704100476		108		ALONZO A TETER WN-11116	FREEMANS CREEK	2.0	GENERAL SYSTEM PU
8310421		4704124870		108		ARTA R LOUDIN WN 12536	FREEMANS CREEK	7.0	GENERAL SYSTEM PU
8310409		4704101179		108		B B HARDMAN WN-10504	SKIN CREEK	2.0	GENERAL SYSTEM PU
8310412		4703310420		108		B W HARBERT WN 12283	EAGLE DISTRICT	13.0	GENERAL SYSTEM PU
8310387		4704500868		108		BOONE CO COAL CO WN-10844	LOGAN	7.0	GENERAL SYSTEM PU
8310420		4704500123		108		BOONE COUNTY COAL CORP WN-9284	LOGAN	1.0	GENERAL SYSTEM PU
8310422		4704501150		108		BUFFALO CREEK COAL & COKE WN-9386	TRIADELPHIA	13.0	GENERAL SYSTEM PU
8310418		4704500293		108		BUFFALO CREEK COAL & COKE WN-9719	TRIADELPHIA	13.0	GENERAL SYSTEM PU
8310423		4704102316		108		CALVIN FLESHER WN-8219	FREEMANS CREEK	6.0	GENERAL SYSTEM PU
8310396		4703300588		108		CHARLES H GASTON WN-11413	GRANT	4.0	GENERAL SYSTEM PU
8310427		4704101870		108		CHARLES H SKINNER WN-11531	COURTHOUSE	8.0	GENERAL SYSTEM PU
8310417		4704500459		108		DINGESS RUN COAL CO WN-9930	LOGAN	12.0	GENERAL SYSTEM PU
8310397		4703300611		108		DORA B MCWHORTER WN-11477	GRANT	8.0	GENERAL SYSTEM PU
8310419		4704500233		108		ED COOK WN-0411	TRIDELPHIA	17.0	GENERAL SYSTEM PU
8310433		4704101763		108		EDMISTON HEIRS WN-11222	HACKERS CREEK	10.0	GENERAL SYSTEM PU
8310431		4704101796		108		F B RILEY WN-11360	FREEMANS CREEK	4.0	GENERAL SYSTEM PU
8310442		4704101603		108		F WHITE WN-10991	FREEMANS CREEK	2.0	GENERAL SYSTEM PU
8310439		4704101658		108		F WHITE WN-11135	FREEMANS CREEK	5.0	GENERAL SYSTEM PU
8310447		4704101709		108		F WHITE WN-11139	FREEMANS CREEK	13.0	GENERAL SYSTEM PU
8310445		4704101757		108		FLEMING HOWELL WN-11223	HACKERS CREEK	2.0	GENERAL SYSTEM PU
8310405		4704100878		108		G R LINGER WN-10361	SKIN CREEK	3.0	GENERAL SYSTEM PU
8310430		4704101812		108		GEORGE W GIBSON WN-11381	COURTHOUSE	6.0	GENERAL SYSTEM PU
8310428		4704101860		108		GEORGE W GIBSON WN-11455	COURTHOUSE	13.0	GENERAL SYSTEM PU
8310401		4703301615		108		GEORGE W JORDAN HRS WN-11057	COAL	1.0	GENERAL SYSTEM PU
8310443		4704101356		108		H DWIGHT SMITH WN-10669	HACKERS CREEK	14.0	GENERAL SYSTEM PU
8310413		4703301120		108		HARVEY M FURNER WN-11073	TEN MILE	3.0	GENERAL SYSTEM PU
8310406		4704100940		108		HUBERT B ZINN WN-10420	SKIN CREEK	12.0	GENERAL SYSTEM PU
8310416		4703301382		108		ICE SMITH WN-3600	BRIDGEPORT	6.0	GENERAL SYSTEM PU
8310435		4704101739		108		ISRAEL SIMMONS WN-11219	FREEMANS CREEK	10.0	GENERAL SYSTEM PU
8310394		4703300562		108		J B SUSMAN WN-11349	GRANT	10.0	GENERAL SYSTEM PU
8310432		4704101794		108		J P HULL WN-11357	FREEMANS CREEK	1.0	GENERAL SYSTEM PU
8310429		4704101843		108		J S NORRIS WN-11442	FREEMANS CREEK	12.0	GENERAL SYSTEM PU
8310414		4703301585		108		JACOB P POST WN-8121	UNION	5.0	GENERAL SYSTEM PU
8310425		4704121760		108		JOSEPH S HALL WN 12465	FREEMANS CREEK	4.0	GENERAL SYSTEM PU
8310408		4704101165		108		LOIS CURTIS WN-10499	SKIN CREEK	1.0	GENERAL SYSTEM PU
8310411		4704101332		108		LYDIA STARCHER WN-10652	FREEMANS CREEK	1.0	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8310438		4704101671		108		MARGARET F SHUTTS WN-11133	FREEMANS CREEK	10.0	GENERAL SYSTEM PU
8310446		4704102320		108		MART G ALFRED WN-8227	FREEMANS CREEK	5.0	GENERAL SYSTEM PU
8310393		4703300547		108		MAUDE DAVISSON WN-11299	GRANT	16.0	GENERAL SYSTEM PU
8310403		4704100456		108		MINTIE JONES WN-10256	SKIN CREEK	2.0	GENERAL SYSTEM PU
8310441		4704101459		108		N C ALLMAN WN-10778	HACKERS CREEK	7.0	GENERAL SYSTEM PU
8310400		4703301235		108		NEELEY-JACKSON WN 12489	UNION	13.0	GENERAL SYSTEM PU
8310388		4704700043		108		NEW RIVER & POCA CONS COAL WN-9305	BROWN CREEK	10.0	GENERAL SYSTEM PU
8310392		4704700175		108		OLGA COAL CO WN-10095	BIG CREEK	19.0	GENERAL SYSTEM PU
8310389		4704700073		108		OLGA COAL CO WN-9443	BIG CREEK	1.0	GENERAL SYSTEM PU
8310390		4704700074		108		OLGA COAL CO WN-9469	BIG CREEK	4.0	GENERAL SYSTEM PU
8310391		4704700152		108		OLGA COAL CO WN-9696	BIG CREEK	15.0	GENERAL SYSTEM PU
8310415		4704300817		108		R E CHAPMAN WN-9196	HARTS CREEK	3.0	GENERAL SYSTEM PU
8310395		4703300586		108		REBECCA REED WN-11408	GRANT	3.0	GENERAL SYSTEM PU
8310440		4704101615		108		SOPHIA BUTCHER WN-11009	FREEMANS CREEK	15.0	GENERAL SYSTEM PU
8310398		4703300612		108		TACHEL S HERSHEY WN-11490	GRANT	11.0	GENERAL SYSTEM PU
8310437		4704101673		108		W D HITT HEIRS WN-11137	FREEMANS CREEK	13.0	GENERAL SYSTEM PU
8310434		4704101756		108		W E CARPENTER WN-11277	FREEMANS CREEK	17.0	GENERAL SYSTEM PU
8310410		4704101290		108		W H FROST WN-10539	FRENCH CREEK	2.0	GENERAL SYSTEM PU
8310424		4704102241		108		W O LAW WN-3369	WESTON	3.0	GENERAL SYSTEM PU
8310399		4703300638		108		W S BURNSIDE WN-11532	UNION	14.0	GENERAL SYSTEM PU
8310407		4704101005		108		WALDO GOULD WN-10426	HACKERS CREEK	15.0	GENERAL SYSTEM PU
8310426		4704102712		108		WHITE-EGAN WN-8448	FREEMANS CREEK	17.0	GENERAL SYSTEM PU
-JAMES F SCOTT				RECEIVED:	11/22/82	JA: WV			
8310382		4704103105		102-2		JUANITA SULLIVAN S-369	FREEMANS CREEK	27.0	CONSOLIDATED GAS
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
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-EL PASO EXPLORATION CO				RECEIVED:	11/24/82	JA: CO 1			
8310374	CD 0474-82PB	0506705598		108-PB		BONDAD 3 3-10 9 #13	MESAVERDE	0.0	NORTH WEST PIPELI
8310375	CD 0531-82PB	0506705598		108-PB		BONDAD 3 3-10 9 #13	IGACIO BLANCO	0.0	NORTHWEST PIPELIN
-J C THOMPSON				RECEIVED:	11/24/82	JA: UT 1			
8310373	UD 0086-82ER	4301915656		108-ER		D-2 (CASTLEGATE)	CASTLEGATE	0.0	NORTHWEST PIPELIN
8310372	UD0475-82ER	4301915671		108-ER		MOON RIDGE 31-15	DAKOTA	0.0	NORTHWEST PIPELIN

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-35203 Filed 12-28-82; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 22, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALTHEIRS OIL INC				RECEIVED: 11/23/82		JA: OH			
8310589		3410521947		107-TF		RAYMOND FOWLER #1	RUTLAND TOWNSHIP	5.0	COLUMBIA GAS TRAN
-ARAPAHO VENTURES OF NEW YORK INC				RECEIVED: 11/23/82		JA: OH			
8310594		3416726778		107-DV		BEHA-ROWLAND #1	WILDCAT	18.0	
8310590		3416725252		107-DV		GOLDIE HAAS #1	WILDCAT	0.0	COLUMBIA GAS TRAN
8310591		3416725605		107-DV		GOLDIE HAAS #2	WILDCAT	0.0	COLUMBIA GAS TRAN
8310592		3416725606		107-DV		GOLDIE HAAS #3	WILDCAT	0.0	COLUMBIA GAS TRAN
8310593		3416725607		107-DV		GOLDIE HAAS #7	WILDCAT	0.0	COLUMBIA GAS TRAN
-ATWOOD RESOURCES INC				RECEIVED: 11/23/82		JA: OH			
8310595		3407523863		103	107-TF	AMMON MILLER #1	BECKS MILLS	36.0	COLUMBIA GAS TRAN
-BASIN PRODUCING CO				RECEIVED: 11/23/82		JA: OH			
8310600		3412122899		107-DV		FREEDOM COAL CO #2	MACKSBURG	25.0	
8310597		3412122874		107-DV		HARPER #5 PERMIT #2874	MACKSBURG	35.0	
8310598		3412122885		107-DV		HILL #1	FROSTYVILLE	20.0	
8310599		3412122887		107-DV		HUTCHESON #1 PERMIT #2887	MACKSBURG	30.0	
8310596		3412122848		107-DV		THOMAS #1	HARRIETTSVILLE	15.0	
-BECK OIL & GAS CO				RECEIVED: 11/23/82		JA: OH			
8310601		3413322861		103	107-TF	REYNOLDS UNIT #1	KENT	0.0	COLUMBIA GAS OF O
8310602		3413322883		103	107-TF	TESTA UNIT #1	KENT	0.0	COLUMBIA GAS OF O
-BELDEN & BLAKE & CO 80				RECEIVED: 11/23/82		JA: OH			
8310604		3401921565		103	107-TF	J & S CAMPBELL #1-34-1206	BROWN	36.5	
8310603		3401921558		103	107-TF	M & E MYERS #1-341205	BROWN	36.5	
-BILL BLAIR INCORPORATED				RECEIVED: 11/23/82		JA: OH			
8310608		3402920777		107-TF		CAMPBELL #1	HOMEWORTH	14.0	COLUMBIA GAS TRAN
8310609		3402920778		107-TF		CAMPBELL #2	HOMEWORTH	14.0	COLUMBIA GAS TRAN
8310617		3402920903		103	107-TF	CRIST #1	HANOVERTON	12.0	EAST OHIO GAS CO
8310615		3402920901		103	107-TF	CRIST #2	HANOVERTON	12.0	EAST OHIO GAS CO
8310616		3402920902		103	107-TF	CRIST #3	HANOVERTON	14.0	EAST OHIO GAS CO
8310610		3402920861		103	107-TF	HOFER #1	HOMEWORTH	15.0	EAST OHIO GAS CO
8310612		3402920892		103	107-TF	SANOR #5	HANOVERTON	12.0	EAST OHIO GAS CO
8310611		3402920864		103	107-TF	SMITH #3	HOMEWORTH	18.0	EAST OHIO GAS CO
8310613		3402920898		103	107-TF	STOFFER #6	HANOVERTON	15.0	EAST OHIO GAS CO
8310614		3402920899		103	107-TF	STOFFER #7	HANOVERTON	12.0	EAST OHIO GAS CO
8310607		3402920758		107-TF		TESCHER #1	HOMEWORTH	4.0	COLUMBIA GAS TRAN
-BLAUSER WELL SERVICE INC				RECEIVED: 11/23/82		JA: OH			
8310624		3410522252		107-DV		ARTHUR D HEINEY #3-104	OLIVE	7.3	COLUMBIA GAS TRAN
8310620		3400921992		107-DV		M E HARPER #1	ROME	8.6	COLUMBIA GAS TRAN
8310621		3400921992		107-TF		M E HARPER #1	ROME	8.6	COLUMBIA GAS TRAN
8310618		3400921991		107-TF		M E HARPER #2	ROME	8.6	COLUMBIA GAS TRAN
8310619		3400921991		107-DV		M E HARPER #2	ROME	7.0	COLUMBIA GAS TRAN
8310622		3400921998		107-TF		M E HARPER #3	ROME	8.6	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8310623		3400921998		107-DV		M E HARPER #3	ROME	6.9	COLUMBIA GAS TRAN
8310625		3410522254		107-DV		WILLIAM E SLATER #1	COOLVILLE	15.7	COLUMBIA GAS TRAN
-CAMERON BROS				RECEIVED:	11/23/82	JA: OH			
8310640		3411926400		107-TF		FRANKLIN SCHOOL DISTRICT #1	WAYNE	11.0	
-CAVALIER OIL CORP				RECEIVED:	11/23/82	JA: OH			
8310641		3411122849		107-DV		CAVALIER FISHER #1	SUMMIT	18.0	COLUMBIA GAS TRAN
8310642		3411122850		107-DV		CAVALIER WILHELM #1	FRANKLIN	18.0	COLUMBIA GAS TRAN
-CHARLES O LIGHTHIZER				RECEIVED:	11/23/82	JA: OH			
8310716		3411924964		107-TF		BAKER #3	PERRY	0.0	COLUMBIA GAS TRAN
-CLARENCE K TUSSEL JR				RECEIVED:	11/23/82	JA: OH			
8310807		3400722057		103	107-TF	D LEWIS #1	MONROE	30.0	
8310806		3400722000		103	107-TF	J KOVAL #1	MONROE	32.0	
-CLAY OIL & GAS CO				RECEIVED:	11/23/82	JA: OH			
8310643		3411921858	D	107-RT		MOODY #1	BRUSH CREEK	5.0	
-CLINTON OIL CO				RECEIVED:	11/23/82	JA: OH			
8310644		3412724280		108		J WILSON #1		10.0	NATIONAL GAS & OI
-COASTAL PETROLEUM CORP				RECEIVED:	11/23/82	JA: OH			
8310645		3410323044		107-TF		BARONE #1	SHARON	9.0	COLUMBIA GAS TRAN
-EDCO DRILLING & PRODUCING INC				RECEIVED:	11/23/82	JA: OH			
8310646		3403123437		107-RT		MILLER MO-10	CLARK	18.0	COLUMBIA GAS TRAN
-EDWARD A MACK JR				RECEIVED:	11/23/82	JA: OH			
8310728		3416923028		107-TF		ANDREW YODER #1	MILTON	22.0	COLUMBIA GAS TRAN
-ELAN ENERGY INC				RECEIVED:	11/23/82	JA: OH			
8310647		3416922999		103	107-TF	D S & I WENGERD #1	PAINT	11.0	COLUMBIA GAS TRAN
-ENERGY DISTRIBUTORS INC				RECEIVED:	11/23/82	JA: OH			
8310650		3412725585		103	107-TF	GUILLIAMS #10	MADISON	10.0	NATIONAL GAS AND
8310651		3412725586		103	107-TF	GUILLIAMS #11	MADISON	10.0	NATIONAL GAS AND
8310648		3412725580		103	107-TF	GUILLIAMS #5	MADISON	10.0	NATIONAL GAS & OI
8310649		3412725584		103	107-TF	GUILLIAMS #9	MADISON	10.0	NATIONAL GAS & OI
-ENTERPRISE ENERGY CORP				RECEIVED:	11/23/82	JA: OH			
8310652		3416320695		103	107-TF	ARMSTRONG #1	SWAN	27.3	COLUMBIA GAS TRAN
-FLOYD E KIMBLE DBA RED HILL DEV				RECEIVED:	11/23/82	JA: OH			
8310697		3405923123		103	107-TF	A LAKE #1	ANTRIM	9.0	
8310696		3405923111		103	107-TF	C HENRY #1	LONDONDERRY	20.0	
8310699		3406720407		103	107-TF	D MCKIBBEN #1	FRANKLIN	4.0	
8310698		3405923137		103	107-TF	G MEREDITH #1	FREEPORT	12.0	
8310700A		3406720465		103		J BARDALL JR #1	FREEPORT	5.0	
8310700B		3406720465		107-TF		J BARDALL JR #1	FREEPORT	5.0	
8310695		3403124473		103	107-TF	P KASER #1	CRAWFORD	43.0	
8310701		3406720467		103	107-TF	R MOORE#2	FREEPORT	12.0	
-FORAKER PRODUCING COMPANY INC				RECEIVED:	11/23/82	JA: OH			
8310655		3400921911		107-RT		BLACK DIAMOND #2	BERN	10.0	
8310654		3400921904		107-RT		DODDS #1	ROME	10.0	
8310657		3400922004		107-TF		LACKEY #4	ROME	10.0	
8310653		3400921853		107-RT		POSTON #1	STEWART	10.0	
8310658		3400922017		107-TF		POSTON #3	ROME	10.0	
8310656		3400922002		107-TF		ROOT #1	ROME	5.0	
-FREDERICK PETROLEUM CORP				RECEIVED:	11/23/82	JA: OH			
8310661		3416727115		107-DV		BAKER-NOON #3	AURELIUS	15.0	
8310660		3412122865		107-DV		FREEDOM COAL #1	JEFFERSON	44.0	
8310659		3412122852		107-DV		R NAU #2	ENOCH	24.0	
-G W F CORP				RECEIVED:	11/23/82	JA: OH			
8310662		3400922258		107-TF		BYRON W JAMES #2	LODI	13.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8310664		3400922376		107-TF		JOHN C BERRY #4	ROME	14.0	
8310665		3400922380		107-TF		JOHN VASICHKO #1	LODI	12.0	
8310666		3400922512		107-TF		MILTNER #2	ROME	5.0	
8310663		3400922302		107-TF		MINEAR #2-A	ROME	3.0	
-GASEARCH INC				RECEIVED: 11/23/82		JA: OH			
8310667		3415522209		103	107-TF	NATIONAL NORTHERN INC LORDSTOWN #2	LORDSTOWN	20.0	YANKEE RESOURCES
8310668		3415522210		103	107-TF	NATIONAL NORTHERN INC LORDSTOWN #3	LORDSTOWN	20.0	YANKEE RESOURCES
-GREEN GAS COMPANY				RECEIVED: 11/23/82		JA: OH			
8310669		3409321176		107-TF		SIMS-BARTTER #1	COLUMBIA	40.0	COLUMBIA GAS TRAN
-HARLEY DRILLING & PRODUCING				RECEIVED: 11/23/82		JA: OH			
8310670		3416921997		108		BEERY - H-1		6.0	COLUMBIA GAS TRAN
8310671		3416922012		108		COTTON H-1		3.0	COLUMBIA GAS TRAN
-HOPCO RESOURCES INC				RECEIVED: 11/23/82		JA: OH			
8310672		3403124908	D	103	107-TF	BALO #3	KEENE	12.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT			CO	RECEIVED: 11/23/82		JA: OH			
8310675		3411122786		107-DV		H G & T L SCOTT #2	SUMMIT	7.0	RIVER GAS CO
8310673		3411122265		107-DV		L & L LUMBATIS & W DEWIH #1	SUMMIT	7.0	COLUMBIA GAS TRAN
8310676		3411926218		103	107-TF	P H & E E HORN #2	NEWTON	10.0	KRACO GAS
8310677		3412725682		103	107-TF	RICHARD DAVIS #1	HARRISON	0.0	KRACO GAS
8310674		3411122732		107-DV		STELLA STIMPERT #2	SUMMIT	5.0	RIVER GAS CO
-J D DRILLING CO				RECEIVED: 11/23/82		JA: OH			
8310684		3410522447		107-TF		CHARLES & GERTRUDE NEECE #1	SALISBURY	8.0	COLUMBIA GAS TRAN
8310680		3410522341		107-TF		CHARLES ESKEW #5	POMEROY	8.0	COLUMBIA GAS TRAN
8310688		3410522456		107-TF		CLARENCE & OPAL HOOKS #1	BEDFORD	5.0	COLUMBIA GAS TRAN
8310687		3410522455		107-TF		DONALD & JANE FRYMYER #1	BEDFORD	5.0	COLUMBIA GAS TRAN
8310686		3410522453		107-TF		EDWARD ARCHER ETAL #1	SALISBURY	7.0	COLUMBIA GAS TRAN
8310685		3410522452		107-TF		EDWARD ARCHER ETAL #2	SALISBURY	7.0	COLUMBIA GAS TRAN
8310678		3410522113		107-TF		LARRY & GLORIA JOHNSON #1	POMEROY	6.0	COLUMBIA GAS TRAN
8310679		3410522114		107-TF		LARRY & GLORIA JOHNSON #2	POMEROY	8.0	COLUMBIA GAS TRAN
8310690		3410522524		107-TF		LARRY &GLORIA JOHNSON #3	SALISBURY	6.0	COLUMBIA GAS TRAN
8310689		3410522510		107-TF		LARRY THOMAS #3	SALISBURY	7.0	COLUMBIA GAS TRAN
8310681		3410522438		107-TF		VIRGIL PARSONS #1	SALISBURY	7.0	COLUMBIA GAS TRAN
8310682		3410522439		107-TF		VIRGIL PARSONS #2	SALISBURY	6.0	COLUMBIA GAS TRAN
8310683		3410522440		107-TF		VIRGIL PARSONS #3	SALISBURY	7.0	COLUMBIA GAS TRAN
-JAMES R BERNHARDT				RECEIVED: 11/23/82		JA: OH			
8310605		3410323066		103	107-TF	BOLINGER #1	GRANGER	13.0	COLUMBIA GAS TRAN
8310606		3410323122		103	107-TF	GRACE CHURCH WELL #1	HINCKLEY	11.0	COLUMBIA GAS TRAN
-JERRY MOORE INC				RECEIVED: 11/23/82		JA: OH			
8310737		3403124760		107-TF		S RUSSELL STOCKUM #1	KEENE	2.0	COLUMBIA GAS TRAN
-JOHN C MASON				RECEIVED: 11/23/82		JA: OH			
8310734		3407523871		107-TF		CARL YODER #1	BERLIN	20.0	COLUMBIA GAS TRAN
-KEN-TRAK III				RECEIVED: 11/23/82		JA: OH			
8310692		3410522248		107-TF		SHOEMAKER #2 SOUTH	RUTLAND	0.0	ASHLAND OIL CO
-KEN-TRAK IX				RECEIVED: 11/23/82		JA: OH			
8310693		3410522398		107-TF		GILLETTE WHITE #2	BEDFORD	0.0	
8310694		3410522535		107-TF		JOHN LIGHTFOOT #1	SALISBURY	0.0	
-KENOIL				RECEIVED: 11/23/82		JA: OH			
8310691		3416923328		107-TF		ROBERTA MAIDEN #1	CANAAN	8.0	COLUMBIA GAS TRAN
-KING DRILLING CO				RECEIVED: 11/23/82		JA: OH			
8310702		3410323145		107-TF		RONALD MACK #1	SEVILLE	10.0	COLUMBIA GAS TRAN
-KRAMER EXPLORATION CO				RECEIVED: 11/23/82		JA: OH			
8310703		3405320693		107-TF		KANAUGA SPORTSMAN #1	ADDISON	12.0	COLUMBIA GAS TRAN
-L A MOORE & SON INC				RECEIVED: 11/23/82		JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8310739		3411926386		103	107-TF	JENKINS-KIRKBRIDE #1	NEWTON	8.0	NATIONAL GAS & OI
8310740		3411926468		103	107-TF	LENT TRUSTEES HORKNESS JOINT #1	NEWTON	12.0	NATIONAL GAS & OI
8310738		3411926258		103	107-TF	M J FRIEL #1	NEWTON	6.0	NATIONAL GAS & OI
-LAKE REGION OIL INC				RECEIVED: 11/23/82		JA: OH			
8310705		3407523898		103	107-TF	CHRIST V MILLER #1	CLARK	10.0	COLUMBIA GAS TRAN
8310704		3407523895		103	107-TF	LIZZIE TROYER #1	CLARK	10.0	COLUMBIA GAS TRAN
-LANDPROVEST INC				RECEIVED: 11/23/82		JA: OH			
8310706		3405923345		107-TF		HAUN #1	CAMBRIDGE	25.0	
-LEADER EQUITIES INC				RECEIVED: 11/23/82		JA: OH			
8310707		3411926156		103	107-TF	CULLINS #3	CASS	12.0	
-LEVENGOOD OIL & GAS INC				RECEIVED: 11/23/82		JA: OH			
8310709		3403123587		103	107-TF	ANDY MAST #1	CLARK	10.0	COLUMBIA GAS TRAN
8310712		3407522229		103	107-TF	DONALD BERTLER #1	CLARK	10.0	COLUMBIA GAS TRAN
8310708		3403123406		103	107-TF	FRED WEEKLEY #1	CLARK	10.0	COLUMBIA GAS TRAN
8310711		3407522227		103	107-TF	FREDRICK C SMITH #1	CLARK	10.0	COLUMBIA GAS TRAN
8310713		3407522275		103	107-TF	HARRY SCHLEGEL #1	CLARK	10.0	COLUMBIA GAS TRAN
8310710		3403123856		103	107-TF	HOCHSTETLER #1	CLARK	10.0	COLUMBIA GAS TRAN
8310715		3407522536		103	107-TF	RABER #1	CLARK	10.0	COLUMBIA GAS TRAN
8310714		3407522535		103	107-TF	WALTER GRAY #1	CLARK	10.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED: 11/23/82		JA: OH			
8310719		3411926225		107-TF		A PARKER #1 A	BLUE ROCK	24.0	ROVI RESOURCE COR
8310718		3411926201		107-TF		C MOORE#2-A	BLUE ROCK	24.0	ROVI RESOURCE COR
8310717		3411522870		107-TF		D W & E A MOORE #1 MD	BLOOM	24.0	ROVI RESOURCE COR
8310724		3411926302		107-TF		RODGERS & ROSEN #11 L	BLUE ROCK	18.0	ROVI RESOURCE COR
8310725		3411926303		107-TF		RODGERS & ROSEN #12 L	BLUE ROCK	24.0	ROVI RESOURCES CO
8310720		3411926273		107-TF		RODGERS & ROSEN #14 L	BLUE ROCK	12.0	ROVI RESOURCES CO
8310721		3411926293		107-TF		RODGERS & ROSEN #2 L	BLUE ROCK	24.0	ROVI RESOURCES CO
8310722		3411926294		107-TF		RODGERS & ROSEN #3 L	BLUE ROCK	18.0	ROVI RESOURCE COR
8310723		3411926295		107-TF		RODGERS & ROSEN #4 L	BLUE ROCK	24.0	ROVI RESOURCES CO
-M B OPERATING CO INC				RECEIVED: 11/23/82		JA: OH			
8310727		3415723114		108		R & M BENNS U #1		7.0	REPUBLIC STEEL CO
8310726		3415722698		108		TRAILS DEVELOPMENT CO #1		12.5	REPUBLIC STEEL CO
-MARK RESOURCES CORP				RECEIVED: 11/23/82		JA: OH			
8310729		3408720331		107-DV		D JACK #1	ROME	10.0	
8310732		3408720399		107-DV		L B CLARK #1	UNION	15.0	
8310730		3408720335		107-DV		R FULLER #1	ROME	15.0	
8310731		3408720338		107-DV		T R HUMPHREYS #1	UNION	15.0	
-MASH INVESTMENT CO A PARTNERSHIP				RECEIVED: 11/23/82		JA: OH			
8310733		3415522260		103	107-TF	MASH WELL #7	WARREN	39.0	
-MELLENCO INC				RECEIVED: 11/23/82		JA: OH			
8310736		3410323024		103	107-TF	LISZNIANSKY-PAPIK UNIT #1	GRANGER	2.0	
-MORMACK INDUSTRY INC				RECEIVED: 11/23/82		JA: OH			
8310743		3416923322		107-TF		ARTHUR BEERY #1	GREEN	36.0	COLUMBIA GAS TRAN
8310742		3416923289		107-TF		ERVIN MARTIN #1	MILTON	30.0	COLUMBIA GAS TRAN
8310741		3416922865		107-TF		MARTY - HUMMEL UNIT #1	MILTON	18.0	COLUMBIA GAS TRAN
-NATIONAL PRODUCTION CORPORATION				RECEIVED: 11/23/82		JA: OH			
8310746		3411926338		107-TF		KELLY #1	BLUE ROCK	10.0	NATIONAL GAS & OI
8310745		3411926305		107-TF		WILSON #2	FALLS	12.0	NATIONAL GAS & OI
-NOBLE OIL CORP				RECEIVED: 11/23/82		JA: OH			
8310747		3413322739		107-TF		KLEMM #1	PALMYRE	20.0	GENERAL ELECTRIC
8310748		3413322835		107-TF		SKIDMORE #1	PALMYRA	20.0	GENERAL ELECTRIC
-OPEX INC				RECEIVED: 11/23/82		JA: OH			
8310766		3400922505		103	107-TF	POSTON #1-0	STEWART	0.5	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8310749		3412725558		103	107-TF	RAY #1	MADISON	0.5	
-ORWIG OIL COMPANY				RECEIVED:	11/23/82	JA: OH			
8310753		3410521741		107-RT		BONNIE ARNOLD #1	SCIPIO	1400.0	COLUMBIA GAS TRAN
8310751		3405322650		108		ROY HANDLEY #1		2.5	COLUMBIA GAS TRAN
8310750		3405322580		108		ROY HANDLEY #2		2.5	COLUMBIA GAS TRAN
8310752		3405323630		108		ROY HANDLEY #3		2.5	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED:	11/23/82	JA: OH			
8310755		3411522552		107-TF		ALBERT HIVNOR #1	DEERFIELD	6.0	NATIONAL OIL & GA
8310757		3416923346		107-TF		BETTY BOREMAN #1	CONGRESS	12.0	
8310756		3411922519		107-TF		CLARENCE STONE #1	BLUE ROCK	3.0	NATIONAL OIL & GA
8310754		3411521985		107-TF		TEMPLE - HARTLEY #1	YORK	1.0	NATIONAL OIL & GA
-PHOENIX NATIONAL PETROLEUM				RECEIVED:	11/23/82	JA: OH			
8310761		3415722921		108		BURDETTE #1		5.0	BARMET INDUSTRIES
8310760		3415721907		108		MCCAULEY #2		9.0	BARMET INDUSTRIES
8310762		3415722922		108		TUSCO LAND CO #1		10.0	BARMET INDUSTRIES
-POI ENERGY INC				RECEIVED:	11/23/82	JA: OH			
8310759		3413322882		103	107-TF	GREEN #T-1	FRANKLIN	36.0	
8310758		3400722045		103	107-TF	MEEK UNIT #T-1	NEW LYME	27.0	
-PONDEROSA OIL COMPANY				RECEIVED:	11/23/82	JA: OH			
8310763		3407523892		107-TF		JOHN R WEAVER #1	PRAIRIE	11.0	COLUMBIA GAS TRAN
8310764		3416922774		103	107-TF	SAM NUSSBAUM UNIT WELL #1	SUGAR CREEK	13.0	COLUMBIA GAS TRAN
-POWER RESOURCES INC				RECEIVED:	11/23/82	JA: OH			
8310765		3415723746		107-TF		CONOTTON LAND #8	WARREN	0.0	M B OPERATING CO
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED:	11/23/82	JA: OH			
8310626		3405320377		107-RT		BERNARD NEIHM #1		6.0	COLUMBIA GAS TRAN
8310634		3405320434		107-TF		CLARK W HAGER #8	ADDISON	1.5	COLUMBIA GAS TRAN
8310633		3405320433		107-TF		CLARK W HAGER #9	ADDISON	1.5	COLUMBIA GAS TRAN
8310632		3405320425		107-RT		CLYDE BURNETTE #1	ADDISON	4.0	COLUMBIA GAS TRAN
8310629		3405320419		107-RT		F CAMERON SANDS #1	ADDISON	4.0	COLUMBIA GAS TRAN
8310631		3405320422		107-RT		HARRY WOOD #1	ADDISON	4.0	COLUMBIA GAS TRAN
8310628		3405320408		107-TF		JIMMY GRIFFITH #1	POMEROY	1.5	COLUMBIA GAS TRAN
8310639		3410521985		107-TF		R GENE BRASEL - CARSON #5	RUTLAND	1.5	COLUMBIA GAS TRAN
8310627		3405320378		107-RT		ROBERT BETZ #1	GALLIPOLIS	1.5	COLUMBIA GAS TRAN
8310630		3405320421		107-RT		SHERMAN BUCHMAN #1	GALLIPOLIS	5.0	COLUMBIA GAS TRAN
8310637		3405320732		107-TF		STELLA BURNETT #3	ADDISON	1.0	COLUMBIA GAS TRAN
8310638		3405320733		107-TF		STELLA BURNETTE #4	ADDISON	1.5	COLUMBIA GAS TRAN
8310635		3405320441		107-RT		VERA THOMAS #1	CHESHIRE	5.0	COLUMBIA GAS TRAN
8310636		3405320448		107-RT		WALTER LANE JR #1	ADDISON	4.0	COLUMBIA GAS TRAN
-REPUBLIC MINERAL CORP				RECEIVED:	11/23/82	JA: OH			
8310772		3416725586	D	107-DV		CLARA HENNIGER #4	SIMMONS	1.2	COLUMBIA GAS OF O
8310771		3416725531		107-DV		FRANCIS HUCK #1	SIMMONS	3.2	COLUMBIA GAS OF O
8310769		3416725322		107-DV		HARVEY HANDSCHUMACHER #2	SIMMONS	396.0	COLUMBIA GAS OF O
8310770		3416725323		107-DV		HARVEY HANDSCHUMACHER #3	SIMMONS	390.0	COLUMBIA GAS OF O
8310767		3416724753		107-DV		JAMES WATSON #1	SIMMONS	5.6	COLUMBIA GAS OF O
8310773		3416725640		107-DV		JAMES WATSON #3	SIMMONS	5.6	COLUMBIA GAS OF O
8310775		3416726478		107-DV		JOHN PERRY SR #4	SIMMONS	884.0	COLUMBIA GAS OF O
8310774		3416725665		107-DV		JUSTINE DUCKWORTH #2	SIMMONS	12.2	COLUMBIA GAS OF O
8310768		3416724840		107-DV		WILFORD HUCK #1	SIMMONS	4.5	COLUMBIA GAS OF O
-REPUBLIC STEEL CORP				RECEIVED:	11/23/82	JA: OH			
8310776		3409921075		103	107-RT	FLICK #1	SALEM	18.0	
-RESERVE EXPLORATION CO				RECEIVED:	11/23/82	JA: OH			
8310777		3409922396		107-DV		BROCK #1	CARTHAGE	13.1	COLUMBIA GAS TRAN
8310778		3412122389		107-DV		JEANNETTE (B M STACK) #1	JEFFERSON	10.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-RICHARD W ULLMAN				RECEIVED: 11/23/82 JA: OH					
8310808		3411522924		107-TF		DOVENBARGER #1	EAGLEPORT	20.0	COLUMBIA GAS TRAN
-RIMCO OPERATING INC				RECEIVED: 11/23/82 JA: OH					
8310780		3416923183		103	107-TF	BOREMAN UNIT #1	CHESTER	12.0	COLUMBIA GAS TRAN
8310779		3416923057		103	107-TF	WYCKOFF #1		12.0	COLUMBIA GAS TRAN
-ROYAL PETROLEUM LTD 82-B				RECEIVED: 11/23/82 JA: OH					
8310785		3410522496		103	107-TF	J ROBERTS #1	SALISBURY	5.0	COLUMBIA GAS TRAN
8310784		3410522495		103	107-TF	J ROBERTS #2	SALISBURY	5.0	COLUMBIA GAS TRAN
-ROYAL PETROLEUM 81-I				RECEIVED: 11/23/82 JA: OH					
8310781		3410522120		107-TF		FRECKER #1	BEDFORD	1.0	COLUMBIA GAS TRAN
8310782		3410521210		107-TF		FRECKER #3	MEIGS	1.0	COLUMBIA GAS TRAN
8310783		3410522133		107-TF		FRECKER #4	BEDFORD	1.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED: 11/23/82 JA: OH					
8310786		3416727221		107-DV		LONGFELLOW #2	GRANDVIEW	21.9	
-STRATA CORP				RECEIVED: 11/23/82 JA: OH					
8310787		3400922504		107-TF		BARNES #2	STEWART	5.0	
8310788		3400922540		107-TF		ETHEL CARPENTER #1	BERN	4.0	
8310793		3412725509		107-TF		HOLCOMB 2-A	BEARFIELD	30.0	TEXAS EASTERN TRA
8310790		3400922542		107-TF		MAUDE BRAWLEY #1	ROME	5.0	
8310791		3400922545		107-TF		NELSON #2	CANAAN	2.0	
8310792		3400922655		107-TF		NORRIS #1	ROME	4.0	
8310789		3400922541		107-TF		POSTON #1-A	ROME	10.0	
-SUN EXPLORATION & PRODUCTION CO				RECEIVED: 11/23/82 JA: OH					
8310794		3416726940		107-TF		PICKERING #1	FAIRFIELD	188.0	
-TEMPLE OIL & GAS CO				RECEIVED: 11/23/82 JA: OH					
8310799		3411522627		107-TF		JAMES JOSEPH #1	YORK	6.0	NATIONAL OIL & GA
8310797		3411522089		107-TF		MELVIN MILLER #1	YORK	4.0	NATIONAL OIL & GA
8310795		3411522062		107-TF		TEMPLE ROY J MILLER #1	YORK	4.0	NATIONAL GAS & OI
8310798		3411522208		107-TF		TEMPLE ROY J MILLER #2	YORK	4.0	NATIONAL GAS & OI
8310796		3411522088		107-TF		WILLIAM GOODE #3	YORK	5.0	NATIONAL OIL & GA
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 11/23/82 JA: OH					
8310744		3411122503		107-DV		JOE ULRICH #1M	SENECA	3.6	COLUMBIA GAS TRAN
-TIGER OIL INC				RECEIVED: 11/23/82 JA: OH					
8310800		3405923375		107-TF		R BOYER UNIT #2	VALLEY	0.0	COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO				RECEIVED: 11/23/82 JA: OH					
8310804		3405923335		103	107-TF	DOMBROSKI R/RYMER R #1	LONDONDERRY	27.0	TENNESSEE GAS PIP
8310805		3406720521		103	107-TF	MYERS R #1	FREEPORT	27.0	TENNESSEE GAS PIP
8310803		3405923307		103	107-TF	REVEN J #1	LONDONDERRY	27.0	TENNESSEE GAS PIP
-VICTOR MCKENZIE				RECEIVED: 11/23/82 JA: OH					
8310735		3412725668		103	107-TF	FRANK PRITCHARD #1	HARRISON	10.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORP				RECEIVED: 11/23/82 JA: OH					
8310809		3408520332		103	107-TF	HICKS #1	PERRY	30.0	
8310810		3408520347		103	107-TF	OROSZ/CONCO UNIT #1	PERRY	30.0	
8310813		3409921253		107-TF		RABUZZI UNIT #1	SMITH	30.0	AMERICAN STEEL FO
8310814		3409921254		107-TF		RABUZZI UNIT #2	SMITH	30.0	AMERICAN STEEL FO
8310811		3409921251		107-TF		REPKO UNIT #1	SMITH	30.0	AMERICAN STEEL FO
8310812		3409921252		107-TF		REPKO UNIT #2	SMITH	30.0	AMERICAN STEEL FO
-WHITNAM OIL & GAS CORP				RECEIVED: 11/23/82 JA: OH					
8310816		3416726872		107-TF		HERMAN WELCH #1	DECATUR	15.0	COLUMBIA GAS TRAN
8310815		3416726871		107-TF		JOHN LEMON #1	DECATUR	15.0	COLUMBIA GAS TRAN
8310817		3416726890		107-TF		NEWELL LAW #2	DECATUR	15.0	COLUMBIA GAS TRAN
-WILLIAM N TIPKA				RECEIVED: 11/23/82 JA: OH					
8310802		3415723634		103	107-TF	BENJAMIN COOKSON #2	GOSHEN	0.0	YANKEE RESOURCES

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8310801A		3415723615		103		ROBINSON #1	OXFORD	30.0	COLUMBIA GAS TRAN
8310801B		3415723615		107-TF		ROBINSON #1	OXFORD	30.0	COLUMBIA GAS TRAN

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

CORRECTIONS TO PREVIOUS NOTICES / REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
81-05673	OK	Southland Royalty	Stambargh #2-23	326	12-03-80	C:	102-2 Denied by JA
81-06865	OK	Union Oil of Calif.	Yount #1-32	333	12-15-80	C:	102-4 & 103 Approved
81-36775	LA	Quintana Petroleum Corp	Shadyside Co LTD #2	466	07-10-81	C:	107-DP Approved; not 107-TF
81-45953	OK	Farmer Energy Corp	White K No. 1 Well	501	09-08-81	C:	103 Approved
81-48602	OK	Spectra Energy Corp	Miesner No. 1	514	10-01-81	C:	103 Denied, by JA
82-31459	IA	Signal Petroleum	Vue State Lease 2028 #13	658	06-08-82	C:	102-4 & 103 Approved
82-33325	TX	Wes-Tex Drilling Co	Valliant #1	664	06-14-82	C:	Well Name
82-33338	TX	TXO Production Corp	Woodward "55" #1	664	06-14-82	C:	Well Name
82-33383	TX	Boytech Inc	C W Steel #1	664	06-14-82	C:	Well Name
82-35009	VA	Philadelphia Oil Co	Anvil Deel #P-125	672	06-28-82	C:	107-TF Approved; not 107-DV
82-35178	PA	Consolidated Gas Supply Corp	Harry F. Shellenhurger #1-WN 1799	672	06-28-82	C:	Well Name
82-35242	PA	Harold E Brown	Kline #1	672	06-28-82	C:	108 Approved; not 107-TF
82-35248	PA	Harold E Brown	Sara Thomas #1	672	06-28-82	C:	Well Name
82-35693MMS(CO)		Conoco Inc	Conoco Ankerpont 2 #6	673	06-28-82	C:	103 & 107-RT Approved
82-35694MMS(CO)		Chandler & Assoc. Inc	Fork Unit 12-13-1-2	673	06-28-82	C:	103 & 107-TF Approved
82-35827	TX	Natural Gas Anadarko Inc	Meyer 1389	674	06-28-82	C:	102-4 Approved; not 102-1
82-36062	TX	Gulf Oil Corporation	Ivy R Weatherby No 3	674	06-28-82	C:	103 & 107-DP Approved
82-36141	TX	Raja Energy Inc	F Price #5(07477)	674	06-28-82	C:	Applicant Name
82-36142	TX	Raja Energy Inc	F. Price #4(07477)	674	06-28-82	C:	Applicant Name
82-36143	TX	Raja Energy Inc	F. Price #3(07477)	674	06-28-82	C:	Applicant Name
82-36144	TX	Raja Energy Inc	F. Price #2(07477)	674	06-28-82	C:	Applicant Name
82-36736	OH	Enterprise Energy Corp	Lloyd #1	677	07-01-82	C:	107-TF Denied
82-36181	OH	Hopewell Oil & Gas	Charles & Viola Fehrman #1	677	07-01-82	C:	103 Approved; 107-TF Denied
82-36782	OH	Hopewell Oil & Gas	Clyde Butts #1	677	07-01-82	C:	103 Approved; 107-TF Denied
82-36853	OH	Towner Petroleum Co	Schafer #1	677	07-01-82	C:	Well Name
82-36895	WV	Rogert Coal & Gas	Brown #1	678	07-06-82	C:	108-ER Approved
82-36967	OK	Whitmar Exploration Co	Garland Coal #1-25	678	07-06-82	C:	Well Name
82-37101MMS(NM)		Northwest Pipeline Corp	San Juan 29-6 #78	678	07-06-82	C:	Well Name
82-37259	TX	John L Cox	Houston Woody #2	679	07-06-82	C:	Well Name
82-39128	TX	Shar-Alan Oil Co	Herbert Ross #1	686	07-14-82	C:	Well Name
82-39133	TX	Superior Oil Company	Ivy Meunch G.U.#1	686	07-14-82	C:	107-DP Approved; not 107-TF
82-39192	TX	Delta Oil & Gas Co	C. W. Brown #3 RRC#75734	686	07-14-82	C:	Well Name
82-42234	TX	Petro-Lewis Corp	Jordan #2 UT	698	08-14-82	C:	Well Name
82-45378MMS(LA)		Mesa Petroleum Co	Vermilion Blk 348 #A-2D	711	08-26-82	C:	Applicant Name
82-49439MMS(LA)		Sun Oil Co (Delaware)	Jenkins D/001	727	09-17-82	C:	Well
82-51430	PA	National Fuel Gas Supply	Allegh-National Forest#4450	734	09-22-82	C:	Well Name

Kenneth F. Plumb,

Secretary.

[FR Doc. 35202 Filed 12-28-82; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 22, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION									
-AMOCO PRODUCTION CO			RECEIVED:	11/23/82		JA: CO			
8310909	82-46	0512310279		103		C A FORD UNIT #2	WATTENBERG	50.0	PANHANDLE EASTERN
8310915	82-188	0512310278		103		CARL A MILLER UNIT "C" #2	WATTENBERG	150.0	PANHANDLE EASTERN
8311000	82-774	0512308329		108		CARL ADLER GAS UNIT "B" #1	WATTENBERG	50.0	PANHANDLE EASTERN
8310900	82-157	0500107721		103		CHAMPLIN 248 AMOCO "A" #3	RADAR	36.5	PANHANDLE EASTERN
8310901	82-91	0500107878		103		CHAMPLIN 248 AMOCO "C" #1	RADAR	56.5	PANHANDLE EASTERN
8310902	82-193	0500107885		103		CHAMPLIN 248 AMOCO "C" #2	RADAR	30.0	PANHANDLE EASTERN
8310903	82-49	0512310181		103		CHAMPLIN 365 AMOCO "A" #2	WATTENBERG	50.0	PANHANDLE EASTERN
8310955	82-199	0512310181		107-TF		CHAMPLIN 365 AMOCO "A" #2	WATTENBERG	50.0	PANHANDLE EASTERN
8310904	82-88	0503906353		103		CHAMPLIN 548 AMOCO "A" #1	UNNAMED	91.0	AMOCO PRODUCTION
8310905	82-90	0503906365		103		CHAMPLIN 569 AMOCO "A" #5	DEADEYE	40.0	SUN OIL CO
8311005	82-788	0500506372		108		CHAMPLIN 569 AMOCO "C" #1	CHINOOK	20.0	SUN GAS CO
8310906	82-195	0503906366		103		CHAMPLIN 569 AMOCO "D" #2	DEADEYE	20.0	AMOCO PRODUCTION
8310907	82-89	0503906372		103		CHAMPLIN 569 AMOCO "E" #2	COMANCHE CREEK	23.7	AMOCO PRODUCTION
8310908	82-286	0503906374		103		CHAMPLIN 569 AMOCO "E" #4	COMMANCHE CREEK	30.0	AMOCO PRODUCTION
8311002	82-775	0500106991		108		CHAMPLIN 67 AMOCO "C" #1	CHIEFTAN	40.0	PANHANDLE EASTERN
8310899	82-192	0500107566		103		CHAMPLIN 67 AMOCO "K" #1	QUAIL	30.0	PANHANDLE EASTERN
8311003	82-780	0500100703		108		CHAMPLIN 75 AMOCO "F" #1	WATTENBERG	45.0	PANHANDLE EASTERN
8311004	82-781	0500107365		108		CHAMPLIN 93 AMOCO "A" #1	QUARRY	52.0	AMOCO PRODUCTION
8310924	82-185	0500107734		103		CLYDE E WILLIAMS JR #3	RADAR	50.0	PANHANDLE EASTERN
8310923	82-92	0512310289		103		DAKOTA WARNER GAS UNIT #1	WATTENBERG	126.0	PANHANDLE EASTERN
8310916	82-159	0512310285		103		DONALD E MILLER UNIT "C" #2	WATTENBERG	75.0	PANHANDLE EASTERN
8310919	82-84	0512310281		103		DONALD K NORGREN UNIT "E" #2	WATTENBERG	182.5	PANHANDLE EASTERN
8310897	82-93	0512310177		103		DORIS ACKERSON GAS UNIT "B" #2	WATTENBERG	200.0	PANHANDLE EASTERN
8310926	82-186	0512310298		103		EARL YOUNG #2	WATTENBERG	95.0	PANHANDLE EASTERN
8310898	82-194	0512310185		103		ELLEANORA M ACKERSON GAS UNIT #2	WATTENBERG	100.0	PANHANDLE EASTERN
8311001	82-786	0512307875		108		FLORENCE BERRY UNIT #1	WATTENBERG	50.0	PANHANDLE EASTERN
8311006	82-784	0512308587		108		HARLAN GLANTZ #1	WATTENBERG	50.0	PANHANDLE EASTERN
8310917	82-95	0512310238		103		HAROLD R MIXON GAS UNIT #2	WATTENBERG	61.0	PANHANDLE EASTERN
8311007	82-785	0512306332		108		HAZEL MCHALE UNIT "B" #1	WATTENBERG	45.0	PANHANDLE EASTERN
8310911	82-81	0512309928		103		HUDSON KERSEY RANCHES UNIT #2	WATTENBERG	100.0	PANHANDLE EASTERN
8311018	82-777	0512307273		108		J J WARDELL "C" #1	WATTENBERG	53.0	PANHANDLE EASTERN
8311008	82-787	0512308867		108		JACK C NOEL UNIT #1	HAMBERT	52.0	PANHANDLE EASTERN
8311011	82-779	0512308379		108		JAKE SMITH GAS UNIT #1	WATTENBERG	50.0	PANHANDLE EASTERN
8310914	82-187	0512310187		103		JAMES H MATHISEN UNIT "B" #2	WATTENBERG	150.0	PANHANDLE EASTERN
8310913	82-83	0512310083		103		LONGMONT FARMS GAS UNIT "B" #1	WATTENBERG	125.0	PANHANDLE EASTERN
8311012	82-773	0512308267		108		MEL SMOOKLER GAS UNIT #1	WATTENBERG	41.0	PANHANDLE EASTERN
8310918	82-158	0506780195		103		MOFFETT GAS UNIT #1	IGNACIO BLANCO - MESA	103.0	WESTERN SLOPE GAS
8310927	82-156	0512310247		103		NORMAN YORK GAS UNIT "B" #2	WATTENBERG	150.0	PANHANDLE EASTERN
8310910	82-191	0500506434		103		PRITCHETTE-GREEN UNIT "C" #1	POLLEN	100.0	AMOCO PRODUCTION
8311010	82-776	0512309100		108		ROY A SCHMIDT UNIT #1	HAMBERT	25.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8311013	82-762	0512307836		108		STATE OF COLORADO "AD" #1	WATTENBERG	47.0	PANHANDLE EASTERN
8310956	82-198	0512309898		107-TF		STATE OF COLORADO "AM" #1	WATTENBERG	150.0	PANHANDLE EASTERN
8311014	82-783	0512307212		108		UPRR 22 PAN AM "A" #1	WATTENBERG	29.0	PANHANDLE EASTERN
8311015	82-782	0512307301		108		UPRR 22 PAN AM "D" #1	WATTENBERG	45.0	PANHANDLE EASTERN
8311016	82-763	0500107295		108		UPRR 23 PAN AM "K" #2	WATTENBERG	40.0	PANHANDLE EASTERN
8310957	82-205	0500107492		107-TF		UPRR 23 PAN AM "M" #1	UNNAMED	200.0	PANHANDLE EASTERN
8310958	82-204	0500107499		107-TF		UPRR 23 PAN AM "M" #2	UNNAMED	150.0	PANHANDLE EASTERN
8310920	82-94	0512310201		103		UPRR 42 PAN AM UNIT "J" #2	WATTENBERG	100.0	PANHANDLE EASTERN
8310960	82-201	0512309720		107-TF		UPRR 43 PAN AM "O" #1	WATTENBERG	100.0	PANHANDLE EASTERN
8310959	82-202	0512309742		107-TF		UPRR 43 PAN AM "P" #1	WATTENBERG	75.0	PANHANDLE EASTERN
8310961	82-203	0512309744		107-TF		UPRR 43 PAN AM "R" #1	WATTENBERG	90.0	PANHANDLE EASTERN
8310962	82-200	0512309763		107-TF		UPRR 43 PAN AM "X" #1	WATTENBERG	75.0	PANHANDLE EASTERN
8310921	82-48	0500107790		103		UPRR 60 PAN AM "C" #1	BASELINE	100.0	CRYSTAL OIL CO
8310922	82-190	0500107901		103		UPRR 60 PAN AM "G" #1	KRAUTHEAD	70.0	CRYSTAL OIL CORP
8311017	82-778	0512307261		108		UPRR 62 PAN AM "A" #1	WATTENBERG	52.0	PANHANDLE EASTERN
8311009	82-761	0512307206		108		WARREN POOLING UNIT #1	WATTENBERG	54.0	PANHANDLE EASTERN
8310912	82-96	0512310065		103		WILLIAM D LANSDOWN UNIT "B" #2	WATTENBERG	50.0	PANHANDLE EASTERN
8310925	82-189	0506706302		103		WIRT GAS UNIT "D" #3M (MESAVERDE)	IGNACIO BLANCO	40.0	WESTERN SLOPE GAS
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	11/23/82	JA: CO			
8310880	82-136	0500107943		102-4		ATWATER 13-1 #1	RADAR	15.0	COLORADO INTERSTA
8310881	82-146	0500107942		102-4		ATWATER 14-1 #2	RADAR	38.0	COLORADO INTERSTA
8310928	82-153	0512310325		103		BEEBE DRAW CATTLE CO 32-15 #1	ARISTOCRAT	237.0	PANHANDLE EASTERN
8310929	82-135	0500107825		103		PILAND 22-31 #1	HAWKEYE	146.0	PANHANDLE EASTERN
8310884	82-138	0500506481		102-4		REEVES 31-21 #3	QUILL	23.0	AMOCO PRODUCTION
8310885	82-145	0500506480		102-4		REEVES 32-21 #4	QUILL	25.0	AMOCO PRODUCTION
8310883	82-139	0500506470		102-4		REEVES 41-21 #2	QUILL	65.0	AMOCO PRODUCTION
8310882	82-137	0500506462		102-4		REEVES 42-21 #1	QUILL	120.0	AMOCO PRODUCTION
-COORS ENERGY CO				RECEIVED:	11/23/82	JA: CO			
8310963	82-246	0507708454		107-TF		CARPENTER 1-10	PLATEAU	0.0	INTER NORTH INC
8310930	82-105	0507708396		103		HILL 3X-3	PLATEAU	295.3	INTER NORTH INC
8310931	82-172	0507708445		103		NICHOLS 1-29	PLATEAU	428.1	INTERNORTH INC
8310932	82-170	0507708316		103		NICHOLS 3-7	PLATEAU	305.5	INTERNORTH INC
8310964	82-51	0504506288		107-TF		SPEARS 1-28 DF	DRY FORK FEDERAL UNIT	166.0	INTER NORTH INC
8310965	82-52	0504506310		107-TF		SPEARS 2-36 DF	DRY FORK FEDERAL UNIT	492.0	INTER NORTH INC
8310933	82-171	0507708339		103		WOOD 3-32	PLATEAU	438.0	INTERNORTH INC
-DAVIS OIL COMPANY				RECEIVED:	11/23/82	JA: CO			
8310934	82-131	0503306037		103		SQUAW CANYON #1	WILDCAT	80.0	MOUNTAIN FUEL SUP
8310887	82-183	0506706491		102-2		WEST ALKALI GULCH #1	WILDCAT	230.4	
-DOME PETROLEUM CORP				RECEIVED:	11/23/82	JA: CO			
8310966	81-986	0504506263		107-TF		BALDY CREEK #2-20	WILDCAT	207.3	NORTHWEST PIPELIN
8311019	82-328	0506706453		108		UNITED 34-1	IGNACIO PC	12.1	NORTHWEST PIPELIN
-ENERGY MINERALS CORPORATION				RECEIVED:	11/23/82	JA: CO			
8310967	82-151	0512506673		107-TF		BAUCKE #1	WAVERLY	14.0	CITIES SERVICE GA
8310888	82-99	0512310459		102-2		BEAGHLER #1	WAITE LAKE	71.0	PANTERA ENERGY CO
8310889	82-175	0508707653		102-2		DON #1	WILDCAT CREEK	405.0	PANTERA ENERGY CO
8310890	82-98	0508707621		102-2		GRONSTEN #1	WILDCAT CREEK	64.0	PANTERA ENERGY CO
8311020	82-674	0512309748		108		HARLAN #1	WAITE LAKE	20.0	PANTERA ENERGY CO
8310935	82-152	0512310475		103		LEONA #1	WATTENBERG	60.0	COLORADO INTERSTA
8310936	82-174	0512310476		103		RHOADES #1	WATTENBERG	69.0	COLORADO INTERSTA
8310968	82-150	0512506672		107-TF		SPORT #1	ECKLEY	14.0	CITIES SERVICE GA
8310969	82-149	0512506670		107-TF		STONE #1	BUCKBOARD	14.0	CITIES SERVICE GA
-ENERGY OIL INC				RECEIVED:	11/23/82	JA: CO			
8310938	82-76	0512310017		103		CARR #1	WILDCAT	36.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8310937	82-140	0512310401		103		GRANT ARENS #1	WILDCAT	0.0	PANHANDLE EASTERN
-EXCEL ENERGY CORP				RECEIVED:	11/23/82	JA: CO			
8310970	82-273	0512310159		107-TF		FREAUFF #1	WATTENBERG	0.0	PANHANDLE EASTERN
8310971	82-147	0512310426		107-TF		GRAY #1	WATTENBERG	0.0	PANHANDLE EASTERN
8310972	82-167	0512310404		107-TF		IVAN DALE #2	WATTENBERG	0.0	PANHANDLE EASTERN
-H L WILLETT				RECEIVED:	11/23/82	JA: CO			
8310951	82-144	0512310362		103		OTTESEN #1	WATTENBERG	100.0	PANHANDLE EASTERN
8310998	82-143	0512310362		107-TF		OTTESEN #1	WATTENBERG	100.0	PANHANDLE EASTERN
8310952	82-177	0512310386		103		PERRY #1	WATTENBERG	73.0	PANHANDLE EASTERN
8310999	82-178	0512310386		107-TF		PERRY #1	WATTENBERG	73.0	PANHANDLE EASTERN
-J M HUBER CORPORATION				RECEIVED:	11/23/82	JA: CO			
8310886	82-54	0503306050		102-4		GRIFFITH #3-43-1	SQUAW CREEK	125.0	MOUNTAIN FUEL RES
8310891	82-55	0503306050		102-4		GRIFFITH #3-43-1	SQUAW CREEK	125.0	MOUNTAIN FUEL RES
-J-W OPERATING COMPANY				RECEIVED:	11/23/82	JA: CO			
8310973	82-130	0512506324		107-TF		A CROSSLAND #1	ROCK CREEK	32.0	CITIES SERVICE GA
8310974	82-129	0512506306		107-TF		H ECKBERG #1	BEECHER ISLAND	117.0	CITIES SERVICE GA
8310975	82-128	0512506293		107-TF		HARRY L JOHNSON #3	WILDCAT	44.5	KANSAS-NEBRASKA N
8310976	82-127	0512506309		107-TF		O LUEKING #4	ROCK CREEK	27.0	CITIES SERVICE GA
8310977	82-126	0512506313		107-TF		O LUEKING #5	ROCK CREEK	18.0	CITIES SERVICE GA
8310978	82-125	0512506310		107-TF		O LUEKING #6	ROCK CREEK	28.0	CITIES SERVICE GA
8310979	82-124	0512506311		107-TF		STATE OF COLORADO #11	ROCK CREEK	36.0	CITIES SERVICE GA
8310980	82-123	0512506322		107-TF		STATE OF COLORADO #12	ROCK CREEK	18.0	CITIES SERVICE GA
8310981	82-122	0512506323		107-TF		STATE OF COLORADO #13	ROCK CREEK	24.0	CITIES SERVICE GA
8310982	82-121	0512506321		107-TF		U S A #3	WILDCAT	80.0	KANSAS-NEBRASKA N
-KOCH INDUSTRIES INC				RECEIVED:	11/23/82	JA: CO			
8311021	82-716	0500106703		108		WENZEL #1	WATTENBERG	17.9	COLORADO INTERSTA
-MACEY & MERSHON OIL INC				RECEIVED:	11/23/82	JA: CO			
8310986	82-97	0500107940		107-TF		LEECH #1	WATTENBERG "J"	73.0	PANHANDLE EASTERN
8310987	82-266	0512300000		107-TF		PIETRZAK #1	WATTENBERG	42.0	PANHANDLE EASTERN
8310988	82-231	0512310432		107-TF		RUHL #1	WATTENBERG	75.0	PANHANDLE EASTERN
-MARSHALL R YOUNG OIL CO				RECEIVED:	11/23/82	JA: CO			
8310894	82-247	0500108001		102-2		COX #20-3	ARROYO	0.0	COLORADO INTERSTA
8310895	82-132	0500100000		102-2		LINNEBUR #8-4	UNNAMED	0.0	COLORADO INTERSTA
8310896	82-133	0500107954		102-2		LINNEBUR #8-5	UNNAMED	0.0	COLORADO INTERSTA
-MARTIN EXPLORATION MGMT CORP				RECEIVED:	11/23/82	JA: CO			
8310989	82-134	0501306076		107-TF		ERTL #3-17	BOULDER VALLEY	10.0	PANHANDLE EASTERN
-MGF OIL CORP				RECEIVED:	11/23/82	JA: CO			
8310983	81-522	0512310172		107-TF		DIPAOLO 14-30	WATTENBERG	486.0	PANHANDLE EASTERN
8311028	82-702	0512307401		108		HALLER #41-21	WATTENBERG	0.0	PANHANDLE EASTERN
8310939	82-65	0512310400		103		HERGERT 31-15	WATTENBERG	720.0	PANHANDLE EASTERN
8310984	82-66	0512310400		107-TF		HERGERT 31-15	WATTENBERG "J" SAND	720.0	PANHANDLE EASTERN
8311029	82-701	0512307665		108		JOHNSTON #14-24	WATTENBERG	18.0	PANHANDLE EASTERN
8310940	82-75	0512310171		103		MOSER 22-28	WATTENBERG	631.0	PANHANDLE EASTERN
8310941	82-67	0512310398		103		MOSER 41-28	WATTENBERG	216.0	PANHANDLE EASTERN
8310985	82-68	0512310398		107-TF		MOSER 41-28	WATTENBERG	216.0	PANHANDLE EASTERN
8310942	82-69	0512310244		103		RUSCH 34-15X	WATTENBERG	830.0	PANHANDLE EASTERN
-MIDLANDS GAS CORPORATION				RECEIVED:	11/23/82	JA: CO			
8311022	81-920	0512506432		108		ANDERSON 1-5	WHISPER	20.0	KANSAS-NEBRASKA N
8311023	81-921	0512506421		108		NEWBANKS 2-23	BUCKBOARD	9.0	KANSAS-NEBRASKA N
-NATOMAS NORTH AMERICA INC				RECEIVED:	11/23/82	JA: CO			
8310990	82-169	0506706543		107-TF		CASE #1-10	IGNACIO- BLANCO	417.0	NORTHWEST PIPE LI
8310991	82-74	0506706545		107-TF		HURT #1-4	IGNACIO-BLANCO	1136.0	NORTHWEST PIPE LI
-NIELSON ENTERPRISES INC				RECEIVED:	11/23/82	JA: CO			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8311024	82-507	0512307915		108		BRACHTENBACH #1	WATTENBERG	20.0	PANHANDLE EASTERN
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	11/23/82	JA: CO			
8311025	82-707	0504506210		108		CLOUGH 105	RULISON WASATCH	11.2	NORTHWEST PIPELIN
-NUCORP ENERGY INC				RECEIVED:	11/23/82	JA: CO			
8310953	82-107	0504506332		103		SHEFFIELD 1-17	WILDCAT	529.0	NORTHWEST PIPELIN
8310992	82-106	0504506332		107-TF		SHEFFIELD 1-17	WILDCAT	529.0	NORTHWEST PIPELIN
8310954	82-109	0504506324		103		TURNER 1-27	WILDCAT	0.0	NORTHWEST PIPELIN
8310993	82-108	0504506324		107-TF		TURNER 1-27	WILDCAT	587.0	NORTHWEST PIPELIN
-PETRO AMERICAN ENERGY RESOURCES INC				RECEIVED:	11/23/82	JA: CO			
8310994	81-836	0512310319		107-TF		GLEN YOUNG #1	WATTENBERG	100.0	PANHANDLE EASTERN
-PIEDMONT EXPLORATION INC				RECEIVED:	11/23/82	JA: CO			
8310943	82-57	0512310288		103		COPELAND #1	GRAIL	27.0	CITIES SERVICE GA
8310944	82-58	0512310018		103		DOLL ESTATE #1	GRAIL	21.0	CITIES SERVICE GA
8310945	82-59	0512310287		103		DOLL ESTATE #2	GRAIL	21.0	CITIES SERVICE GA
8310946	82-60	0512310306		103		DOLL ESTATE #3	GRAIL	11.0	CITIES SERVICE GA
8310947	82-61	0512310347		103		KUGLER #1	GRAIL	5.5	CITIES SERVICE GA
8310948	82-62	0512310434		103		KUGLER #1-A	GRAIL	5.5	CITIES SERVICE GA
-S K TUTHILL & B J BARBEE				RECEIVED:	11/23/82	JA: CO			
8310892	81-438	0509906139		102-2		HOFFMAN #1-5	WILDCAT	75.0	
-VESSELS OIL & GAS COMPANY				RECEIVED:	11/23/82	JA: CO			
8310995	82-315	0512310520		107-TF		BDCC "A" UNIT #1	WATTENBERG	474.0	PANHANDLE EASTERN
8310996	82-63	0512310438		107-TF		BEEBE DRAW CATTLE CO "B" UNIT #2	WATTENBERG	396.8	PANHANDLE EASTERN
8311026	82-706	0512309532		108		L F RANCHES #1-A	WATTENBERG	8.0	PANHANDLE EASTERN
8311027	82-703	0512308068		108		LUTZ #1	SPACE CITY	9.6	PANHANDLE EASTERN
8310949	82-252	0512300000		103		NELSON 1-A	SPINDLE	46.0	VESSELS GAS PROCE
8310997	82-307	0512306058		107-TF		OGREN #1	WEST WATTENBERG EXTEN	365.0	PANHANDLE EASTERN
8310950	82-234	0512310573		103		WAGNER #1-B	SPINDLE	27.0	VESSELS GAS PROCE
8310893	82-233	0500107994		102-2		WAILES #1	UNNAMED	113.0	PANHANDLE EASTERN
8311030	82-572	0512307149		108		WHITESIDE #1	WATTENBERG	0.0	PANHANDLE EASTERN

OKLAHOMA CORPORATION COMMISSION

-AMOCO PRODUCTION CO				RECEIVED:	11/19/82	JA: OK			
8310862	16512	3509321986		103		M V BARNES GAS UNIT #1	EAST CAMPBELL (MERAMA	100.0	MICHIGAN WISCONSI
-AN-SON CORPORATION				RECEIVED:	11/22/82	JA: OK			
8310841	18098	3511121703		102-4		NOWKA #1-23	S CHICKASHA	1058.5	DELHI GAS PIPELIN
-ANDOVER OIL COMPANY				RECEIVED:	11/22/82	JA: OK			
8310835	17634	3507323161		103		SIMUNEK #33-1		180.0	PHILLIPS PETROLEU
-BANDERA ENERGY CO				RECEIVED:	11/22/82	JA: OK			
8310831	17783	3509322320		103		HAND 1-1		14.4	PANHANDLE EASTERN
-BERRY PETROLEUM CORP				RECEIVED:	11/22/82	JA: OK			
8310819	17759	3504722469		103		MCCULLEY #2-12	SE FAIRMONT	22.0	GRACE PETROLEUM C
-BROWN & BORELLI INC				RECEIVED:	11/19/82	JA: OK			
8310873	03502	3507322204		103		GRIMES #2	SOONER TREND	43.5	PHILLIPS PETROLEU
8310878	16401	3507323169		103		WHITTINGTON #1	W HENNESSEY	60.0	CITIES SERVICE CO
-CHAMPLIN EXPLORATION INC				RECEIVED:	11/22/82	JA: OK			
8310829	17765	3509322485		103		NOBLE #2-26	NE CHEYENNE VALLEY	90.0	PHILLIPS PETROLEU
-CLARK RESOURCES INC				RECEIVED:	11/22/82	JA: OK			
8310820	17745	3507323501		103		GILBERT 29-1	SOONER TREND	175.0	CITIES SERVICE GA
-COBRA OIL AND GAS CORPORATION				RECEIVED:	11/22/82	JA: OK			
8310840	18477	3505920929		102-4		AITKEN 4 #1		0.0	PANHANDLE EASTERN
-COQUINA OIL CORPORATION				RECEIVED:	11/22/82	JA: OK			
8310834	18574	3512920760		102-2		WICKHAM #2-2	NORTH STRONG CITY	1000.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CRAWLEY PETROLEUM CORPORATION				RECEIVED:	11/19/82	JA: OK			
8310867	17163	3507323392		103		BOECHER #2	EAST KINGFISHER	80.0	PHILLIPS PETROLEU
8310861	17363	3507323354		103		KUSIK #3	EAST HENNESSEY	100.0	OKLAHOMA GAS & EL
8310866	17162	3507323383		103		SIGL #2	EAST KINGFISHER	80.0	PHILLIPS PETROLEM
8310853	17362	3507323353		103		VRSKA #2	EAST HENNESSEY	180.0	OKLAHOMA GAS & EL
-CROUCH PETROLEUM COMPANY				RECEIVED:	11/22/82	JA: OK			
8310825	17671	3509120376		103		ALTON TRUCKNER #1	S E CHECOTAH	60.0	COLUMBIA GAS TRAN
8310826	17670	3509120385		103		MARTIN #3	S E CHECOTAH	55.0	COLUMBIA GAS TRAN
8310823	17673	3509120433		103		MARTIN #6	S E CHECOTAH	24.0	COLUMBIA GAS TRAN
8310824	17672	3509120439		103		MARTIN #9	S E CHECOTAH	70.0	COLUMBIA GAS TRAN
-DOUBLE DIAMOND INC				RECEIVED:	11/19/82	JA: OK			
8310865	16933	3507322874		103		CULLY #2	EAST LOYAL	54.0	PHILLIPS PETROLEU
8310864	16932	3507321923		103		HUBBARD #2	EAST LOYAL	72.0	PHILLIPS PETROLEU
8310863	16931	3507323372		103		KRUSE #2	EAST LOYAL	72.0	PHILLIPS PETROLEU
-EXXON CORPORATION				RECEIVED:	11/22/82	JA: OK			
8310818	17755	3513722860		103		S S SPEARS #4	SHO-VEL-TUM (SYCAMORE	207.0	
-F HOWARD WALSH JR				RECEIVED:	11/22/82	JA: OK		73.0	TENNESSEE GAS PIP
8310832	18584	3501521224		102-2		WUNDERLICH #1	SOUTH WEST JET	0.0	AMINOIL U S A INC
-HARPER OIL COMPANY				RECEIVED:	11/19/82	JA: OK			
8310857	17531	3500320969		103		TUCKER #2	PUTNAM	43.8	PHILLIPS PETROLEU
-JICO EXPLORATION INC				RECEIVED:	11/19/82	JA: OK			
8310879	16511	3504321087		103		JICO-FEGEL #1	NORTH OLIVE	0.0	CITIES SERVICE GA
-M P & R PRODUCTION CO				RECEIVED:	11/19/82	JA: OK	NORTH OLIVE	0.0	CITIES SERVICE GA
8310874	14432	3503723426		102-4		KEYES #1	WEST CARMEN	108.0	MAGIC CIRCLE GAS
8310875	14433	3503722728		102-4		MOORE #1	MENO	75.0	PIONEER GAS PRODU
-MAGIC CIRCLE ENERGY CORP				RECEIVED:	11/22/82	JA: OK		365.0	OKLAHOMA GAS & EL
8310821	17736	3515121239		103		BAKER #1	HASKELL	20.0	PHILLIPS PETROLEU
-MAJOR OIL CORP				RECEIVED:	11/19/82	JA: OK	HASKELL	11.8	PHILLIPS PETROLEU
8310869	17533	3509322433		103		ECK #3-17 LTD	CAMRICK	11.0	KANSAS NEBRASKA N
-MAY PETROLEUM INC				RECEIVED:	11/19/82	JA: OK	YUKON	300.0	PHILLIPS PETROLEU
8310877	16122	3501121652		103		CONLEY #1	WEST REYDON	600.0	ARKANSAS LOUISIAN
-MITCHELL OIL CO				RECEIVED:	11/19/82	JA: OK	SHO-VEL-TUM	0.0	MOBIL OIL CORP
8310871	02989	3510120447		103		TUCKER #2B		0.0	TRANSOK PIPELINE
8310872	02990	3510120399		103		TUCKER 1B	WOODY	25.0	ENICO PIPELINE CO
-NATIONAL OIL CO				RECEIVED:	11/22/82	JA: OK	WOODY	50.0	ENICO PIPELINE CO
8310849	17779	3500721261		103		JOLIFFE #1-32	WOODY	50.0	ENICO PIPELINE CO
-NORTH AMERICAN ROYALTIES INC				RECEIVED:	11/19/82	JA: OK	WOODY	25.0	ENICO PIPELINE CO
8310860	17461	3501722115		103		MACA #3 (017-71786)	WOODY	100.0	ENICO PIPELINE CO
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	11/22/82	JA: OK	WOODY	25.0	ENICO PIPELINE CO
8310828	17767	3512920618		103		THURMAN #1-3	WOODY	25.0	ENICO PIPELINE CO
-OK-TEX OIL & GAS INC				RECEIVED:	11/22/82	JA: OK			
8310822	17720	3513723074		103		HANSON OK-TEX #3			
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	11/22/82	JA: OK			
8310846	17801	3504722947		103		SCHNEIDER B #2			
-PLAINS PRODUCTION INC				RECEIVED:	11/19/82	JA: OK			
8310852	17617	3510525554		103		GLASS ESTATE #9			
8310856	17619	3510525540		103		HENDRICKS #1			
8310855	17620	3510525533		103		HENDRICKS #2			
8310854	17622	3510525517		103		JORDAN #3			
-PLAINS PRODUCTION INC				RECEIVED:	11/22/82	JA: OK			
8310837	17623	3510524903		103		COLPITT #1			
8310836	17624	3510524905		103		COLPITT #2			
8310838	17612	3510524902		103		GLASS ESTATE #4			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8310839	17616	3510524906		103		GLASS ESTATE #8	WOODY	25.0	ENICO PIPELINE CO
-PRIME RESOURCES CORP				RECEIVED:	11/19/82	JA: OK			
8310870	02093	3503700000		103		DAVIS #1	PICKETT PRAIRIE	0.0	
-RED EAGLE OIL CO				RECEIVED:	11/22/82	JA: OK			
8310827	17635	3509322473		103		ELON WICHERT #1	NORTHWEST FAIRVIEW	73.0	PIONEER GAS PRODU
-RED ROCK EXPLORATION INC				RECEIVED:	11/22/82	JA: OK			
8310833	18520	3505121276		102-4		ORR #1-27	NORTHEAST AMBER	365.0	OKLAHOMA GAS & EL
-RICHARD WHEELER JR				RECEIVED:	11/19/82	JA: OK			
8310858	17529	3508321122		103		ANTHIS #1	SOONER TREND	12.0	EASON OIL CO
-SAKET PETROLEUM CO				RECEIVED:	11/22/82	JA: OK			
8310843	17830	3511122843		103		CHRIS LEDBETTER #2		0.0	PHILLIPS PETROLEU
8310844	17829	3511123311		103		EWING #1		0.0	PHILLIPS PETROLEU
-SAMSON RESOURCES COMPANY				RECEIVED:	11/19/82	JA: OK			
8310876	15338	3507920429		102-4	103	REED #3-9-UPPER ATOKA	KINTA	79.6	ARKANSAS LOUISIAN
-SEARCH DRILLING CO				RECEIVED:	11/22/82	JA: OK			
8310848	17780	3507920457		103		MCCLAIN #1-9	KINTA	97.0	ARKANSAS LOUISIAN
-SHAR-ALAN OIL CO				RECEIVED:	11/22/82	JA: OK			
8310851	17769	3507300000		103		MARIE SVOBODA #1	SOONER TREND	0.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:	11/19/82	JA: OK			
8310868	17537	3504321475		103		DOWLING #2-28	OAKWOOD	50.0	OKLAHOMA GAS & EL
-TENNECO OIL COMPANY				RECEIVED:	11/22/82	JA: OK			
8310842	17905	3502900000		108		T E SMITH #1	CENTRAHOMA	5.0	ARKANSAS LOUISIAN
-TRANS GLOBAL ENTERPRISES INC				RECEIVED:	11/22/82	JA: OK			
8310847	17782	3507122470		103		HOLMAN #1	EAST BLACKWELL	1.0	CORONADO TRANSMIS
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:	11/22/82	JA: OK			
8310845	17807	3501722221		103		WILSON 1-21		0.0	MUSTANG FUEL CORP
-WARD PETROLEUM CORP				RECEIVED:	11/22/82	JA: OK			
8310850	17776	3502720565		103		J H SMITH A-#1	N W NORMAN	82.0	SUN GAS CO
8310830	17764	3502720584		103		MATTHESON #3	EAST MOORE	36.5	SUN GAS CO
-WESLEY WEBBER				RECEIVED:	11/19/82	JA: OK			
8310859	17528	3513723036		103		SPEARS "C" #5	SHO-VEL-TUM	500.0	GETTY OIL CO

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 35201 Filed 12-28-82; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 22, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ABCO ENERGY CORP			RECEIVED:	11/26/82		JA: TX			
8311045	F-04-48164	4221531130		102-4	103	CARD - HCWC & I DIST 6 UNIT #1	TABASCO (VICKSBURG 10	40.0	VALERO TRANSMISSI
8311044	F-04-48163	4221531086		102-4	103	FORDYCE #1	TABASCO (VICKSBURG 97	126.0	VALERO TRANSMISSI
-ADA OIL EXPLORATION CORP			RECEIVED:	11/26/82		JA: TX			
8311073	F-03-51063	4205100000		102-2		BLACKJACK PLACE #1	GIDDINGS (AUSTIN CHAL	18.5	PHILLIPS PETROLEU
-ADOBE OIL & GAS CORPORATION			RECEIVED:	11/26/82		JA: TX			
8311260	F-7B-60160	4213334260		102-4		SNEED "D" #2	MANGUM NORTH (3200)	47.0	EL PASO HYDROCARB
-ALPAR RESOURCES INC			RECEIVED:	11/26/82		JA: TX			
8311134	F-10-57488	4221131486		103		CARRUTH #1-43	HEMPHILL (GRANITE WAS	0.0	INTER NORTH INC
-AMERICAN PETROFINA COMPANY OF TEXAS			RECEIVED:	11/26/82		JA: TX			
8311099	F-06-54196	4242300000		103	107	TF J F WARE G U #1 WELL #1	OVERTON (COTTON VALLE	200.0	UNITED GAS PIPELI
-AMERIND OIL CO			RECEIVED:	11/26/82		JA: TX			
8311155	F-08-59062	4200333277		103		COWDEN "F" #5	GOLDSMITH N (SILURIAN	30.0	PIONEER CORP
-B D K PRODUCTION CO INC			RECEIVED:	11/26/82		JA: TX			
8311106	F-04-54590	4224931545		102-4		C E MAY #1	CAPTAIN LUCEY (S-1) F	14.6	NUE WELLS PIPELIN
-B P ENERGY CO			RECEIVED:	11/26/82		JA: TX			
8311087	F-7B-53549	4204932864		102-4		N A GOLSON #2	DELAY (DUFFER)	80.0	HARBIN GAS GATHER
-BARBEE & CO INC			RECEIVED:	11/26/82		JA: TX			
8311112	F0254877	4202500000		102-4		LENA DUGAT #1-A	BARBEE (500)	38.0	DELHI GAS PIPELIN
-BEST PETROLEUM EXPLORATION INC			RECEIVED:	11/26/82		JA: TX			
8311036	F-09-43832	4223733768		103		MARY GRAVES #1	JACKSBORO EAST (CADDO	180.0	LONE STAR GAS CO
8311092	F-7B-53657	4236332867		102-4		PARKER MCCLURE #1	MINERAL WELLS S (CONG	286.0	SOUTHWESTERN GAS
-BILL FORNEY INC			RECEIVED:	11/26/82		JA: TX			
8311162	F-02-59176	4229732965		102-4		KAFFIE GAS UNIT #1	CHARLINE (FORNEY)	1600.0	TRANSCONTINENTAL
-BISHOP PETROLEUM INC			RECEIVED:	11/26/82		JA: TX			
8311242	F-05-60095	4216136798		102-4		HARRIS-RICE UNIVERSITY UNIT #1	DONIE (PETTIT)	365.0	TEXAS UTILITIES F
8311241	F-05-60094	4216130721		102-4		JOHN EPPES #1	DONIE (PETTIT)	500.0	TEXAS UTILITIES F
-BLAIR PROPERTIES			RECEIVED:	11/26/82		JA: TX			
8311048	F-7B-49171	4236300000		103		GRAHAM BETTY #3	PALO PINTO	34.0	SOUTHWESTERN GAS
-BRAZOS RESOURCES INC			RECEIVED:	11/26/82		JA: TX			
8311151	F-7B-58926	4213334145		102-4		JAMESON #1 (RRC ID # N/A)	FAIR (MARBLE FALLS LO	270.0	NORTHERN GAS PROD
-BROCK PETROLEUM CORP			RECEIVED:	11/26/82		JA: TX			
8311172	F-01-59373	4217731325		102-2		G A D C #1	PEACH CREEK (AUSTIN C	50.0	VALERO TRANSMISSI
-BTA OIL PRODUCERS			RECEIVED:	11/26/82		JA: TX			
8311137	F-08-57795	4217331312		103		8102 JV-P CALVERLEY "23" #1	BLALOCK LAKE E (WOLFC	30.0	PHILLIPS PETROLEU
-C & K PETROLEUM INC			RECEIVED:	11/26/82		JA: TX			
8311077	F-04-51996	4224700000		102-3		MESTENA H-3	MESTENA GRANDE (QUEEN	0.0	AMERICAN PIPELINE
-C P ROBINSON			RECEIVED:	11/26/82		JA: TX			
8311046	F-10-48229	4223300000		103		W S CHRISTIAN #5	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
-CABOT PETROLEUM CORP			RECEIVED:	11/26/82		JA: TX			
8311238	F-10-60080	4239303095		103		LOWE #50-A	LEDRICK RANCH S (UPPE	120.0	TRANSWESTERN PIPE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CANYON RESOURCES INC				RECEIVED:	11/26/82	JA: TX			
8311090	F-03-53616	4228930484		103		L PEARLSTONE #1	BUFFALO (WOODBINE GAS	171.0	LONE STAR GAS CO
-CAROLINA GROUP INC				RECEIVED:	11/26/82	JA: TX			
8311157	F-7B-59143	4214300000		108		AGRI-PLACE #1	MORGAN MILL (MARBLE F	19.8	INTER NORTH INC
8311158	F-7B-59144	4214300000		108		CRAIN #2	LUSBY (MARBLE FALLS)	0.0	INTER NORTH INC
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	11/26/82	JA: TX			
8311033	F-06-39046	4236500000		103	107-TF	CARTHAGE GAS UNIT 14 #3	CARTHAGE	0.0	TENNESSEE GAS PIP
8311235	F-04-60052	4235531540		108		CARVER ESTATE "A" #2	AGUA DULCE	18.9	TENNESSEE GAS PIP
8311037	F-04-45760	4235531944		102-4	103	J S ELIFF #22	STRATTON (F-31-12)	139.0	TENNESSEE GAS PIP
8311047	F-04-48664	4235531974		102-4	103	O A GRUENE #4	STRATTON (G-29-2)	0.0	TENNESSEE GAS PIP
-CHAS-MANN PETROLEUM INC				RECEIVED:	11/26/82	JA: TX			
8311225	F-7B-60028	4213334122		102-4		R L RUSH C-M #1 ID #101624	CAMERON TWO	126.7	EL PASO HYDROCARB
-CHEVRON U S A INC				RECEIVED:	11/26/82	JA: TX			
8311257	F-8A-60154	4241532248		103		SACROC UNIT #139-5	KELLY-SNYDER	27.0	EL PASO NATURAL G
8311258	F-8A-60155	4241532275		103		SACROC UNIT #203-5	KELLY - SNYDER	60.0	EL PASO NATURAL G
8311259	F-8A-60156	4241532250		103		SACROC UNIT #56-14	KELLY-SNYDER	35.0	EL PASO NATURAL G
-CONOCO INC				RECEIVED:	11/26/82	JA: TX			
8311219	F-8A-59980	4207931571		103		CONOCO DEAN UNIT #137 ID #60106	SLAUGHTER	4.0	AMOCO PRODUCTION
8311256	F-08-60153	4213533883		103		GIST UNIT #137 ID #19373	FOSTER	10.6	ODESSA NATURAL CO
8311220	F-08-59981	4213533999		103		MRS L E WIGHT -4- #32 ID #09049	COWDEN NORTH (DEEP)	4.0	AMOCO PRODUCTION
-D J OPERATING				RECEIVED:	11/26/82	JA: TX			
8311091	F-10-53617	4223300000		103		BOOGER BEAR #1	PANHANDLE EAST	182.5	DIAMOND SHAMROCK
-DAMSON OIL CORPORATION				RECEIVED:	11/26/82	JA: TX			
8311104	F-06-54433	4240131325		103	107-TF	LINVILLE BENNETT UNIT #1 WELL #3	OAK HILL (COTTON VALL	300.0	DELHI GAS PIPELIN
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	11/26/82	JA: TX			
8311223	F-10-59997	4229531151		103		BASIL DUKE #3-727	BRADFORD	110.0	
8311049	F-10-50107	4229531100		103		CLARENCE HENRY PARKER "A" 618 #1	LIPSCOMB EAST	671.0	
8311039	F-10-46838	4221131399		103		FRANK J SHALLER #3-1	BIG TIMBER CREEK	33.0	
-DISCOVERY OPERATING INC				RECEIVED:	11/26/82	JA: TX			
8311124	F-7C-56258	4241331213		103	107-TF	RUTH #1	KATHIE (CANYON)	525.6	CRA INC
8311123	F-7C-56219	4241331242		103	107-TF	RUTH B #1	KATHIE (CANYON)	9.0	CRA INC
-DUVAL PRODUCTION INC				RECEIVED:	11/26/82	JA: TX			
8311152	F-04-58941	4213100000		103		D C R C #3	HAGIST RANCH (1030*)	18.7	TENNESSEE GAS PIP
-EARL T SMITH & ASSOCIATES INC				RECEIVED:	11/26/82	JA: TX			
8311133	F-10-57458	4221131513		102-4		BOWERS #5-A	WASHITA CREEK (MORROW	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	11/26/82	JA: TX			
8311185	F-10-59504	4208700000		108		BRASHEARS #1	PANHANDLE EAST	22.5	EL PASO NATURAL G
-EMERALD PETROLEUM CORP				RECEIVED:	11/26/82	JA: TX			
8311182	F-09-59467	4223734269		103		FLETCHER #1	BOONSVILLE (ATOKA CON	58.7	LONE STAR GAS CO
8311183	F-7B-59468	4236732049		103		MCBRYDE #1	POOLVILLE SW (CADDO)	39.0	LONE STAR GAS CO
-ENERGY RESERVES GROUP INC				RECEIVED:	11/26/82	JA: TX			
8311216	F-7C-59942	4243500000		108		W A MIERS "A" #5	SONORA	14.7	INTERNORTH INC
-ENERGY SOURCES INC				RECEIVED:	11/26/82	JA: TX			
8311100	F-06-54274	4200131328		102-4		JONIBEL THOMPKINS #1	BLACKFOOT SOUTH (RODE	110.0	DELHI GAS PIPELIN
-ENSERCH EXPLORATION INC				RECEIVED:	11/26/82	JA: TX			
8311115	F-7C-55203	4213730823		103	107-TF	MIERS "C" #18	SAWYER (CANYON)	0.0	LONE STAR GAS CO
-EVEREST MINERALS CORP				RECEIVED:	11/26/82	JA: TX			
8311083	F-03-53156	4228731143		103		HOMER JORDAN UNIT #1	GIDDINGS AUSTIN CHALK	470.0	PERRY PIPELINE CO
-EXXCEL PRODUCTION CO				RECEIVED:	11/26/82	JA: TX			
8311236	F-10-60056	4217931168		103		FELIX #3	PANHANDLE GRAY	100.0	CABOT PIPELINE CO
-EXXON CORPORATION				RECEIVED:	11/26/82	JA: TX			
8311230	F-08-60040	4249531477		103		BROWN-ALTMAN B #34	EMPEROR EAST (CLEAR F	45.0	PIONEER NATURAL G
8311095	F-08-53853	4200333155		103		MEANS/SAN ANDRES/UNIT #3062	MEANS	15.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8311176	F-04-59388	4204730768		103		MRS K J HOCKER 4 (ID PENDING)	SCOTT & HOPPER (6900-	140.0	TENNESSEE GAS PIP
8311181	F-04-59461	4226130707		102-4		NE RITA G U #1 WELL #2 (108495)	RITA NE (I-45)	145.0	ARMCO STEEL CORP
8311161	F-8A-59175	4216532348		103		ROBERTSON CLEARFORK UNIT #4403	ROBERTSON N (CLEARFOR	15.0	PHILLIPS PETROLEU
8311229	F-06-60036	4220330927		102-2	107-TF	ROLLIE C SIMS GAS UNIT #1 #1	BLOCKER (COTTON VALLE	162.0	DELHI GAS PIPELIN
-FENIX & SCISSON INC				RECEIVED:	11/26/82	JA: TX			
8311031	F-36847	4203931358		107-DP		PLEASANT BAYOU #2	PLEASANT BAYOU (FRIO	240.9	HOUSTON PIPE LINE
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED:	11/26/82	JA: TX			
8311126	F-7C-56504	4243532761		103	107-TF	HUNT #4	PHYLLIS SONORA	0.0	INTRATEX GAS CO
8311132	F-7C-57453	4243532762		103	107-TF	HUNT-POWELL 34-#1	PHYLLIS SONORA	0.0	INTRATEX GAS CO
-FRAC INC				RECEIVED:	11/26/82	JA: TX			
8311248	F-08-60108	4200332529		103		W T FORD #3 #26091	FUHRMAN MASCHO	10.8	PHILLIPS PETROLEU
-FURRY OPERATING ACCOUNT				RECEIVED:	11/26/82	JA: TX			
8311222	F-08-59982	4237100000		103		ATKINS #B-1 (097593)	PECOS VALLEY (YATES)	391.0	DELHI GAS PIPELIN
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED:	11/26/82	JA: TX			
8311190	F-09-59595	4207731094		102-4		COWLEY #1-26	BLUE GROVE SOUTH (BRY	2.0	SANFORD P FAGADAU
-GEORGE L ROUSSEAU				RECEIVED:	11/26/82	JA: TX			
8311169	F-03-59240	4205132255		102-4		KOESTER UNIT #1	WILLARD (NAVARRO)	30.0	FERGUSON CROSSING
-GEOSOUTHERN ENERGY CORP				RECEIVED:	11/26/82	JA: TX			
8311121	F-03-56033	4205100000		102-2		TOMMIE #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-GETTY OIL COMPANY				RECEIVED:	11/26/82	JA: TX			
8311156	F-08-59131	4237133463		102-4		MANZANITA "17" #1	MANZANITA (DEVONIAN)	1132.0	INTRATEX GAS CO
-GLENCO OIL & GAS CO				RECEIVED:	11/26/82	JA: TX			
8311116	F-10-55563	4201331450		102-4		JOE SEBESTA JR WELL #1	DULCE OLMOS	54.8	SOUTH TEXAS INSTR
8311249	F-01-60109	4216332163		103		KATIE ROBERTS A (06029) #5	PEARSALL (AUSTIN-CHAL	6.0	TIPPERARY CORP
-GLENN W COOPER				RECEIVED:	11/26/82	JA: TX			
8311179	F-7B-59404	4244700000		102-4		LEE CATTLE CO #2	COOPER (900')	116.0	HST GATHERING SYS
8311178	F-7B-59403	4244700000		102-4		LEE CATTLE CO "A" #1	COOPER (900')	237.0	HST GATHERING SYS
-GORDON T WEST JR & STAN RUGELEY				RECEIVED:	11/26/82	JA: TX			
8311148	F-7B-58635	4244732937		102-4	103	BROWN-DAVIS UNIT #3 (17322)	KINGS CREEK (CADDO)	70.0	LONE STAR GAS CO
-GRACE PETROLEUM CORPORATION				RECEIVED:	11/26/82	JA: TX			
8311269	F-06-60176	4245930519		103	107-TF	BRADSHAW #1	CHEROKEE TRACE	0.0	
-GULF OIL CORPORATION				RECEIVED:	11/26/82	JA: TX			
8311247	F-08-60105	4245732556		103		CRAWAR FIELD UNIT #17	CRAWAR (ELLENBURGER)	0.2	TRANSWESTERN PIPE
8311135	F-08-57685	4237133829		103		FRED SCHLOSSER #3	ROJO CABALLOS (DELAWA	121.0	EL PASO NATURAL G
8311272	F-08-60191	4247532677		103		HUTCHINGS STOCK ASSN #1179	WARD-ESTES NORTH	1.0	CABOT CORP
8311244	F-08-60102	4247532676		103		HUTCHINGS STOCK ASSN #1182	WARD-ESTES NORTH	76.0	CABOT CORP
8311245	F-08-60103	4247532597		103		HUTCHINGS STOCK ASSN #1189	WARD-ESTES NORTH	12.0	CABOT CORP
8311212	F-08-59878	4210330649		108		J T MCELROY CONSOLIDATED #B-70	MCELROY	6.0	PHILLIPS PETROLEU
8311206	F-08-59872	4246100634		108		J T MCELROY CONSOLIDATED #449	MCELROY	1.5	PHILLIPS PETROLEU
8311211	F-08-59877	4246102456		108		J T MCELROY CONSOLIDATED #565	MCELROY	14.0	PHILLIPS PETROLEU
8311205	F-08-59871	4246104060		108		J T MCELROY CONSOLIDATED #587	MCELROY	15.5	PHILLIPS PETROLEU
8311207	F-08-59873	4246130367		108		J T MCELROY CONSOLIDATED #779	MCELROY	5.0	PHILLIPS PETROLEU
8311210	F-08-59876	4246130568		108		J T MCELROY CONSOLIDATED #892	MCELROY	7.0	PHILLIPS PETROLEU
8311208	F-08-59874	4246130666		108		J T MCELROY CONSOLIDATED #961	MCELROY	4.0	PHILLIPS PETROLEU
8311209	F-08-59875	4246131174		108		J T MCELROY CONSOLIDATED #996	MCELROY	4.0	PHILLIPS PETROLEU
8311274	F-08-60209	4247532437		103		JACK EDWARDS #3	JANELLE S E (TUBB)	0.6	H & T GATHERING
8311188	F-10-59222	4239300000		108		JOHN HAGGARD #22	QUINDUNO	5.0	NATURAL GAS PIPEL
8311192	F-10-59608	4217900000		108		SOUTH PAMPA WF #1-13	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU
8311193	F-10-59609	4217900000		108		SOUTH PAMPA WF #1-14	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU
8311194	F-10-59610	4217900000		108		SOUTH PAMPA WF #2-4	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU
8311195	F-10-59611	4217900000		108		SOUTH PAMPA WF #2-5	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU
8311196	F-10-59612	4217900000		108		SOUTH PAMPA WF #3-1	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU
8311197	F-10-59613	4217900000		108		SOUTH PAMPA WF #3-2	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8311201	F-10-59617	4217900000		108		SOUTH PAMPA WF #6-10	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU
8311200	F-10-59616	4217900000		108		SOUTH PAMPA WF #6-16	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU
8311204	F-10-59620	4217900000		108		SOUTH PAMPA WF #6-5	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU
8311203	F-10-59619	4217900000		108		SOUTH PAMPA WF #6-8	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU
8311202	F-10-59618	4217900000		108		SOUTH PAMPA WF #6-9	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU
8311199	F-10-59615	4217900000		108		SOUTH PAMPA WF #7-2	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU
8311198	F-10-59614	4217900000		108		SOUTH PAMPA WF #7-4	PANHANDLE GRAY COUNTY	0.3	PHILLIPS PETROLEU
8311275	F-08-60210	4210332865		103		W A ESTES #112	SAND HILLS WEST (SILU	50.7	H & T GATHERING
8311276	F-08-60211	4210332862		103		W N WADDELL #1231	SAND HILLS (JUDKINS)	1.9	H & T GATHERING
-H & L OPERATING COMPANY				RECEIVED:	11/26/82	JA: TX			
8311226	F-10-60029	4229531197		102-4		SELL #3-30 (LEASE NO RRC 04891)	BOOKER N (MORROW UPPE	117.0	
-H-M OIL CO				RECEIVED:	11/26/82	JA: TX			
8311127	F-03-56695	4248100000		103		HERMAN MAUCH #1	TWIN BASIN (1200 MIOC	0.0	TENNESSEE GAS PIP
-HAMCO EXPLORATION & DEVELOPMENT CO				RECEIVED:	11/26/82	JA: TX			
8311122	F-03-56099	4224500000		102-4		PHELAN #1	PHELAN E (HACKBERRY)	730.0	WINNIE PIPELINE C
-HILL INTERNATIONAL PRODUCTION CO				RECEIVED:	11/26/82	JA: TX			
8311041	F-04-47577	4235531948		102-4	103	MACK NORRIS #1	ROBSTOWN S (7170' SAN	0.0	DELHI GAS PIPELIN
-HILLIARD OIL & GAS INC				RECEIVED:	11/26/82	JA: TX			
8311140	F-02-57993	4217531637		103		ARNECKE #1	GOTTSCHALT (SLICK)	72.0	UNITED GAS PIPE L
-HONDO OIL & GAS COMPANY				RECEIVED:	11/26/82	JA: TX			
8311214	F-08-59916	4210931576		103		HAWKINS GRUBB #2	FORD (WEST)	13.0	CONOCO INC
8311213	F-08-59915	4210931575		103		HAWKINS GRUBB #3	FORD (WEST)	13.0	CONOCO INC
-HUDSON PETROLEUM INC				RECEIVED:	11/26/82	JA: TX			
8311170	F-7C-59282	4208100000		102-4		WILLCOCKSON "A" - 1 (LEASE = A)	BUFFALO CREEK (CADDO	14.5	
-INDIAN WELLS OIL CO				RECEIVED:	11/26/82	JA: TX			
8311141	F-7C-58190	4223531909		103		SCHEUBER 33-2	IRION W (CANYON)	0.0	INTER NORTH INC
-J M HUBER CORPORATION				RECEIVED:	11/26/82	JA: TX			
8311273	F-10-60207	4235700000		108		HAAR "B" #1	PERRYTON WEST (MORROW	13.0	PHILLIPS PETROLEU
8311221	F-10-59988	4223331411		103		SOUTH HERRING #171	PANHANDLE	22.0	COLORADO INTERSTA
-JACKSON EXPLORATION INC				RECEIVED:	11/26/82	JA: TX			
8311111	F7C54835	4210533997		102-4	103	P C PERNER #4	DUDLEY EAST (DEVONIAN	35.0	LINK SYSTEMS INC
-JAMES K ANDERSON INC				RECEIVED:	11/26/82	JA: TX			
8311146	F-7C-58487	4239900000		102-4		CRAVER #1	FRITZESS (GRAY SAND)	180.0	LONE STAR GAS CO
-JOHN H YOUNG INC				RECEIVED:	11/26/82	JA: TX			
8311086	F-03-053518	4214900000		102-2		HIRE UNIT #1	GIDDINGS (EDWARDS GAS	0.0	CLAJON GAS CO
-JOHNNY G JONES				RECEIVED:	11/26/82	JA: TX			
8311082	F-08-52878	4213533687		103		J E PARKER "2-A"	HARPER	2.6	PHILLIPS PETROLEU
-KEN REEVES INC				RECEIVED:	11/26/82	JA: TX			
8311153	F-7B-58974	4236731692		102-2		WOOLSEY #1 100991	GREEN BRANCH (3300)	65.0	EMPIRE GAS CO
-KERR-MCGEE CORPORATION				RECEIVED:	11/26/82	JA: TX			
8311034	F-10-04096	4248330837		107-DP		CHANDLER UNIT #2	ALLISON PARKS (MORROW	0.0	EL PASO NATURAL G
-L R SPRADLING				RECEIVED:	11/26/82	JA: TX			
8311250	F-10-60118	4223300000		103		BLASDEL "D" #2	PANHANDLE	55.0	PHILLIPS PETROLEU
-LADD PETROLEUM CORPORATION				RECEIVED:	11/26/82	JA: TX			
8311240	F-01-60086	4212732100		102-2		FITZSIMONS RANCH #3-46	HUGH FITZSIMONS (SAN	73.1	VALERO TRANSMISSI
-LHG RESOURCES INC				RECEIVED:	11/26/82	JA: TX			
8311040	F-7B-47035	4214330746		103		PIERCE "A" #1	LIBERTY OAK (BIG SALI	0.0	NORTHERN GAS PROD
-LOUISIANA CRUDE OIL & GAS CO INC				RECEIVED:	11/26/82	JA: TX			
8311174	F-7B-59385	4213331631		102-4		MERYL SNEED "B" #1	PAT KAHAN (MISS)	333.0	LONE STAR GAS CO
-MAR-CON ENERGY INC				RECEIVED:	11/26/82	JA: TX			
8311237	F-04-60058	4240931395		102-4		JACKSON TRUST #1	MATHIS S E (4400)	0.0	TRUNKLINE GAS CO
-MARALO INC				RECEIVED:	11/26/82	JA: TX			
8311231	F-7C-60044	4238332134		103		UNIVERSITY "15" #7	BLOCK 49 (2450)	3.0	INTER NORTH INC

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8311234	F-7C-60047	4238332291		103		UNIVERSITY "6" #10	BLOCK 49 (2450)	3.0	INTER NORTH INC
8311233	F-7C-60046	4238332286		103		UNIVERSITY "6" #11	BLOCK 49 (2450)	2.5	INTER NORTH INC
8311232	F-7C-60045	4238332287		103		UNIVERSITY "6" #12	BLOCK 49 (2450)	1.5	INTER NORTH INC
-MARSHALL EXPLORATION INC				RECEIVED:	11/26/82	JA: TX			
8311038	F-06-46486	4241930379		103		COOK #1	WILDCAT (PETTIT)	220.0	UNITED GAS PIPELI
-MCCORD EXPLORATION				RECEIVED:	11/26/82	JA: TX			
8311085	F-04-53440	4235500000		102-4		DOYLE E LONDON #1T	DOUGHTY	500.0	HOUSTON PIPELINE
-MEWBOURNE OIL COMPANY				RECEIVED:	11/26/82	JA: TX			
8311180	F-06-59459	4240130671		103		CRIM #1 ID # N/A	HENDERSON (RUSK COUNT	23.0	UNITED GAS PIPELI
8311118	F-10-55726	4229531192		103		SCHULTZ "716" #4 RRC ID #05152	BRADFORD (TONKAWA) FI	0.0	TRANSWESTERN PIPE
-MEYER & ASSOCIATES INC				RECEIVED:	11/26/82	JA: TX			
8311080	F-8A-52742	4211500000		103		COLEMAN "D" #1	ACKERLY (DEAN SAND)	0.0	TEXACO INC
-MITCHELL ENERGY CORPORATION				RECEIVED:	11/26/82	JA: TX			
8311114	F0955157	4249700000		108		C HOLLAND #1 #093428	BOONSVILLE (BEND CONG	11.4	SOUTHWESTERN GAS
8311113	F-09-55150	4223700000		108		MINNIE PRICE #1 #060884	PERRIN NW (ATOKA CONG	10.9	SOUTHWESTERN GAS
8311093	F-09-53774	4249700000		108		R W LINEHAN #3 (C) 91748 (T) 20857	BRIDGEPORT	8.0	NATURAL GAS PIPEL
-MONSANTO OIL CO				RECEIVED:	11/26/82	JA: TX			
8311279	F-08-60220	4247532693		103		HALL #2	RHODA WALKER (CANYON	237.0	INTER NORTH INC
8311149	F-7C-58909	4238332261		103		UNIVERSITY 48-11 #2	FARMER (SAN ANDRES)	12.0	
-MORAN EXPLORATION INC				RECEIVED:	11/26/82	JA: TX			
8311188	F-7C-59537	4223531524		102-2		A A SUGG "27" #1	ANDREW A (CANYON)	0.0	FARMLAND INDUSTRI
8311187	F-7C-59528	4223531653		102-2		A A SUGG "29" #1	ANDREW A (CANYON)	0.0	FARMLAND INDUSTRI
8311186	F-7C-59527	4223531744		102-2		A A SUGG "29" #2	ANDREW A (CANYON)	0.0	FARMLAND INDUSTRI
8311189	F-7C-59546	4223531734		102-2		A A SUGG "3058" #1	ANDREW A (CANYON)	0.0	FARMLAND INDUSTRI
8311163	F-7C-59195	4223531934		102-2	103	SUGG A A "30" #1	ANDREW A (CANYON)	0.0	FARMLAND INDUSTRI
-MORROW RESOURCES INC				RECEIVED:	11/26/82	JA: TX			
8311139	F-7C-57962	4245130999		102-2	103	BROWN #2	K W B (STRAWN)	0.0	LONE STAR GAS CO
-NATURAL RESOURCES CORP				RECEIVED:	11/26/82	JA: TX			
8311191	F-03-59597	4208900000		107-PE		NRC WINTERMAN #1	EAST RAMSEY	0.0	AMOCO PRODUCTION
-NEUMIN PRODUCTION CO				RECEIVED:	11/26/82	JA: TX			
8311120	F-02-55889	4205731179		103		STATE TRACT 177 WELL #3-F	STEAMBOAT PASS (ZONE	110.0	ALUMINUM CO OF AM
-NORTH TEXAS PETROLEUM INC				RECEIVED:	11/26/82	JA: TX			
8311107	F-01-54743	4216331958		103		HERWIG 111817	PEARSALL "AUSTIN CHAL	0.4	TIPPERARY CORP
-OLSEN ENERGY INC				RECEIVED:	11/26/82	JA: TX			
8311277	F-08-60217	4247532604		103		DORR #4	DORR (QUEEN SAND)	9.4	PERRY PIPELINE CO
8311278	F-08-60218	4247532666		103		DORR #5	DORR (QUEEN SAND)	3.0	PERRY PIPELINE CO
8311218	F-08-59954	4237133972		103		HALL #1	ABELL (PERMIAN GENERA	82.8	INTERNORTH INC
-ORLA PETCO INC				RECEIVED:	11/26/82	JA: TX			
8311160	F-08-59174	4238931282		102-4		BURNER #1	JESS BURNER (DELAWARE	18.2	
8311089	F-08-53580	4210931558		102-4		CATCLAW-STATE #3	GERALDINE (DELAWARE 3	14.6	TEXACO INC
-PALO PETROLEUM INC				RECEIVED:	11/26/82	JA: TX			
8311096	F-08-54033	4217331257		103		AUDIE MCDANIEL #2	SPRABERRY (TREND AREA	0.0	EL PASO NATURAL G
-PEERLESS OIL CO INC				RECEIVED:	11/26/82	JA: TX			
8311081	F-7B-52864	4236730319		102-2		HARRIS #1		365.0	SOUTHWESTERN GAS
-PEND OREILLE OIL & GAS CO				RECEIVED:	11/26/82	JA: TX			
8311165	F-02-59209	4229732970		102-4	103	VIOLA B HOWARD #1	OAKVILLE SOUTH (L SLI	0.0	
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:	11/26/82	JA: TX			
8311136	F-09-57734	4223734491		103		R W RIDER #5	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	11/26/82	JA: TX			
8311263	F-08-60164	4213508214		108		(02136) NYSEWANDER #5	GOLDSMITH (CLEARFORK)	6.0	EL PASO NATURAL G
8311264	F-08-60166	4237103737		108		(20612) FISHER - BONSACK #2	PUCKETT (DEVONIAN)	9.0	INTER NORTH INC
8311108	F-10-54770	4242100000		108		CRAIG B #1	TEXAS HUGOTON	0.0	MICHIGAN WISCONSI
8311078	F-10-52021	4234100000		108		FUQUA B #1	PANHANDLE WEST	0.0	EL PASO NATURAL G

JD NO	DA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8311262	F-08-60163	4213503176		108		G S ANDECTOR UNIT H-7	GOLDSMITH (CLEARFORK)	9.0	EL PASO NATURAL G
8311261	F-08-60162	4213502431		108		G S ANDECTOR UNIT K-6L	GOLDSMITH (CLEARFORK)	14.0	EL PASO NATURAL G
8311032	F-10-37089	4219530784		103		GARNETT A #2	HANSFORD MISSISSIPPIA	0.0	INTER NORTH INC
8311119	F-10-55757	4217900000		108		JOHNSON AA #18	PANHANDLE GRAY	0.0	
-PITCOCK INC				RECEIVED:	11/26/82	JA: TX			
8311094	F-7B-53819	4236332830		102-4		GIBSON-BELDING A-1 098471	B R A (CONGL)	0.0	SOUTHWESTERN GAS
-PLACER ENERGY CORP				RECEIVED:	11/26/82	JA: TX			
8311130	F-8A-57397	4217931486		103		FROST "A" #1	BUCKSHOT (4950 SD)	5.5	WARREN PETROLEUM
8311131	F-7B-57181	4215131376		102-4		JOHNSON #2	CELOTEX (CANYON SD)	4.6	TEXAS UTILITIES F
-PRICE DRILLING & EXPLORATION CO				RECEIVED:	11/26/82	JA: TX			
8311035	F-04-41334	4247932379		102-4		A BENAVIDES #1-271	LAUREL (1950)	27.0	VALERO TRANSMISSI
-PRIDE EXPLORATION INC				RECEIVED:	11/26/82	JA: TX			
8311103	F-06-54431	4220339818		103		W B TAYLOR #1	WASKOM (BYRD)	150.0	MISSISSIPPI RIVER
-PRODECO EXPLORATIONINC				RECEIVED:	11/26/82	JA: TX			
8311159	F-03-59154	4204130608		102-2		H P DANSBY JR GAS UNIT I #1	KURTEN (GEORGETOWN)	328.5	PRODUCERS GAS CO
-R A W ENERGY CORP				RECEIVED:	11/26/82	JA: TX			
8311043	F-7B-048088	4236300000		102-4		TEXACO #2	BRAD (BASAL CONGLOMER	0.0	SOUTHWESTERN GAS
-R L FOREE				RECEIVED:	11/26/82	JA: TX			
8311164	F-7B-59196	4235331327		102-4		GESIN #1	J & J (CADDO)	0.0	PALO DURO PIPELIN
-RAW HIDE OIL & GAS INC				RECEIVED:	11/26/82	JA: TX			
8311265	F-10-60171	4217931105		103		CHRISGA #3	PANHANDLE GRAY COUNTY	146.0	CABOT PIPELINE CO
8311266	F-10-60172	4217931107		103		CHRISGA #5	PANHANDLE GRAY COUNTY	146.0	CABOT PIPELINE CO
8311267	F-10-60173	4217931108		103		CHRISGA #6	PANHANDLE GRAY COUNTY	146.0	CABOT PIPELINE CO
8311268	F-10-60174	4217931109		103		CHRISGA #7	PANHANDLE GRAY COUNTY	146.0	CABOT PIPELINE CO
-SAGE ENERGY CO				RECEIVED:	11/26/82	JA: TX			
8311254	F-7C-60148	4238332329		103		UNIVERSITY 19-G #2 RRC #09434	FARMER (SAN ANDRES)	1.1	INTER NORTH INC
8311255	F-7C-60150	4210534133		103		UNIVERSITY 23 #2 RRC #07569	FARMER (SAN ANDRES)	1.3	INTER NORTH INC
8311252	F-7C-60143	4238300000		103		UNIVERSITY 4-GA #2 RRC #08909	FARMER (SAN ANDRES)	1.4	INTER NORTH INC
8311251	F-7C-60142	4238331998		103		UNIVERSITY 4-GB #1 RRC #09018	FARMER (SAN ANDRES)	2.7	INTER NORTH INC
8311253	F-7C-60147	4238332194		103		UNIVERSITY 7-GA #4 RRC #08876	FARMER (SAN ANDRES)	1.8	INTER NORTH INC
-SCANDRILL INC				RECEIVED:	11/26/82	JA: TX			
8311110	F-09-54823	4223733573		103		GEORGE KINDER #5	JACK COUNTY REGULAR	36.5	TEXAS UTILITIES F
8311109	F-09-54821	4223734399		103		HENDERSON "B" #1	BRYSON EAST	91.2	SUN GAS TRANSMISS
8311167	F-09-59221	4223734566		102-4	103	JOHNSON #1	BOBILL (CONGL)	36.5	LONE STAR GAS CO
8311166	F-09-59218	4223734607		102-4	103	PEMBERTON #7	BOBILL (CONGL)	73.0	LONE STAR GAS CO
-SEAGULL RESOURCES INC				RECEIVED:	11/26/82	JA: TX			
8311050	F-02-50301	4217500000		102-4		NOEL DIETZEL #2	COLLETOVILLE CREEK (M	0.0	MAR/CON ENERGY IN
-SEARCH DRILLING CO				RECEIVED:	11/26/82	JA: TX			
8311143	F-10-58263	4229531050		103		HAMKER 2-555	BRADFORD (TONKAWA)	649.0	PHILLIPS PETROLEU
-SERVICE DRILLING CO				RECEIVED:	11/26/82	JA: TX			
8311239	F-10-60085	4217931209		103		BURKE #13	PANHANDLE	25.0	PHILLIPS PETROLEU
-SHAH EXPLORATION CO INC				RECEIVED:	11/26/82	JA: TX			
8311171	F-09-59339	4250300000		103		DORIS BRYAN	YOUNG COUNTY REGULAR	2.0	GAS ASSOCIATED SY
8311138	F-09-57958	4250300000		103		SHAH-YCA 899-A	YOUNG COUNTY REGULAR	2.0	GAS ASSOCIATED SY
-SKLAR & PHILLIPS OIL CO				RECEIVED:	11/26/82	JA: TX			
8311101	F-06-54321	4242330536		103	107-TF	POINTS #1	LAKE TYLER (COTTON VA	350.0	UNITED GAS PIPE L
-SOUTHERN ROYALTY INC				RECEIVED:	11/26/82	JA: TX			
8311154	F-02-59005	4202531912		102-4		WALLEK #1	LITTLE JOHN (3800)	2300.0	UNITED GAS PIPELI
-SOUTHLAND ROYALTY CO				RECEIVED:	11/26/82	JA: TX			
8311224	F-08-60005	4232900000		108		MABEE FOUNDATION #1	SPRABERRY (TREND AREA	6.0	PHILLIPS PETROLEU
8311228	F-7C-60032	4238311032		108		O N LANE #1	CALVIN	8.0	UNION TEXAS PETRO
8311227	F-7C-60031	4238301438		108		W E BOYD #1-9	CALVIN	9.0	UNION TEXAS PETRO
-STOWERS OIL & GAS				RECEIVED:	11/26/82	JA: TX			

JD #	DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8311173	F-[illegible]-59381	42[illegible]31244		103		BEDNORZ B-6	PANHANDLE CARSON COUN	72.0	INTER NORTH INC
-SUBURBAN PROPANE GAS CORP				RECEIVED:	11/26/82	JA: TX			
8311145	F-7C-[illegible]999	4241331254		103	107-TF	FARRINGTON #1	HENRY-SPECK (CANYON)	0.0	INTRATEX GAS CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	11/26/82	JA: TX			
8311129	F-[illegible]3-57 78	421493134[illegible]		103		JAMES A MOORE #2	GIDDINGS (AUSTIN CHAL	11.0	SOUTH CEN-TEX GAS
8311217	F-7C-59944	4210533519		103	107-TF	NAN D GRIMMER #6	OZONA (CANYON SAND)	14.0	INTERNORTH INC
-SUNRAY OIL CO INC				RECEIVED:	11/26/82	JA: TX			
8311177	F-[illegible]-59389	4234130796		103		CAM #3	PANHANDLE MOORE COUNT	0.0	DIAMOND SHAMROCK
-SUPERIOR OIL CO				RECEIVED:	11/26/82	JA: TX			
8311125	F-[illegible]3-56361	4205132288		102-2	103	MUNZY UNIT #2	GIDDINGS (AUSTIN CHAL	0.0	
8311184	F-[illegible]3-53261	4228731239		102-2	103	SHELLY BRANCH UNITE #2 WELL #1	GIDDINGS (AUSTIN-CHAL	0.0	PERRY PIPELINE CO
8311128	F-[illegible]3-56922	4205100000		102-2	103	SUPAK UNIT #1 WELL #1	GIDDINGS (AUSTIN CHAL	0.0	
-TENNECO OIL COMPANY				RECEIVED:	11/26/82	JA: TX			
8311117	F-8A-55635	4250132282		103		PRENTICE (6700')	PRENTICE (6700')	0.0	AMOCO PRODUCTION
8311147	F-[illegible]4-58603	4235531796		102-4		ZULA MCCOY #13	AQUA DULCE (NUBBIN) P	0.0	
-TEXACO INC				RECEIVED:	11/26/82	JA: TX			
8311[illegible]42	F-[illegible]-47924	42245[illegible]000		102-4		R E HARDER G/U 2 #1	CONSTITUTION (WESTBUR	547.0	TRANSCONTINENTAL
-TEXCAN RESOURCES CORP				RECEIVED:	11/26/82	JA: TX			
8311[illegible]2	F-7C-54335	42399[illegible]000		102-4		MCCORD 3-A	BERNARD (FRY LOWER)	730.0	LONE STAR GAS CO
-THOMPSON J CLEO & JAMES CLEO JR				RECEIVED:	11/26/82	JA: TX			
8311[illegible]66	F-7C-5[illegible]629	4210533554		107-TF		MEADOWS #4	UNIVERSITY 31 (STRAWN	245.0	PHILLIPS PETROLEU
8311[illegible]65	F-7C-5[illegible]628	4210533595		107-TF		MEADOWS "B" #3	UNIVERSITY 31 (STRAWN	295.0	PHILLIPS PETROLEU
8311[illegible]67	F-7C-5[illegible]630	4210533[illegible]6		107-TF		THOMPSON FEE #14	UNIVERSITY 31 (STRAWN	240.0	PHILLIPS PETROLEU
8311[illegible]68	F-7C-5[illegible]631	4210533395		107-TF		UNIVERSITY 10 #1	UNIVERSITY 31 (STRAWN	295.0	PHILLIPS PETROLEU
8311[illegible]64	F-7C-5[illegible]627	4210533647		107-TF		UNIVERSITY 11-1	UNIVERSITY 31 (STRAWN	300.0	PHILLIPS PETROLEU
8311[illegible]72	F-7C-5[illegible]635	4210533016		107-TF		UNIVERSITY 18 #1	UNIVERSITY 31 (STRAWN	135.0	PHILLIPS PETROLEU
8311[illegible]70	F-7C-5[illegible]633	4210532796		107-TF		UNIVERSITY 19-1A	UNIVERSITY 31 (STRAWN	164.0	PHILLIPS PETROLEU
8311[illegible]69	F-7C-5[illegible]632	4210533002		107-TF		UNIVERSITY 19E #2	UNIVERSITY 31 (STRAWN	240.0	PHILLIPS PETROLEU
8311[illegible]62	F-7C-5[illegible]625	4210532935		107-TF		UNIVERSITY 22 #1	UNIVERSITY 31 (STRAWN	201.0	PHILLIPS PETROLEU
8311[illegible]55	F-7C-5[illegible]617	4210532827		107-TF		UNIVERSITY 25 #1	UNIVERSITY 31 (STRAWN	182.0	PHILLIPS PETROLEU
8311[illegible]52	F-7C-5[illegible]614	4210533045		107-TF		UNIVERSITY 25W #2	UNIVERSITY 31 (STRAWN	292.0	PHILLIPS PETROLEU
8311[illegible]61	F-7C-5[illegible]623	4210532967		107-TF		UNIVERSITY 26 #1	UNIVERSITY 31 (STRAWN	128.0	PHILLIPS PETROLEU
8311[illegible]63	F-7C-5[illegible]626	4210532936		107-TF		UNIVERSITY 27 #1	UNIVERSITY 31 (STRAWN	438.0	PHILLIPS PETROLEU
8311[illegible]59	F-7C-5[illegible]621	4210533015		107-TF		UNIVERSITY 27W #2	UNIVERSITY 31 (STRAWN	137.0	PHILLIPS PETROLEU
8311[illegible]60	F-7C-5[illegible]622	4210533092		107-TF		UNIVERSITY 28 #1	UNIVERSITY 31 (STRAWN	47.0	PHILLIPS PETROLEU
8311[illegible]86	F-7C-53553	4210533703		107-TF		UNIVERSITY 31-10E #2	UNIVERSITY 31 (STRAWN	300.0	PHILLIPS PETROLEU
8311[illegible]75	F-7C-51920	4210533837		107-TF		UNIVERSITY 31-15 #1	UNIVERSITY 31 (STRAWN	240.0	PHILLIPS PETROLEU
8311[illegible]76	F-7C-51921	4210533749		107-TF		UNIVERSITY 31-21W #2	UNIVERSITY 31 (STRAWN	180.0	PHILLIPS PETROLEU
8311[illegible]51	F-7C-5[illegible]613	4210533[illegible]46		107-TF		UNIVERSITY 32E-2	UNIVERSITY 31 (STRAWN	252.0	PHILLIPS PETROLEU
8311[illegible]58	F-7C-5[illegible]620	4210[illegible]0000		107-TF		UNIVERSITY 33 #1	UNIVERSITY 31 (STRAWN	301.0	PHILLIPS PETROLEU
8311[illegible]57	F-7C-5[illegible]619	4210532976		107-TF		UNIVERSITY 33E #2	UNIVERSITY 31 (STRAWN	228.0	PHILLIPS PETROLEU
8311[illegible]54	F-7C-5[illegible]616	4210532961		107-TF		UNIVERSITY 34 #1	UNIVERSITY 31 (STRAWN	365.0	PHILLIPS PETROLEU
8311[illegible]56	F-7C-5[illegible]618	4210532997		107-TF		UNIVERSITY 34E #2	UNIVERSITY 31 (STRAWN	179.0	PHILLIPS PETROLEU
8311[illegible]53	F-7C-5[illegible]615	4210532914		107-TF		UNIVERSITY 35 #1	UNIVERSITY 31 (STRAWN	186.0	PHILLIPS PETROLEU
8311[illegible]71	F-7C-5[illegible]634	4210533062		107-TF		UNIVERSITY 36W-2A	UNIVERSITY 31 (STRAWN	117.0	PHILLIPS PETROLEU
-TXO PRODUCTION CORP				RECEIVED:	11/26/82	JA: TX			
8311097	F-[illegible]3-54065	4248132330		102-4		FENNER E-3	GOLDENROD	0.0	TRUNKLINE GAS CO
8311105	F-[illegible]2-54538	4228531665		102-4		GARNER #2	SPEAKS SW (3275')	0.0	DELHI GAS PIPELIN
8311098	F-[illegible]2-54146	422853163[illegible]		102-4		STORMONT C-1	SPEAKS SW (3275')	0.0	DELHI GAS PIPELIN
-VENUS OIL COMPANY				RECEIVED:	11/26/82	JA: TX			
8311142	F-[illegible]3-59211	4232100000		102-4	103	STATE TRACT 306	OYSTER LAKE W	0.0	DOW CHEMICAL CO
-W L COTTON				RECEIVED:	11/26/82	JA: TX			
8311175	F-[illegible]4-59367	4247933395		102-4		G F VELA CUELLAR #3 ID PENDING	STAGGS (823)	22.0	VALERO GAS TRANSM

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WAGNER & BROWN				RECEIVED: 11/26/82		JA: TX			
8311271	F-08-60186	4243131170		103		HILDEBRAND #48-18	CONGER (PENN)	96.6	TEXAS UTILITIES F
8311144	F-08-58303	4217331292		103		MORROW #1-13	WILDCAT	87.5	
-WAINOCO OIL & GAS CO				RECEIVED: 11/26/82		JA: TX			
8311215	F-05-59917	4216130734		103	107-TF	WILLIFORD GAS UNIT #1	BURLESON HILL (BOSSIE	1000.0	DELHI GAS PIPELIN
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 11/26/82		JA: TX			
8311243	F-08-60101	4210332889		103		J B TUBB "B" #58	SAND HILLS (JUDKINS)	2.9	EL PASO NATURAL G
8311246	F-08-60104	4210332951		103		P J LEA #135	LEA SOUTH (TUBB)	2.1	EL PASO NATURAL G
-WESTERN HILLS OIL & GAS CO INC				RECEIVED: 11/26/82		JA: TX			
8311150	F-7B-58912	4236732272		102-2		SIMPSON #1 (ID NUMBER APPLIED FOR)	H & R (BEND CONGL)	127.0	TEXAS UTILITIES F
-WILLIAM PERLMAN				RECEIVED: 11/26/82		JA: TX			
8311079	F-7C-52550	4243532586		103	107-TF	ADA CAUTHORN 2402	SHURLEY RANCH (CANYON	0.0	EL PASO NATURAL G
-WORLD PRODUCERS INC				RECEIVED: 11/26/82		JA: TX			
8311074	F-7B-51339	4236732003		108		LEONARD "B" #3	EL CHICO (STRAWN)	10.0	SOUTHWESTERN GAS
-WY-VEL CORP				RECEIVED: 11/26/82		JA: TX			
8311270	F-10-60180	4206531108		103		O'NEAL (05037) #4	PANHANDLE	111.3	GETTY OIL CO
-3 W OIL INC				RECEIVED: 11/26/82		JA: TX			
8311184	F-10-59473	4206531137		103		WEBSTER (05135) #1	PANHANDLE CARSON COUN	8.0	GETTY OIL CO

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–35200 Filed 12–28–82; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–42019; TSH–FRL#2246–8]

Acetonitrile; Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In the Fourth Report of the Interagency Testing Committee (ITC) the ITC designated acetonitrile for priority consideration for health effects testing. Subsequent to the publication of the ITC report, the National Toxicology Program (NTP) began testing acetonitrile for chronic and mutagenic effects. In addition, the American manufacturers of acetonitrile presented to the EPA a plan for additional mutagenicity and teratogencity testing of acetonitrile. EPA believes that the collective testing activities of the NTP and the acetonitrile manufacturers respond adequately to all of the ITC recommendations other than that for an epidemiological study. EPA believes that requiring such a study is not warranted at this time. Therefore, the Agency is not, at this time, initiating rulemaking under section 4(a) of the Toxic Substances Control Act (TSCA) to require health effects testing of acetonitrile. This notice constitutes the Agency's response to the designation of acetonitrile by the ITC, as required by section 4(e) of TSCA. EPA seeks comment on the Agency's conclusions and on the adequacy of the proposed testing program.

DATE: All comments should be submitted on or before February 14, 1983.

ADDRESS: Written comments should refer to the document control number OPTS–42019 and should be submitted in triplicate to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St. SW., Washington, D.C. 20460.

The administrative record supporting this action is available for public inspection in Rm. E–107 at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–511, 401 M St. SW., Washington, D.C. 20460, Toll Free: (800–424–9065); in Washington, D.C.: (554–1404); outside the USA: (operator 202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(a) of TSCA (Pub. L. 94–469, 90 Stat. 2006; 15 U.S.C. 2601 *et seq.*) authorizes the EPA to promulgate regulations requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemicals may present to health and the environment. Section 4(e) of TSCA established an Interagency Testing Committee (ITC) to recommend to the EPA a list of chemicals to be considered for the promulgation of testing rules under section 4(a) of the Act.

The ITC placed acetonitrile on its priority testing list in June, 1979 (44 FR 31866). The ITC recommended testing of acetonitrile for carcinigenicity, mutagenicity, teratogenicity, and other chronic effects and also recommended epidemiology studies.

Acetonitrile is a polar molecule with a high dielectric constant. Its molecular formula is $H_3C–C{\equiv}N$. The annual production of acetonitrile for 1980 was reported to be 25.2 million pounds (Ref. 1). The Agency believes, however, that actual acetonitrile production is greater than the annual reported production because a significant portion of the total acetonitrile production is disposed of in unisolated form (Ref. 1).

The physical properties of acetonitrile make this chemical well-suited for use as a polar solvent. Thus, the commercial uses of acetonitrile utilize its solvent properties either in the separation of olefin-diolefin mixtures, as a reaction medium or intermediate for the synthesis of pharmaceuticals and pesticides, or in the crystallization of a variety of chemicals. The major commercial application for acetonitrile is as a solvent for the extractive distillation of butene-butadiene mixtures yielding high purity butadiene suitable for polymerization (Ref. 1).

Human exposure to acetonitrile appears to be limited to the workplace. The National Institute for Occupational Safety and Health (NIOSH) estimated that 25,671 workers may be exposed to acetonitrile (Ref. 2). According to NIOSH most occupational exposures to nitriles result from inhalation of vapor or aerosols, or from dermal contact (Ref. 3). The American Conference of Governmental Industrial Hygenists (ACGIH) recommended Threshold Limit Value (TLV) for workplace exposure, based on acute effects, is 40 ppm (Ref. 4). There does not appear to be any significant exposure to the general population as a result of manufacturing, processing, use, distribution or disposal of acetonitrile (Ref. 5). The Agency has no evidence that acetonitrile is contained in consumer products (Ref. 6).

II. Testing Subsequent to ITC Recommendations

Monsanto Company conducted a teratogenicity study of acetonitrile in mated Charles River rats (Ref. 7). Daily dosage levels of 125, 190, and 275 mg/kg were administered by gavage on days six to 19 of qestation at a constant volume of 10 ml/kg/day. Maternal deaths, reduced maternal body-weights and embryotoxic effects were reported for the high dose group. No teratogenic responses were observed at any of the three dose levels.

In a study by Willhite (in press), pregnant hamsters were exposed to

acetonitrile by inhalation, ingestion, or intraperitoneal injection (Ref. 8). On the eighth day of gestation, inhalation of 1,800 or 3,800 ppm acetonitrile for 60 minutes failed to induce malformations in the offspring, whereas inhalation of 5,000 or 8,000 ppm acetonitrile was associated with the production of severe axial skeletal (dysraphic) disorders. A single oral or intraperitoneal dose of 100, 200, 300 or 400 mg/kg acetonitrile in hamsters of equivalent gestational age also caused malformations identical to those noted following inhalation exposure. Some dams exposed to the highest concentrations or doses of acetonitrile displayed overt signs of poisoning.

In addition, the Agency is aware of an ongoing teratogenic study at Duquesne University by Edward G. Hyde, Jr. in which mice are being exposed to acetonitrile via intraperitoneal administration. Although verbal communications between Mr. Hyde and the Agency has provided some information on the protocol being used in this study, complete written documentation of the protocol and results will not be available to the Agency until the end of 1982 (Ref. 9).

The National Toxicology Program (NTP) is performing studies on subchronic toxicity and mutagenicity of acetonitrile. The 90-day subchronic toxicity study being performed by NTP is using inhalation as the route of exposure to both rats and mice. At each of the following atmospheric concentrations: 25 ppm, 50 ppm, 100 ppm, 200 ppm, and 400 ppm, 10 animals per sex per species will be exposed to the test atmosphere six hours per day, five days per week, for 13 weeks (Ref. 10). The results of this study will be available in January 1983 (Ref. 11). After evaluation of the data, NTP may perform a full bioassay of acetonitrile, but NTP will not commit resources to this study until subchronic and mutagenicity data are evaluated and a priority for carcinogenicity testing has been determined.

The NTP mutagenicity testing includes an Ames bioassay using *Salmonella, in vitro* cytogenetic testing for chromosomal aberrations with Chinese Hamster ovary cells, sister chromatic exchange using Chinese Hamster ovary cells, and tests for sex-linked recessive lethal and reciprocal translocation effects using *Drosophila*. The results of the NTP mutagenicity testing, expected in early 1983, will be obtained by the EPA when available (Ref. 12).

III Proposed Testing

In June 1982, E. I. Dupont de Nemours and Company, Incorporated; Monsanto Chemical Intermediates Company, and the Vistron Corporation presented to the EPA a detailed testing proposal for a eukaryotic cell gene mutation study of acetonitrile using Chinese Hamster ovary cells (Ref. 13).

In October 1982, the above named acetonitrile manufacturers presented to the EPA a detailed testing proposal for a teratology study of acetonitrile using rabbits as the test species and gavage as the route of administration. (Ref. 14.)

These tests would be initiated upon final approval of this program by the EPA. The Agency's final approval of this program is contingent upon identification of the laboratory that would perform each study, receipt and approval of the protocols to be used in in conducting each study, and evaluation of all comments received on the Agency's conclusions and on the adequacy of the proposed testing program presented in this notice.

In conducting the mutagenicity and teratology studies, industry has agreed to adhere to the Good Laboratory Practice Standards issued by the Food and Drug Administration (43 FR 60013). The industry has also agreed to permit laboratory audit/inspections in accordance with the procedures outlined in TSCA section 11, at the request of authorized representatives of the EPA. These inspections may be conducted for purposes which include verification that testing has begun, that schedules are being met, that reports accurately reflect the raw data, and that the studies are being conducted according to Good Laboratory Practice Standards. EPA will also approve all test protocols and the companies will supply EPA with the data as soon as they become available.

In addition, industry has agreed that all raw data, documentation, records, protocols, specimens, and reports generated as a result of the studies will be retained as specified in the proposed TSCA Good Laboratory Practice Standards (44 FR 27334) and made available during an inspection or submitted to EPA if requested by EPA or its authorized representative.

Industry understands that TSCA section 14(b)(1)(A)(ii) governs Agency disclosure of all test data submitted pursuant to this agreement.

The Agency plans to publish quarterly in the **Federal Register** a notice of the receipt of any test data submitted under this agreement. Subject to TSCA section 14, the notice will provide information similar to that described in TSCA section 4(d). Except as otherwise provided in TSCA section 14, such data will be made available by the EPA for examination by any person.

Finally, industry understands that failure to conduct the testing according to the specified protocols or failure to follow Good Laboratory Practices may invalidate the tests. In such cases, a data gap may still exist, and the Agency may decide to promulgate a test rule or otherwise require further testing.

The companies also have agreed to meet with the Agency and determine the need for oncogencity or other further testing of acetonitrile upon completion of the ongoing NTP mutagenicity and subchronic toxicity testing and the industry-sponsored teratogenicity and mutagenicity testing. This decision would be made in 1983 after all parties have analyzed the data. In the event that test results indicate a need to perform additional testing that the companies are unwilling to perform, the Agency can promulgate a test rule.

IV. Decision Not To Initiate Rulemaking

The Agency's reasons for not initiating rulemaking to require the testing recommended by the ITC are outlined below.

1. *Teratogenicity*. Teratogenicity testing of acetonitrile has been completed using two species, the rat and hamster, and is being conducted in a third species, the mouse (see unit II.).

The Monsanto study (see unit II.), which found no evidence of malformation in rats, conforms to EPA's TSCA guidelines (Ref. 15) and the Organisation for Economic Cooperation and Development (OECD) guidelines (Ref. 16). It is considered by the Agency to be an adequate teratology study.

The Willhite study (see unit II.), using hamsters, is considered inadequate for Agency use to fully assess the teratogenic potential of acetonitrile because acetonitrile was administered only on a single day (day 8) of gestation and because positive effects were observed only at dose levels which induced maternal toxicity. As a result, a No Observed Effect Level (NOEL) can only be determined for a single day of gestation and cannot be determined for the major period of organogenesis. Both the OECD and TSCA test guidelines recommend exposure to a test agent throughout the major period of organogenesis, which in the hamster is days 6–14. In addition, it cannot be determined if lower, non-maternally toxic dose levels administered on more than one day of gestation would result in similar teratogenic events.

Based on information obtained through verbal communication the Hyde study (see unit II.), using the mouse appears to be similarly flawed in that it too does not provide for dosing the test

animals over the major period of organogenesis. Also, the Hyde study apparently has only three animals per dose group and uses a route of administration, intraperitoneal, that may persent problems in interpreting the data. The Hyde study may, however, provide the agency with additional information on species sensitivity to acetonitrile as a teratogenic agent.

Because teratogenicity data are adequate for only one species, the rat, and the OECD and TSCA test guidelines recommend adequate data in at least two mammalian species, the Agency concluded that there are insufficient data available on acetonitrile to prepare an adequate teratogenic evaluation.

The teratogenicity testing to be conducted by the manufacturers of acetonitrile (see unit III.) will provide teratogenicity data for a second mammalian species. The acetonitrile manufacturers propose to use rabbits as the test species and gavage as the route of administration.

Rats and rabbits are the recommended species for teratogenicity testing in both the OECD and TSCA test guidelines. Willhite's observation of teratogenic effects in the hamster following exposure to acetonitrile might suggest using the hamster for further teratogenicity testing of acetonitrile, since sensitivity of the species to this chemical has been demonstrated. On the other hand, the hamster is used infrequently for teratogenicity studies and the resulting lack of an historical data base on the species would make interpretation of the test data less sure than for data obtained in the rabbit. Depending on the outcome of Hyde's study, the mouse might be considered the species of choice for further evaluation of acetonitrile's teratogenic potential. EPA will consider the outcome of the Hyde study and any comments received in response to this Notice in reaching a final conclusion on the appropriate species for further teratogenicity testing of acetonitrile.

The willhite study has demonstrated that exposure to acetonitrile via gavage and inhalation produce similar teratogenic effects. As a result, the use of gavage as the route of administration in lieu of inhalation, the primary route of acetonitrile exposure to workers, is scientifically appropriate and les expensive.

The Monsanto study, in conjunction with the teratogenicity testing to be conducted by the manufacturers of acetonitrile, will provide the teratogenicity data for two mammaliam species that EPA would have normally required under a section 4 test rule. These data will be sufficient to reasonably determine or predict the teratogenic potential of acetonitrile. Therefore, it is not necessary for EPA to initiate rulemaking to require teratogencity testing of acetonitrile.

2. *Mutagenicity.* The mutagenicity testing being performed by NTP (see unit II.) with the exception of a eukaryotic cell gene mutation study, will complete the first tier battery and provide the mutagenicity data that EPA would have normally required under a section 4 test rule. The eukaryotic cell gene mutation study to be conducted by the manufacturers of acetonitrile (see unit III.) will complete this first tier battery. In addition, a provision is contained in the industry testing proposal that provides for EPA and industry to evaluate the need for further matagenicity testing at the conclusion of the NTP and industry-sponsored mutagenicity testing. In view of the ongoing and proposed tests, further mutagencity testing is unnecessary at this time.

3. *Chronic Effects.* For the purposes of TSCA section 4, EPA believes that properly conducted subchronic toxicity testing normally can be used as a surrogate for chronic toxicity testing except for oncogenicity and age-related endpoints. EPA is aware of no data indicating that acetonitrile may cause those age-related effects that a subchronic toxicity study would not detect. Therefore, the NTP 90-day subchronic toxicity study of acetonitile is likely to provide adequate data to assess its chronic toxicity for section 4 purposes. For this reason no further chronic effects testing of acetonitrile will be required at this time.

4. *Carcinogenicity.* The results of the short-term mutagenicity tests and the results of the NTP 90-day inhalation toxicity study will be important in determining the need for longer-term testing because carcinogenic events can occur through several mechanisms. NTP will decide whether to conduct a long-term bioassay by analyzing the results of both the mutagencity and the 90-day subchronic toxicity studies. This decision is expected to be made in January, 1983. In anticipation that NTP will begin a long-term bioassay of acetonitrile if such a study is warranted by the data, the Agency is not initiating rulemaking to require carcinogencity testing at this time. However, should NTP decide that it will not sponsor a two-year bioassay, the Agency, with the manufacturers of acetonitrile, will evaluate the data and determine the need for this test. If the Agency concludes carcinogenicity testing of acetonitrile is needed and the manufacturers are unwilling to perform such testing, then the Agency will initiate rulemaking to require this test.

5. *Epidemiology.* The ITC recommended epidemiology testing of acetonitrile. The Agency does not believe that this study is warranted at this time because there is no documentable health hazard on which to base an epidemiologic study. However, should the additional data on acetonitrile's toxicity now being developed indicate the existence of a well-defined effect, the Agency will reevaluate the need for epidemiological studies.

EPA believes that the available data, the NTP testing currently in progresss and the industry-sponsored mutagenicity and terategenicity testing respond to the concerns of the ITC and that sufficient data are likely to be provided to reasonably characterize the toxicity profile of acetonitrile. EPA also believes that the additional mutagenicity and teratogenicity data will be provided more expeditiously via the acceptance of the industry-sponsored acetonitrile testing program than under a rule. Therefore, EPA has determined not to initiate a rule to require further testing of acetonitrile at this time.

V. References

(1) MATHTECH, Inc. 1982. Level I Economic Evaluation for Acetonitrile. Draft Report. Washington, DC: Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency. Contract 68-01-5864.

(2) National Institute for Occupational Safety and Health (NIOSH). 1979. National Occupational Hazard Survey. Cincinnati, OH: National institute for Occupational Safety and Health.

(3) National Institue for Occupational Safety and Health (NIOSH). 1978. Criteria for a recommended standard: Occupational exposure to nitriles. Cincinnati, OH: U.S. Department of Health, Education, and Welfare (DHEW Pub. NIOSH 78-212).

(4) American Conference of Governmental Industrial Hygienists (ACGIH). TLVs Threshold limit values for chemical substances in workroom air adopted by ACGIH for 1979. Cincinnati, OH: American Conference of Government Industrial Hygienists.

(5) JRB Associates. 1981. Health Effects Recommendations for Acetonitrile. Washington, DC: Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency. Contract 68-01-6151.

(6) US NIH. 1982. U.S. National Institutes of Health—U.S. Environmental Protection Agency. Computer printout (CIS): Clinical toxicology of commercial products. Retrieved Oct. 26, 1982. Washington, DC: USNIH.

(7) Monsanto. 1982. May 6 letter from Harry M. Keating to Steven D. Newburg-Rinn.

(8) Willhite, C.C. (in press). Developmental Toxicology of Acetonitrile in the Syrian

Golden Hamster. Dr. Calvin C. Willhite to Dr. Elaine Francis.

(9) Hyde, E. 1982. Personal communication between Edward G. Hyde, Jr., Dr. Elaine Francis and David Dellarco.

(10) McCoy, J. 1981. May 15 Outline of the Protocol for NTP Toxicity Studies of Acetonitrile from Dr. James McCoy to David J. Dellarco.

(11) McCoy, J. 1981. Personal communication between Dr. James McCoy and David J. Dellarco.

(12) Zieger, E. 1982. Personal communication between Dr. E. Zieger and David J. Dellarco.

(13) DuPont, Monsanto, Vistron. 1982. June letter from Wiley M. Branan to Steven D. Newburg-Rinn.

(14) DuPont, Monsanto Vistron. 1982. October letter from Wiley M. Branan to Steven D. Newburg-Rinn.

VI. Public Record

EPA has established a public record for this testing decision (docket number OPTS–42019) which is available for inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday except holidays in Rm. E–107, 401 M St., SW., Washington, D.C. 20460. This record includes basic information considered by the Agency in developing this decision. The record includes:

(1) **Federal Register** notice containing the designation of acetonitrile to the priority list and all comments on acetonitrile received in response to that notice.

(2) Communications received prior to industry testing proposal consisting of letters, contact reports of telephone conversations and meeting summaries of Agency-industry and Agency-public meetings.

(3) Testing proposal and protocols.

(4) Published and unpublished data.

(5) **Federal Register** notice requesting comment on the negotiated testing proposal and all comments received in response to that notice.

The Agency will supplement the record periodically with additional relevant information received.

(Sec. 4, 90 Stat. 2003; 15 U.S.C. 2061)

Dated: December 20, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82–35276 Filed 12–23–82; 4:48 pm]

BILLING CODE 6560–50–M

[OPTS–42022; BH–FPC 2249–2]

Hexachlorocyclopentadiene; Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice constitutes EPA's response to the Interagency Testing Committee's recommendation that EPA require health and environmental effects testing of hexachlorocyclopentadiene (HCCP) under section 4(a) of the Toxic Substances Control Act (TSCA). EPA is not initiating rulemaking under section 4(a) to require further health or environmental effects testing of HCCP at this time. EPA does not believe that there is a sufficient basis to find that the current manufacture, distribution in commerce, processing, use, or disposal of this substance may present an unreasonable risk to the environment or of mutagenic or teratogenic health effects, or that there is substantial or significient human exposure or substantial environmental release. In addition, adequate data exist to reasonably predict the chronic health effects of HCCP and an oncogenicity bioassay is under way. Therefore, additional testing for these effects is unnecessary.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, 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. Background

Section 4(e) of TSCA (Pub. L. 94–469, 90 Stat. 2003 *et seq.;* 15 U.S.C. 2601 *et seq.*) established an Interagency Testing Committee (ITC) to recommend a list of chemicals for EPA to consider for promulgation of testing rules under section 4(a) of the Act. The ITC may designate substances on the list for priority consideration by EPA. TSCA requires EPA to respond to these designations by initiating rulemaking under section 4(a) or by stating its reasons in the **Federal Register** for not initiating rulemaking.The ITC designated hexachlorocyclopentadiene (HCCP) for priority consideration in its Fourth Report, published in the **Federal Register** of June 1, 1979 (44 FR 31866), recommending that HCCP be considered for testing for carcinogenicity, mutagenicity, teratogenicity, and other chronic effects. The Committee also recommended testing consideration for environmental effects, with emphasis on chronic effects in aquatic and terrestrial systems.

The ITC's recommendations were based on evidence of substantial production, potential human exposure in the workplace and more generally as a result of industrial release and disposal, and indications of a potential for persistence and bioaccumulation in the environment. Since that time, new information has become available or is under development that, in EPA's judgment, indicates that further testing of HCCP is not warranted at this time.

This notice provides EPA's response to the ITC's designation of HCCP for testing.

II. Decision Not To Initiate Rulemaking

EPA has decided not to initiate rulemaking to require testing of HCCP under section 4 of TSCA because EPA does not believe that there is a sufficient basis to find that the current manufacture, distribution in commerce, processing, use or disposal of HCCP may present an unreasonable risk of injury to the environment or of mutagenic and teratogenic health effects. Neither has EPA found evidence that there is substantial or significant human exposure to or substantial environmental release of HCCP. In addition, certain new studies have become available since the ITC's report or are under way, making additional testing for chronic and oncogenic effects unnecessary.

A. Release and Exposure

The ITC indicated that annual production of HCCP was greater than 8 million pounds, which the Agency considers to be a substantial quantity. EPA has received confidential information from the manufacturer which leads the Agency to believe that current and expected production continue to be substantial.

Velsicol Chemical Company is the sole producer of HCCP in the United States. It manufactures the chemical at two locations: Marshall, Illinois and Memphis, Tennessee. All of the chemical produced at the Marshall location is used at that location in the production of a registered pesticide product. Part of the HCCP produced at Memphis, Tennessee is used at that site in the production of registered pesticide products and other chemicals, principally chlorendic anhydride (Ref. 5). There is one major customer for the rest (Ref. 6).

In assessing the potential exposure to HCCP, EPA cannot identify any uses other than as a chemical intermediate, almost entirely in the production of a number of pesticides and of chlorendic anhydride. Because of HCCP's extreme acute toxicity (exposure to 1.5 ppm for 7 hours killed 3 of 3 rabbits, 4 of 5 mice, 1 of 4 rats (Ref. 14)), all reactions are carried out in tightly-controlled closed

systems, while workers in potential exposure areas are required to wear respirators and protective clothing (Ref. 6). Velsicol Chemical Company has informed EPA that approximately 157 employees are potentially exposed to HCCP at their facilities (Ref. 6). Representative area and personnel monitoring levels from the HCCP production and use facilities have been made available by Velsicol. Time-weighted average concentrations ranged from 0.0003 to 0.035 ppm, although ceiling values reached 0.2325 ppm when HCCP wastes were being loaded (Ref. 6). Human exposure levels are expected to be significantly lower due to the use of respirators and protective clothing. On the basis of these facts, EPA has concluded that there is not significant or substantial worker exposure to HCCP.

Confidential information submitted by Velsicol indicates that HCCP is released to the air in small quantities from the chemical's manufacture and use as a chemical intermediate. Atmospheric releases of HCCP can be expected to undergo rapid degradation because HCCP's atmospheric lifetime is an estimated 0.2 days (Ref. 1).

HCCP is listed as a toxic waste under the Resource Conservation and Recovery Act (RCRA) (Pub. L. 94–580, as amended). The generation, treatment, storage, and disposal of HCCP-containing wastes are all subject to RCRA regulations (40 CFR Part 261). Producers of toxic wastes in amounts greater than 1,000 kg/month must dispose of said wastes in a RCRA-authorized manner. According to Velsicol, approved disposal of HCCP and associated solid wastes occurs through deep-well injection, incineration, or in regulated landfills (Ref. 6).

Underground injection is subject to permits issued under an Underground Injection Control (UIC) program approved or promulgated under the Safe Drinking Water Act (Pub. L. 95–523, as amended), according to regulations contained in 40 CFR Parts 122, 123, 124, and 146. Underground injection under these regulations is designed to avoid release to the environment.

Process water from HCCP production in Memphis goes to the city sewage plant and is finally discharged into the Mississippi River after treatment (Ref. 6). The Memphis Waste Water Facility monitors levels of HCCP in the effluent; during the months of February through June of 1982, the concentration of HCCP in the sewage treatment plant's effluent ranged from non-detectable to 3.04 ppb, with monthly levels averaging 0.30 ppb (limit of detection is 0.01 ppb) (Ref. 7). Immediate dilution by river water reduces the concentration much further. Furthermore, aqueous photolysis of HCCP occurs extremely rapidly (half-life less than 10 min.) (Refs. 18, 20) and is little affected by suspended sediment (Ref. 18), while the hydrolysis half-life at environmental temperatures is 3–11 days at or below pH 7, and less than 2 hrs. at pH 12 (Refs. 18, 19). These data were not available to the ITC, which had expressed concern about the environmental persistence of HCCP.

The available data on exposure lead EPA to conclude that a section 4(a)(1)(B) finding of significant or substantial human exposure cannot be made for HCCP. Although production volume is clearly substantial, the numbers of workers exposed are low, and the levels of HCCP to which they are exposed are not significant, given the protective measures applied during typical work practice. No TSCA-related consumer exposure is known.

The environmental fate data and the low levels of HCCP release have persuaded EPA that, while HCCP is produced in substantial quantities, its environmental release is not substantial and human exposure through the environment via either air or water will be extremely low. Therefore, EPA further evaluated the ITC's testing recommendations for HCCP in the context of whether a finding of potential unreasonable risk could be made under section 4(a)(1)(A).

B. Health Effects

The ITC recommended that HCCP be considered for testing for carcinogenicity, mutagenicity, teratogenicity and other chronic effects. A 2-year inhalation oncogenicity bioassay is being performed under the National Toxicology Program (NTP) (Ref. 17) and this is expected to provide sufficient data to characterize the carcinogenic properties of HCCP. While a mammalian chronic toxicity bioassay has not been performed on HCCP, an adequate subchronic study is available (Ref. 12). For purposes of section 4 of TSCA, EPA has generally accepted subchronic studies as allowing it to reasonably predict the chronic toxicity of a substance.

Since the ITC's report, teratology studies in three species (Refs. 3, 10), and a number of mutagenicity studies (Refs. 2, 4, 8, 15, 17) have been published in the literature or submitted to EPA as unpublished data. While these studies were not definitive, none of them have yielded any evidence suggesting a potential for these effects that might support a testing requirement under section 4(a)(1)(A) of TSCA. In view of the above, EPA is not initiating rulemaking to require further health effects testing of HCCP at this time.

C. Environmental Effects

The ITC recommended that HCCP be considered for environmental effects testing, placing emphasis on determining HCCP's chronic effects in aquatic and terrestrial systems. The ITC based its recommendations for environmental effects testing of HCCP on indications that it might persist in the environment and bioaccumulate in organisms.

As discussed in Unit II.A on release and exposure, available data indicate that HCCP is not expected to persist in the atmosphere or in water. HCCP's release to soil is closely restricted as discussed in Unit II.A.

A paper cited by the ITC (Ref. 9) indicated that in a model ecosystem some HCCP was retained in organisms exposed to HCCP, but the amount was considerably less for HCCP than for three other chlorinated compounds tested. Although the data in the paper were difficult to interpret, mosquito fish appeared to metabolize HCCP to a considerable extent. In more quantitative experiments, goldfish (Ref. 11) and fathead minnows (Ref. 13), have been found to metabolize and eliminate HCCP readily; the bioconcentration factor for fathead minnows was less than 11, a very low value. Thus, EPA believes that these data allow it to reasonably predict that HCCP will not bioaccumulate to significant levels in the environment, given the small releases of the substances.

The available information, some of which has become available since the ITC made its recommendation, indicates that HCCP is recognized to be a hazard to the environment at low levels with acute and chronic LC_{50}'s for fish and invertebrates at or above 7 ppb (Refs. 13, 16). Because existing data have led to controls that have in turn resulted in extremely low environmental exposures, EPA is unable to find under section 4(a)(1)(A) of TSCA that sufficient HCCP is released to or remains in the environment so that it might present an unreasonable risk of injury to the environment. Under these circumstances, EPA does not believe that additional environmental effects testing can be justified under section 4(a)(1)(A) of TSCA.

III. References

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IV. Public Record

EPA has established a public record for this testing decision (docket number OPTS-42022) which includes:

(1) **Federal Register** notice containing the designation of hexachlorocyclopentadiene to the Priority List.

(2) Communications (public).

(a) Non-confidential letters.

(b) Confidential letters (separately held).

(c) Contact reports of telephone conversations.

(d) Meeting summaries.

(3) Published and unpublished data.

This record which includes basis information considered by the Agency in developing this decision is available for inspection in the OTS reading room from 8:00 a.m. to 4:00 p.m. on working days in Rm. E-107, 401 M St., SW., Washington, D.C. 20460.

(Sec. 4, 90 Stat. 2003 (15 U.S.C. 2601))

Dated: December 20, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-35277 Filed 12-23-82; 4:54 pm]

BILLING CODE 6560-50-M

(OPTS-42017; TSH-FRI 2238-1)

Methyl Isobutyl Ketone and Methyl Ethyl Ketone; Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In the Fourth Report of the Interagency Testing Committee (ITC), published in the **Federal Register** of June 1, 1979, (44 FR 31866) the ITC designated methyle isobutyl ketone (MIBK) and methyle ethyl ketone (MEK) for priority consideration for health effects testing. Following publication of the ITC report, additional testing data were made available to EPA, and the major U.S. manufacturers of MIBK and MEK presented to the EPA plans for testing further the health effects of these chemicals. The Agency has concluded that the existing data are sufficient to evaluate some of the effects recommended for testing by the ITC. In other cases, the EPA believes that testing recommended by the ITC is not warranted by the available data. Finally, EPA has tentatively decided to accept the industry proposal in lieu of rulemaking to fill the remaining data gaps of concern to the Agency. Consequently, the EPA is not, at this time, initiating rulemaking to require health effects testing of MIBK and MEK. This notice constitutes EPA's response to the ITC as required by section 4(e) of the Toxic Substances Control Act. Interested persons are invited to comment on EPA's Conclusions as to what testing is needed and on the adequacy of the industry program.

DATE: All comments must be submitted by February 14, 1983.

ADDRESS: Written comments should bear the document control number OPTS-42017 and should be submitted in triplicate to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St. SW., Washington, D.C., 20460.

The administrative record supporting this action is available for public inspection in Rm. E-107 at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St. SW., Washington, D.C., 20460, Toll Free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 4(a) of the Toxic Substances Control Act (TSCA) authorizes the EPA to promulgate regulations requiring testing of chemical substances and mixtures in order to develop data

relevant to determining the risks that such chemicals may present to health and the environment. Section 4(e) of TSCA [90 Stat. 2010; (15 U.S.C. 2601 et seq.)] established an Interagency Testing Committee (ITC) to recommend to the EPA a list of chemicals to be considered for the promulgation of testing rules under section 4(a) of the Act.

The ITC placed methyl isobutyl ketone (MIBK) and methyl ethyl ketone (MEK) on its priority testing list submitted to the Administrator in April, 1979 and published in the Federal Register of June 1, 1979 (44 FR 31866). This notice is EPA's response to the ITC's recommendation that testing be required for MIBK and MEK.

II. Methyl Isobutyl Ketone

A. Background

Methyl isobutyl ketone (MIBK) is a saturated aliphatic ketone whose molecular formula is $C_6H_{12}O$.

Annual production capacity is believed to be 231 million pounds (Ref. 1). MIBK's annual production for the past 10 years has ranged from 150–210 million pounds. Imports have amounted to about 6 million pounds (Ref. 2).

MIBK is used primarily in industrial operations. The Chemical Economic Handbook states that sixty-four percent of the MIBK produced is used as a solvent for industrial coatings, 16 percent is exported, 10 percent is used as a raw material for antioxidant manufacture, and the remaining 10 percent is consumed in a variety of uses such as lube oil dewaxing, rare metal refining, and as a component of agricultural insecticides and of adhesives (Ref. 3). Consumer products containing MIBK include adhesives, fixatives and solvents (Ref. 4).

Releases of MIBK to the atmosphere can occur through fugitive emissions and incomplete removal of vapors from reaction gases before they are vented. MIBK may be released to water during the discharge of spent scrubbing water. Other releases may occur as a result of accidental spillage or disposal of solid wastes or sludges that contain ketones (Ref. 2).

The known chemical properties of MIBK include moderate water solubility, moderate rate of volatilization from water, soil and the pure material, and moderate atmospheric oxidation and photolysis in the presence of oxidants. Thus, MIBK would be expected to partition into the atmosphere where it would be photochemically degraded. This would lead to a short half-life for MIBK in the environment and minimal exposure to the general population (Ref. 2). MIBK is readily biodegraded in normal wastewater treatment facilities and in seawater (Ref. 5).

Human exposure to MIBK has been estimated by the National Institute for Occupational Safety and Health (NIOSH) to range between 1.5 and 1.8 million workers (Ref. 6). The affected industries have indicated that only 10 percent of the people included in the NIOSH estimates (150,000–180,000) are actually exposed to MIBK (Ref. 7). However, EPA considers that even the lower industry estimates indicate a substantial exposure to MIBK. The Agency believes that there is consumer exposure to MIBK as a result of uses of products containing MIBK, but the number of persons and level of exposure cannot be determined.

The ITC recommended MIBK for health effects testing because of high exposure. Specific ITC recommendations and the rationale for testing included: mutagenicity testing because of lack of data; teratogenicity testing because of the indication of possible teratogenicity of the related aliphatic ketone, MEK; chronic effects testing because although subchronic toxicity is well-characterized, long-term toxic effects of MIBK have not been studied sufficiently to predict chronic effects; and performance of an epidemiology study because of lack of data on long-term toxic effects and on chronic effects on humans. The ITC did not recommend any environmental effects or fate studies because MIBK exhibits high vapor pressure and undergoes chemical and biological degradation in the environment and therefore, "does not appear to pose a hazard to terrestrial animals" (44 FR 31868, June 1, 1979).

B. Testing Proposed by Industry

The Chemical Manufacturers Association (CMA) Ketones Program Panel (the Panel) has submitted protocols (Ref. 8) for the following tests which they have agreed to perform: (1) Mutagenicity of MIBK; (2) inhalation teratology of MIBK; (3) 90-day subchronic toxicity of MIBK. EPA will examine the data from these tests and determine whether there is need for additional testing. The Panel is prepared to undertake any further testing on MIBK, including carcinogenicity studies, that industry and EPA scientists agree is scientifically justified on the basis of the initial test results.

1. *Mutagenicity testing.* The Panel has proposed to test MIBK using a battery of five mutagenicity tests.

These tests are listed below; they will be initiated following publication of EPA's final decision following review of comments on this notice.

(a) Ames test (*Salmonella* +/− Activation).

(b) Mouse Lymphoma (L5178Y TK +/−).

(c) BALB/3T3 Mouse embryo cell transformation.

(d) Cytogenetic Study (Mouse micronucleus).

(e) Unscheduled DNA synthesis.

2. Inhalation Teratology Testing.

The Panel will initiate teratology test in two species (rats and mice) for MIBK. At least three doses will be used along with a negative control. Dose levels will be established after the completion of the subchronic toxicity study. The doses will be designed to satisfy the criteria in the Organization for Economic Cooperation and Development Teratogenicity Guideline No. 414 (Ref. 9). A schedule for initiation, completion, and delivery of results will be provided to the Agency.

3. *90-day Subchronic testing.* While subchronic inhalation studies have been conducted with MIBK, the CMA Ketones Panel will sponsor another study because (1) the MacEwen study (Ref. 11) cited by the ITC was done under hyperbaric conditions, and exposures were 24 hours per day (not typical of workplace exposure), and (2) female animals have generally not been studied.

The Ketones Panel study is designed to measure parameters indicative of toxicity (such as changes in body weight, organ weight, blood cytology, clinical chemistry and urine analysis) as well as an extensive histopathology examination of major organs and tissues. This study will be performed on male and female rats and mice, using whole body inhalation exposure to MIBK vapor, six hours per day, five days per week for 13 weeks at doses of 50, 250, and 1000 ppm. The study is now on test at Bushy Run Research Center, sponsored by CMA, and results should be available in early 1983. A 9-day vapor inhalation range-finding study was completed in June, 1982.

At the conclusion of the 90-day study, the Panel will report these data to the Agency. EPA will evaluate these data and make recommendations on the need for further testing to the Panel.

C. Decision Not To Initiate Rulemaking

The Panel's proposed testing program will resolve unanswered questions on mutagenicity, teratogenicity and chronic health effects of MIBK. These are the health effects of concern designated for consideration by the ITC.

For most chronic effects except oncogenicity, EPA generally will accept, for TSCA section 4 purposes, a well-conducted 90-day subchronic study as providing sufficient data to determine chronic risk from exposure to a chemical. While the protocols of the ongoing MIBK study are not identical to the TSCA Test Guidelines for a 90-day subchronic study, they are sufficiently similar with respect to histopathology, dosing regimen and data analysis to be acceptable for TSCA purposes.

The Panel's mutagenicity battery will provide a basis for determining the need for additional testing. The Panel's battery is similar to the testing scheme EPA normally uses under TSCA section 4, as it contains gene mutation and cytogenetics tests, and will provide an equivalent amount of data necessary to determine the need for more testing. Therefore, EPA believes that additional mutagenicity testing of MIBK need not be required at this time.

The Panel's teratology tests in two species are consistent with TSCA Testing Guidelines published by the Agency and are expected to provide adequate data to evaluate MIBK's teratogenic potential.

The Agency does not believe that the ITC recommended epidemiology study is warranted at this time. The Agency has not identified a toxic endpoint in any of the available data which would serve as a basis for epidemiologic testing. However, should the data to be developed demonstrate a defined effect, the Agency will reevaluate this decision.

III. Methyl Ethyl Ketone

A. Background

Methyl ethyl ketone (IMEK) is a saturated aliphatic ketone with molecular formula C_4H_8O.

Production reported in 1978 totaled 396 million pounds. Imports amounted to about 55 million pounds in 1978 (Ref. 12).

MEK is used in industrial operations including solvents for industrial coatings (55–75 percent), adhesives (12–20 percent), petroleum refining (3–10 percent), and miscellaneous and export (10–20 percent). Both industrial and consumer uses of MEK-containing degreasers and adhesives are expected to occur. Consumer exposure occurs primarily during the use of paint thinners and removers, varnish removers, stripping compounds, paint brush cleaners, various glue and adhesive products (particularly the fast-drying and epoxy glues) and automotive carburetor cleaners and engine degreasers (Ref. 13).

Releases of MEK can occur through fugitive emissions and venting of gases to the atmosphere. MEK is released to water and air. It has been detected in wastewater from manufacturing facilities and synthetic fuel plants, in groundwater near synthetic fuel plants, and in drinking water (Ref. 13). It has also been detected in air emissions from chemical plants (Ref. 13), processing facilities (Ref. 13), and automobile exhaust (Ref. 14).

Available chemical data on MEK include a high vapor pressure and high water solubility. Partitioning calculations indicate rapid volatilization from the pure material, and MEK's chemical reactivity favors subsequent rapid atmospheric oxidation and photolysis. The high water solubility of MEK will result in partitioning to water where data also indicate that MEK will be readily biodegraded (Refs. 15, 16). As a result it is not expected that MEK would bioconcentrate.

Worker exposure was estimated by NIOSH at 3 million in 1977 (Ref. 5). The 1980 quarterly NIOSH Hazard Report gave a revised estimate of 38,000 persons occupationally exposed (Ref. 17). This figure does not include the persons exposed to consumer products containing MEK. EPA is unable to determine the magnitude of this latter exposure.

The ITC recommended testing of MEK for chronic effects (with special emphasis on neurological effects), and performance of an epidemiology study. The basis for the neurological effects recommendation was the 1944 study by Smith and Mayers which reported a numbness of the skin (Ref. 18). The ITC did not recommend any environmental effects or chemical fate studies.

B. Testing Submitted Subsequent to ITC Recommendations

1. *Subchronic Toxicity.* The Chemical Industry Institute of Toxicology (CIIT) has recently completed a 13-week subchronic toxicity test on MEK (Ref. 19). The study exposed rats and mice at levels of 1,250, 2,500, and 5,000 ppm, for six hours per day, five days per week. Virtually no effects were shown at any exposure level. Because of the lack of effects, CIIT decided it would be inappropriate to proceed with long-term testing. The Panel submitted this report to the Agency as fulfillment of the chronic testing recommendation by the ITC. The Agency, after review of the study, has found it adequate to predict chronic toxicity of MEK.

2. *Neurological Testing.* An extensive literature review on the health effects of MEK revealed no reports that MEK alone induced neuropathological changes or neurotoxicological effects including its reported use and effects from "glue-sniffing." (Ref. 20). Only if MEK and methl-n-butyl ketone or MEK and n-hexane were combined and animals exposed to the binary mixtures were some neurotoxic effects observed. It should be noted that methl-n-butyl ketone and N-hexane are neutrotoxic agents by themselves. While it appears that MEK may exert a synergistic effect with the two neurotoxicants on the test animals, the data from previously performed experiments clearly indicated that MEK is not a neurotoxicant.

Furthermore, in the CIIT subchronic toxicity study on MEK, animals were examined for neurological changes both in daily observations and histologically after sacrifice. There was no functional deficit reported in the daily observation nor were there any neurological tissue changes found in the histopathology after exposure to 1,250, 2,500, and 5,000 ppm (Ref. 19). Part of the study done by CIIT was designed specifically to address neurotoxicity.

Five males and five females from each exposure group and the control group were used exclusively in the special neurotoxicity study. Vascular perfusion was performed with lactated Ringer's solution and glutaraldehyde. Following perfusion, the brain, spinal cord, right and left sciatic and tibial nerves were removed and preserved. A minimum of 50 nerve fibers/animal were evaluated by light microscopy for evidence of nueropathy. Specimens from all groups were examined. Lesions attributable to MEK were not demonstrated or observed (Ref. 19).

C. Testing in Areas Not Recommended by the ITC

The Ketones Panel has proposed to test MEK using the following mutagenicity battery. These studies would be initiated following publication of EPA's final decision following review of comments on this notice.

(a) Ames test (*Salmonella* +/−Activation).

(b) Mouse Lymphoma.

(c) BALB/3T3 Mouse embryo cell transformation.

(d) Cytogenetic Study (Mouse micronucleus).

(e) Unscheduled DNA synthesis.

EPA will examine the data from these tests and determine whether there is need for additional testing. The Panel is prepared to undertake any further testing on MEK, including carcinogenicity studies, that industry and EPA scientists agree is scientifically justified on the basis of the initial test results.

D. Decision Not To Initiate Rulemaking

The Agency believes that the completed 90-day subchronic test which was submitted after publication of the ITC report provides an adequate basis for determining MEK's chronic toxicity including neurotoxicity. While the protocols are not identical to the TSCA Test Guidelines for this test, they are sufficiently similar with respect to histopathology, dosing regimen and data analysis to be acceptable for TSCA purposes. For most chronic effects except oncogenicity, EPA generally will accept for TSCA section 4 purposes a well-conducted 90-day subchronic study as providing sufficient data to determine chronic risk from exposure to a chemical. Therefore, EPA believes that no further chronic toxicity testing of MEK is necessary at this time.

The Panel's mutagenicity battery will provide a basis for determining the need for additional testing. The Panel's battery is similar to the testing scheme EPA normally uses under TSCA section 4 as it contains gene mutation and cytogenetics tests and will provide an equivalent amount of data necessary to determine the need for more testing. Therefore, EPA believes that additional mutagenicity testing of MIBK need not be required at this time.

The Agency does not believe that the ITC recommended epidemiology study is warranted at this time. The Agency has not identified a toxic endpoint in any of the available data which would serve as a basis for epidemiologic testing. However, should the data developed in this testing program demonstrate a well-defined effect, the Agency will reevaluate this decision.

IV. GLP's and Other Provisions

The Panel has agreed to adhere to the FDA's Good Laboratory Practice (GLP) Standards (21 CFR Part 58). It has acknowledged EPA's right to conduct laboratory audit/inspections in accordance with the procedures outlined in TSCA section 11, at the request of authorized representatives of the EPA for the purpose of determining compliance with the submitted protocols and GLP's. These inspections may be conducted for purposes which include verification that testing has begun, that schedules are being met, that reports accurately reflect the raw data, and that the studies are being conducted with adequate quality assurance procedures.

In addition, the Panel has agreed that all raw data, documentation, records, protocols, specimens, and reports generated as a result of a study will be retained and made available during an inspection or submitted to EPA if requested by EPA or its authorized representative. This is consistent with the proposed TSCA GLPs published in the **Federal Register** of May 9, 1979 (44 FR 27362).

The Panel has also acknowledged that TSCA section 14(b) governs Agency disclosure of all test data submitted to the Agency under this testing program.

The Panel understands that the Agency plans to publish quarterly in the **Federal Register** a notice of the receipt of any test data submitted under this agreement. Subject to TSCA section 14, the notice shall provide information similar to that described in TSCA section 4(d). Except as otherwise provided in TSCA section 14, any data submitted shall be made available by EPA for examination by any person.

Failure to adhere to the terms of the protocols submitted or GLP's may invalidate the tests. In such cases, a data gap may still exist, and the Agency may decide to promulgate a test rule.

VI. References

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2. JRB. Inc. TSCA Section 4 Human Exposure Assessment. Basu P, Carpenter J, Chen C, Nelson H, Perry W, Shochet A, Taylor D, Zafran F. Methyl Isobutyl Ketone. Draft final report. DOW No. 11. Washington, D.C. Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, Contract 68-01-4839.

3. SRI. 1978. Stanford Research Institute. Methyl Isobutyl Ketone (MIBK) under Acetone In: Chemical Economic Handbook, March 1981. Menlo Park, CA: SRI, pp. 604.5032 U, V, W.

4. USEPA. 1980. U.S. Environmental Protection Agency. Computer printout: Clinical Toxicology of Commercial Products (CTCP). Retrieved Nov. 5, 1980 from NIH/EPA Chemical Information Systems.

5. Price KS, Waggy GT, Conway RA. 1974. Brine shrimp bioassay and seawater BOD of petrochemicals. J. Water Pollut. Control Fed. 46(1):63-77.

6. NIOSH. 1978. National Institute for Occupational Safety and Health. Criteria for a recommended standard: occupational exposure to ketones. Washington, DC: NIOSH, U.S. Dept. Health, Education, and Welfare. DHEW. Pub. NIOSH 78-173.

7. Union Carbide. 1979. Letter to Document Control Officer. Comment on Fourth Report of the ITC.

8. Chemical Manufacturers Association Ketones Panel. 1982. (May 27). Methyl ethyl ketone and methyl isobutyl ketone. Voluntary Test Program submitted to the Environmental Protection Agency, Washington, D.C.

9. OECD, 1981. Teratogenicity—OECD Guidelines for Testing of Chemicals #414, adopted May 12, 1982.

10. Teratogenicity study HG—organ/tissue/terato. In Test Guidelines and Support Documents for Health Effects, Environmental Effects and Chemical Fate Testing. August, 1982.

11. Mac Ewen, J.D., E.H. Vernot, and C.C. Haun, 1971. Effect of 90-day continuous exposure to methylisobutylketone in dogs, monkeys, and rats. Aerospace Medical Research Division, Air Force Systems Command, Wright-Patterson AFB, OH 45433. Available from Nation Technical Information Service. AD 730-191.

12. TSCA Section 4 Human Exposure Assessment. Methyl Ethyl Ketone. Sept. 30, 1981. JRB Associates, Inc., 8400 Westpark Dr., Mclean, VA 22102. Prepared under Contract No. 68-01-4839 DOW No. 11.

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14. Seizinger DE, Dimitriades B. 1972. Oxygenates in exhaust from simple hydrocarbon fuels. J. Air Pollut. Contr. Assoc. 22(1):47-51.

15. Lyman WJ, Rechl WF, Rosenblatt DH. 1982. Handbook of chemical property estimation methods, McGraw Hill.

16. Enviro Control Inc. 1981. Draft Report: Partitioning Analysis: Methyl Ethyl Ketone. Rockville, Md. Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, Contract No. 68-01-6147.

17. NIOSH. 1980. National Institute for Occupational Safety and Health. Computer Printout: Quarterly Hazard Report, Methyl Ethyl Ketone. Retrieved August 6, 1980.

18. Smith A.R., Mayers M.R. 1944. N.Y. State Dept of Labor Industrial Bulletin 23:174-176.

19. Chemical Industry Institute of Toxicology. 1981. Toxigenics Study No. 420-0305 for the Chemical Industry Institute of Toxicology, "A 90-day toxicology study in Fischer 344 rats exposed to methyl ethyl ketone", Submitted to U.S. Environmental Protection Agency, Washington, D.C. 20460.

20. Altenkirch H, Stoltenburg G, Wagner HM. 1977. Experimental studies on hydrocarbon neuropathies induced by methyl ethyl keton (MEK) J. Neurol. 219:159-170.

VI. Public Record

The EPA has established a public record for this testing decision (docket number OPTS-42017) which is available for inspection in the OTS Reading Room from 8:00 a.m. to 4:00 p.m. Monday through Friday in Rm. E-107, 401 M St., SW., Washington, DC 20460. This record includes basic information considered by the Agency in developing this decision. The Agency will supplement the record periodically with additional relevant information received. The record includes the following information:

(1) **Federal Register** notice containing the designation of the MIBK and MEK to the priority list.

(2) Communications before industry testing proposal.

(a) Letters.

(b) Contact reports of telephone conversations.

(c) Meeting summaries of Agency-industry and Agency-public meetings.
(3) Testing proposal and protocols.
(4) Published and unpublished data.
(5) **Federal Register** notice requesting comment on the negotiated testing proposal and comments received in response thereto.

(Sec. 4, 90 Stat. 2003; (15 U.S.C. 2061))

Dated: December 20, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-35278 Filed 12-23-82; 4:46 pm]
BILLING CODE 6560-50-M

[OPPTS-42020 TSH-FRL 2237-8]

Hexachloro-1,3-Butadiene; Response to the Interagency Testing Committee

AGENCY: Enviromental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice constitutes EPA's response to the Interagency Testing Committee's recommendation that EPA require environmental effects testing of hexachloro-1,3-butadiene (HCBD) under section 4(a) of the Toxic Substances Control Act (TSCA). EPA is not initiating rulemaking under section 4(a) to require further environmental effects testing of HCBD. EPA does not believe that there is a sufficient basis to find that the current manufacture, distribution in commerce, processing, use, or disposal of HCBD may present an unreasonable risk to the environment. The available information indicates that HCBD is recognized to be a hazard to the environment at low levels and both voluntary and regulatory measures have been taken to control the release of HCBD to the environment.

FOR FURTHER INFORMATION CONTACT: Dougal G. Gannerman, Acting Director, Industry Assistance Office (TS-799), Office of Pesticides and Toxic Substances, Environmental Protection and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC, 20460, Toll Free: (800-424-9065), In Washington, DC: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(e) of TSCA (Pub. L. 94-469, 90 Stat. 2003; 15 U.S.C. 2601 *et seq.)* established an interagency Testing Committee (ITC) to recommend a list of chemicals for EPA to consider for promulagation of testing rules under section 4(a) of the Act. The ITC may designate substances on the list for priority consideration by EPA. TSCA requires EPA to respond to these designations by initiating rulemaking under section 4(a) or by publishing reasons in the **Federal Register** for not initiating rulemaking.

The ITC designated hexachloro-1,3-butadiene (HCBD) for priority consideration in its First Report, published in the **Federal Register** of October 12, 1977 (42 FR 55057), recommending that it be tested for the following environmental effects: aquatic fate, effects on aquatic organisms (invertebrates, fish, higher vertebrates, plants), and uptake by terrestrial plants and/or foraging species.

The ITC's recommendations were based on evidence of widespread distribution of HCBD in the aquatic environment, report of bioaccumulation in fish and other aquatic organisms, and the appearance of HCBD in some European agricultural products.

This notice provides EPA's response to the ITC's designation of HCBD for testing.

I. Decision Not to Initiate Rulemaking

EPA has decided not to initiate rulemaking to requre testing of HCBD under section 4 of TSCA because EPA does not believe that there is a sufficient basis to find that the current manufacture, distribution in commerce, processing, use of disposal of HCBD may present an unreasonable risk to the environment. HCBD appears to be widely recognized as a hazardous substance and both voluntary and regulatory measures have been taken to control the release of HCBD to the environment. Development of further environmental effects data would not be expected to play a significant role in further regulatory efforts.

The available information indicates that HCBD is recognized to be a hazard to the environment at low levels. Some of this information has become available since the ITC made its recommendation. HCBD has been characterized as very persistent in the aquatic environment. The logarithm of the octanol/water partition coefficient for HCBD has been estimated to be 4.78 indicating that HCBD is preferentially bound to organic matter (Ref. 1). Studies have demonstrated that HCBD preferentially binds to soil and sediments but that it also can be released from sediments back into the water column (Ref. 10). HCBD has been reported to have moved through soil into ground water from a waste disposal site (Ref. 19) and has been reported as ubiquitous at low levels (ug/L range) in surface waters in the U.S. (Ref. 18). HCBD has been shown to bioaccumulate in a wide range of aquatic organisms to 2-3 orders of magnitude over water concentrations (Refs. 7, 10, 12, 15). Several studies indicate that HCBD does not biomagnify along food chains (Refs. 7, 10, 15).

Studies on the effects of HCBD show that fish and aquatic invertebrates demonstrate acute effects at concentrations (LC_{50}s) between 100 and 1,000 ug/L of HCBD (Refs. 10, 11, 12, 21). A study of chronic effects resulted in an estimated maximum acceptable toxicant concentration (MATC) level of 9.3 ug/L for an embryo-larval study of the flathead minnow, with an acute-chronic ratio of 11 (Ref. 20). Exposure to 3.7 ug/L for up to 10 days has produced evidence of hepatopancreatic damage in crayfish (Ref. 10). Marine crustaceans appear more sensitive with acute static tests showing lethal concentration (LC_{50}) values as low as 59 and 32 ug/L for mysid and grass shrimp (Ref. 21).

In recognition of the hazard HCBD poses to the environment, both voluntary and regulatory measures have been taken to control the release of HCBD to the environment. There are currently two sources of HCBD in the U.S.: (1) Imports and (2) HCBD-containing hex-wastes resulting from the production of chlorinated hydrocarbons. In 1981, 145,000 pounds of HCBD were imported into the U.S. (Ref. 8). The major domestic use of imported HCBD is as a chemical intermediate in the manufacture of rubber compounds (Refs. 8 and 24). Small quantities also are apparently used as a laboratory reagent (Ref. 17). Confidential business information received by the Agency, from industry demonstrates that very little HCBD is released to the environment through these uses (Ref. 13). Previously, HCBD was used as a solvent for the recovery of chlorine-containing gas in chlorine plants. More recent information indicates that HCBD is no longer being used in this process (Refs. 2, 4, 14, 23).

The predominant source of HCBD in the U.S. (approximately 99.5 percent of the annual volume of 28 million pounds) is inadvertent production as a waste by-product from the production of certain chlorinated hydrocarbons (Refs. 2, 3, 6, 9, 14, 16, 23). The waste streams, known as "hex-wastes", typically contain 33-80 percent HCBD. The HCBD is not recovered from the hex-wastes, but is disposed of by various methods. Over the last 10 years, disposal practices for hex-wastes have shifted from landfill operations to incineration. In 1982, manufacturers reported that of the approximately 27 million pounds of HCBD generated annually as hex-wastes, approximately 68 percent is now

disposed of by incineration, 32 percent by deepwell injection and less than 0.2 percent by hazardous waste landfill operations (Refs. 2, 3, 6, 9, 14, 16, 23). The incinerators used for this purpose reportedly achieve greater than 99.99 percent destruction efficiency (Refs. 3, 6, 14, 23). Monitoring data from 1982 indicate HCBD levels released were below a detection level of 10 ppb in incinerator and process water effluents and in incinerator air emissions (Ref. 14).

On the basis of the above information, it is estimated that of the approximately 19 million pounds of HCBD incinerated per year, less than 1,900 pounds would be released to the environment. Exposure modelling by EPA produced worst case water concentration estimates of less than 0.1 part per trillion (ppt) HCBD in shallow ponds adjacent to incinerators (Ref. 22). EPA believes that HCBD concentrations in water bodies farther away from incinerator sources would be much lower. Even taking into consideration the persistence of HCBD, it is not expected that at this release rate environmental levels would reach significantly high levels.

Underground injection is subject to permits issued under an Underground Injection Control (UIC) program approved or promulgated under the Safe Drinking Water Act (Pub. L. 95–523, as amended) according to regulations contained in 40 CFR Parts 122, 123, 124, and 146. Underground injection under these regulations is designed to avoid release to the environment. Some hex-wastes also contain polychlorinated biphenyls (PCBs) at levels exceeding 50 ppm (Refs. 2, 3, 6, 14, 23) and thus must be handled according to the regulations governing PCBs under TSCA, 40 CFR Part 761. These regulations include disposal in EPA-approved incinerators (99.9999 percent destruction efficiency), secured landfills, or high-efficiency boilers.

Finally, regulatory action under the Resource Conservation and Recovery Act (RCRA) (Pub. L. 94–580, as amended) is being directed toward the proper disposal of HCBD. The generation, treatment, storage, and disposal of HCBD-containing wastes are all subject to RCRA regulations. HCBD and hex-waste streams are listed as hazardous wastes under RCRA, 40 CFR Part 261. Although data gaps do exist for HCBD (e.g., rate of anaerobic degradation, chronic toxicity to marine invertebrates and benthic organisms, effects on aquatic plants), the available environmental effects data, showing HCBD is toxic at low levels, combined with human health data, showing HCBD is carcinogenic, already appear to be adequate to support regulatory controls sufficient to protect from potential unreasonable environmental risk from this chemical. Therefore, EPA believes that data from further environmental effects testing would be unlikely to have regulatory significance to further RCRA control efforts.

HCBD is also present as an intermediate in the production of chlorofluorocarbons. However, the HCBD is generated and entirely consumed within the closed manufacturing process. The manufacturer estimates that a total of less than 70 pounds of HCBD per year are released into the environment from storage tanks, equipment cleaning, sampling, etc. (Ref. 5).

It is anticipated that only very small quantities of HCBD will be released to the environment in light of the current importation volume and uses of HCBD, the handling and disposal practices for HCBD-containing hex-wastes, and the voluntary and regulatory actions taken to limit HCBD releases. Although biological activity has been observed for HCBD at low (ppb) levels, considering current control measures for this chemical and the resultant low release levels, the Agency believes there is not a strong basis for concluding that HCBD may present an unreasonable risk at the levels expected in the environment. EPA, therefore, believes that further environmental effects testing of HCBD is not warranted at this time.

If monitoring data or other data indicate an increase in release or exposure to HCBD or if a lack of data proves to be a barrier to further regulation, this decision not to require testing will be reconsidered at that time.

III. References

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(3) Dow Chemical Company, April 20 Letter to S. Newburg-Rinn (EPA), 1982.

(4) Dow Chemical Company, April 27 Letter to S. Newburg-Rinn (EPA), 1982.

(5) E. I. du Pont De Nemours & Company, May 21 Letter to S. Newburg-Rinn (EPA), 1982.

(6) Ethyl Corporation, May 10 Letter to S. Newburg-Rinn (EPA), 1982.

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(14) PPG Industries, Inc., May 19 Letter to S. Newburg-Rinn (EPA), 1982.

(15) Pearson, C. R., McConnell, G., "Chlorinated C_1 and C_2 Hydrocarbons in the Marine Environment." Proc. R. Soc. Lond. B. 189:305–332, 1975.

(16) Stauffer Chemical Co., September 2 Letter to S. Newburg-Rinn (EPA), 1982. Submitted as Confidential Business Information.

(17) U.S. Environmental Protection Agency, April 20, Personal communication between N. Merrifield (EPA) and W. Hagen (Davos Chemical Co.), 1982.

(18) U.S. Environmental Protection Agency, "STORET Data for Water, Fish, and Sediment." Washington, DC, 1980.

(19) U.S. Environmental Protection Agency, Unpublished Hazardous Waste Incidents, Washington, DC, 1978.

(20) U.S. Environmental Protection Agency, Unpublished Laboratory Data, Environmental Research Laboratory—Duluth, Minnesota, 1980.

(21) U.S. Environmental Protection Agency, Unpublished Laboratory Data, Environmental Research Laboratory—Gulf Breeze, Florida, 1980.

(22) U.S. Environmental Protection Agency, Unpublished ToxScreen Data on HCBD, Washington, DC, 1982.

(23) Vulcan Chemicals Co., May 6 Letter to S. Newburg-Rinn (EPA), 1982.

(24) Mallinckrodt, Inc., December 22 Letter to MATHTECH, 1980.

IV. Public Record

EPA has established a pubic record for this testing decision (docket number OPTS–42020) which is available for inspection in the OPTS Reading Room from 8:00 a.m. to 4:00 p.m. on working days in Rm. E–107, 401 M St. SW., Washington, D.C. 20460. This record includes basic information considered by the Agency in developing this decision such as:

(1) Federal Register notice containing the designation of HCBD to the Priority List.

(2) Public comments on the ITC report.

(3) Communications (public, intra-agency, and interagency) consisting of memoranda and letters, contact reports of telephone conversations, and meetings.

(4) Published and unpublished data.

The Agency will supplement the record with additional relevant informaiton as it is received.

(Sec. 4, 90 Stat. 2003; (15 U.S.C. 2061))

Dated: December 20, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-35273 Filed 12-23-82; 4:12 pm]

BILLING CODE 6560-50-M

[OPTS-42014; TSH-FRL 2234-4]

Pyridine; Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice is EPA's response to the Interagency Testing Committee (ITC) designation of pyridine for consideration for health and environmental effects testing under section 4(a) of the Toxic Substances Control Act (TSCA). EPA has decided not to initiate rulemaking to require testing of pyridine under section 4(a) of TSCA for carcinogenicity, chronic effects, or environmental effects. EPA has concluded that sufficient data have been or are being developed on pyridine for carcinogenicity and chronic effects by the National Toxicology Program. EPA is not initiating rulemaking to require testing of pyridine for environmental effects because the Agency has found no evidence of substantial environmental release of pyridine and, because pyridine is not likely to persist or bioaccumulate, no reason to believe pyridine may present an unreasonable risk to the environment. EPA has made tentative decisions not to initiate rulemaking to require testing of pyridine for mutagenicity, teratogenicity, or neurotoxicity at this time. Considering the numbers of people exposed, the probable levels of exposure, and the nature of existing data, the Agency has concluded that a finding that pyridine may present an unreasonable risk for these effects is not warranted. Because of the difficult nature of the issues involved, EPA is soliciting comment and submission of any additional data relevant to the Agency's tentative decisions.

DATES: Submit written comments on or before February 14, 1983.

ADDRESS: Written comments should bear the document control number OPTS-42014 and should be submitted in tripicate to: Document Control Officer, Management Support Division (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington. DC 20460.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St. SW., Washington, DC 20460. Toll Free: (800-424-9065), in Washington, DC (554-1404), outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(e) of TSCA [Pub. L. 94-469, 90 Stat. 2003; 15 U.S.C. 2601 *et seq.*] established an Interagency Testing Committee (ITC) to recommend a list of chemicals for EPA to consider for promulgation of testing rules under section 4(a) of the Act. The ITC designated pyridine for testing in its Second Report, published in the Federal Register of April 19, 1978 (43 FR 16684), and recommended that pyridine be evaluated for: (1) Carcinogenicity, (2) mutagenicity, (3) teratogenicity, (4) other chronic effects on the liver, kidney and central nervous system, (5) environmental effects, and (6) epidemiology.

The basis for the ITC recommendations was that: (1) Sixty million pounds of pyridine were reported to be produced in 1976, (2) the National Institute for Occupational Safety and Health (NIOSH) estimated that 249,000 persons might be exposed to pyridine, and (3) there was a paucity of data and a lack of long-term tests on the effects of pyridine on human health and the environment.

This notice is EPA's response to the ITC designation of pyridine for testing.

II. Decisions Not To Initiate Rulemaking

The Agency is not initiating rulemaking to require testing of pyridine for carcinogenicity and for chronic effects on the liver and kidney because a subchronic test and an oncogenicity bioassay using rats and mice have been conducted by the National Toxicology Program (NTP). The animals from the bioassay were sacrificed in January, 1982, and the results will be available for review in 1983. It is expected that these tests will prove adequate to determine pyridine's oncogenicity and its chronic effects on the liver and kidney.

EPA is not initiating rulemaking to require testing of pyridine for chronic environmental effects because the Agency has found no evidence of substantial environmental release of pyridine and no reason to believe that pyridine may present an unreasonable risk to the environment. The present pattern of use of pyridine appears to preclude substantial release of pyridine. Of the less than 26 million pounds (12 million kilograms) of pyridine produced in the U.S. each year, approximately half is exported (Ref. 34). Up to 80 percent of the remaining pyridine is converted into other chemicals, i.e., agricultural chemicals, such as herbicides and insecticides, pharmaceuticals, and chemicals such as piperidine for use in the rubber industry (Ref. 34).

Most of the residual 20 percent of the pyridine used in the U.S. is used as a reaction solvent in chemical manufacturing or as a component of the Karl Fischer reagent in laboratories. Because of the high cost of pyridine, the chemical is recovered and recycled when used as a chemical solvent. In the Karl Fischer reaction, the pyridine is fully spent in the reaction. The pyridine industry reported that in 1977, 660,000 pounds of pyridine were disposed of, half of it via publicly owned treatment works (Ref. 34). Because this figure does not distinguish between input into treatment systems and ultimate environmental release, ultimate environmental release of pyridine is likely to be lower than this figure indicates. There are limited data on pyridine being present in industrial effluents (Ref. 38), in aqueous effluents from coke-oven quenching operations at 11 ppm (Ref. 10) and from coal gasification operations in the range of 0.1 to 0.2 ppm (Ref. 33). No reports were found in the EPA STORET data base on the presence of pyridine in ambient waters.

In addition, pyridine is not likely to be persistent in the environment because it has been shown to be readily metabolized by several microorganisms (Refs. 8, 12, 16, 17, 39 through 42, and 45). Based upon its physicochemical properties, pyridine is also not expected to bioaccumulate (Ref. 25). The octanol/water partition coefficient for pyridine is quite low, i.e., log $P = 0.65$ (Ref. 25). Because pyridine is not likely to persist in the environment and is not likely to bioaccumulate, EPA finds no basis to believe that there is a potential for long-term exposure to pyridine in the

environment and thus no reason to believe that pyridine may present an unreasonable risk of chronic toxicity to the environment. Acute toxic data noted in aquatic and terrestrial organisms reveals that, overall, pyridine is toxic only at high levels of exposure and such levels are not likely to occur in the environment (Refs. 2 through 7, 9, 20, 24, 27, and 44).

Finally, EPA is not initiating rulemaking to require an epidemiological study of pyridine because a suitable cohort has not been identified with a sufficiently large number of workers who are routinely exposed to pyridine to make such a study meaningful.

III. Tentative Decisions Not to Initiate Rulemaking

EPA has tentatively decided not to initiate rulemaking to require mutagenicity, teratogenicity, or neurotoxicity testing of pyridine because the Agency believes that human exposure to pyridine is not substantial or significant and because there is insufficient basis to find that pyridine may present an unreasonable risk for these effects. With respect to mutagenicity, some mutagenicity data have become available since the ITC's designation of pyridine. These data, although incomplete, do not indicate that pyridine is likely to be mutagenic.

EPA's decisions not to initiate rulemaking to require testing to determine pyridine's potential to cause teratogenic effects and effects on the central nervous system have required substantially more difficult judgments than the Agency's decisions with respect to the other effects for which the ITC recommended testing. Existing data indicate that pyridine might have the potential to cause teratogenic or neurotoxic effects and the recently completed chronic testing by the NTP is not expected to resolve this uncertainty. Nevertheless, after carefully considering the existing evidence for such effects and the available evidence concerning human exposure to pyridine, the Agency believes that it cannot reasonably make the findings necessary to require the testing of pyridine under section 4(a) of TSCA. The information considered by EPA and the basis of its judgment not to initiate rulemaking are explained more fully below.

A. Information on Exposure

Various factors lead EPA to believe that human exposure to pyridine is much less than the ITC had reported, and is not substantial or significant. As already reported above, of the 26 million pounds of pyridine produced per year, approximately half is exported, up to 80 percent of the remaining pyridine is converted into other chemicals, and most of the residual 20 percent is used as a reaction solvent in chemical manufacturing or as a component of the Karl Fischer reagent in laboratories. In the past, pyridine was used in the textile industry. This use has been phased out due to the high cost and unpleasant odor of pyridine, however. Pyridine is also created as a by-product during coke-oven (Ref. 30) and coal gasification operations (Ref. 33).

Human exposure to pyridine appears to be confined largely to the laboratory, coke-oven, and manufacturing and processing environments. Based on actual observed use of pyridine in its 1972 to 1974 survey, NIOSH observed 903 persons exposed to pyridine (Ref. 29) and estimated that 29,285±12,000 persons could be exposed to pyridine (Ref. 28). This survey did not consider exposure from coke-ovens. The occupational categories listed for 88.7 percent of the estimated workers were laboratories (agricultural, biological, and chemical) (Ref. 28).

A collective response from the manufacturers of pyridine accurately herein referred to as the Pyridine Task Force (PTF), estimated that 30,000 laboratory workers could be exposed to pyridine annually, which is roughly consistent with the NIOSH estimate (Ref. 34). However, while laboratory use of Karl Fischer reagent appears to be the most dispersive of the uses of pyridine, there is reason to believe that actual exposure is quite low (Refs. 35 and 36). Both pyridine's noxious odor and the nature of its use require that the chemical be handled in closed systems and ventilated hoods. The Karl Fischer reagent, which is used for analytical moisture determinations, is prepackaged and automatically dispensed in a closed, anhydrous system. Because leaks in the system sufficient to lead to human exposure would be sufficient to invalidate the testing due to moisture contamination, there is reason to believe that precautions are taken to avoid such leaks (Refs. 35 and 36). The pyridine is fully converted in the reaction to the hydroiodide salt of pyridine which does not volatilize. The spent solution automatically empties into a waste collection bottle in a ventilated hood. EPA believes therefore that exposures to pyridine through this use, if they occur, will be infrequent and at quite low levels. In recent monitoring of laboratory technicians working with pyridine in laboratories of one of the pyridine manufacturers, the highest concentration measured over a 6-hour period was 0.09 ppm time weighted average (TWA) (Ref. 37). Because pyridine usage in these quality control and research and development laboratories is believed to be far heavier than in any other type of laboratory, EPA believes exposure levels in other laboratories are generally lower.

With regard to possible exposure as a result of coke-oven emissions, a study conducted for OSHA estimated that 30,000 persons may be exposed annually (Ref. 14). Because other components of coke-oven emissions were determined to pose a significant risk of cancer to coke-oven workers, OSHA has set a Permissible Exposure Limit (PEL) of 150 $\mu g/m^3$ for these emissions, measured as the benzene-soluble fraction of total particulate matter (BSFTPM), averaged over an 8-hour period (Ref. 30). The PTF calculated that 33 pounds of BSFTPM occur in 10,000 cubic feet of gas released from coke ovens, and that 0.1 pound of pyridine could be present in the same volume of gas (Ref. 34). Based on this ratio of 330 BSFTPM to 1 of pyridine, a worker exposed to the PEL of 150 μg BSFTPM/m^3 would be exposed to approximately 0.5 μg pyridine/m^3 (Ref. 34).

On the basis of a questionnaire sent by the PTF to the major manufacturers and users of pyridine, the PTF reported that 813 persons were occupationally exposed to pyridine during its manufacture and first tier use (presumably as synthetic intermediate) (Ref. 34). Of these, 557 persons were reported to be exposed to pyridine for no longer than a period of 8 hours during a typical work week (Ref. 34). The current OSHA PEL for pyridine is 5 ppm (15mg/m^3) averaged over an 8 hour work shift (8-hr TWA) (Ref. 31). The PTF reported that 0.008–1.0 ppm pyridine (8-hr TWA) was present in the workplaces they monitored (Ref. 34).

In addition, pyridine possesses a penetrating noxious odor with a human odor threshold as low as 0.12 ppm (Ref. 35). Although olfactory fatigue does occur following human exposure to pyridine, a definite taste remains (Ref. 31). For this reason, OSHA lists pyridine as having good warning properties (Ref. 31). In spite of its long history of use, it has been cited that pyridine has a remarkable accident-free history (Ref. 32).

B. Information on Effects

1. *Teratogenicity.* On the basis of three teratogenicity studies, one in the chick embryo and two in the African Clawed Frog (*Xenopus laevis*), it appears possible that pyridine may possess teratogenic activity. The effects noted in both the chick embryo and the

African Clawed Frog studies occurred at quite high levels of exposure (Refs. 13, 15, and 23). No mammalian studies are available.

In the chick embryo study, muscular hypoplasia was observed when pyridine was injected at 10 mg/egg and 20 mg/egg but not at 5 mg/egg. Abnormal beaks and short and twisted necks were also observed among some embryos at the 20 mg/egg dose level. At the highest level tested (40 mg pyridine/egg) only 1 of the 85 embryos escaped early death. Muscular hypoplasia and a shortened upper beak were observed in the one surviving embryo (Ref. 23).

The first study in the African Clawed Frog exposed embryos at the early cleavage to mid-blastula stage of development to pyridine. Abnormalities (inability of embryos to develop into free swimming larvae) were produced in six percent of embryos after 48 hours of exposure to pyridine at 10 mg/L and in 33 percent of embryos after exposure at 50 mg/L (Ref. 13).

In the second study in the African Clawed Frog, the 96-hour EC_{50} value for pyridine to embryos in the mid-blastula stage development was 1200 mg/L. Acridine, quinoline, and aniline yielded 96 hour EC_{50} values of 2.4, 29, and 370 mg/L respectively. Similar abnormalities were noted for the four chemicals tested. They consisted of exogastrulation, edma, and formation of blisters on both dorsal and ventral surfaces, particularly in the head and anterior abdominal regions. The 96-hour LC_{50} values for acridine, quinoline, aniline, and pyridine to free-swimming larvae were 4.5, 95, 150, and 1,090 mg/L respectively. The authors of the study concluded that the data suggest that acridine, aniline, and quinoline have toxic and teratogenic effects at sufficiently low concentrations as to make them potential environmental hazards. No such conclusion was made for pyridine (Ref. 15).

The significance of these results and how they relate to humans are uncertain. The chick embryo test uses an a typical route of exposure while in the African Clawed Frog study high levels of exposure were needed to obtain effects that were statistically valid. EPA believes the data raise the level of concern as to the teratogenic of pyridine. However, the Agency also believes that the data, at best, are only weakly suggestive of teratogenic activity.

2. *Neurotoxicity.* Pyridine has been characterized as a general depressant similar to hypnosedatives such as phenobarbital (Ref. 26). Studies have indicated possible central nervous system effects (Refs. 21 and 26). Short of lethal doses, in no instance was permanency of effects noted. Human case histories of exposure to pyridine suggest possible central nervous system impairment from chronic exposures to the chemical (Ref. 43). With the exception of one case of acute exposure (Ref. 22), the case histories reported could be traced to chronic exposure to pyridine at quite high concentrations due to the lack of occupational hygiene and safeguards (Ref. 43). However, because of the high levels of exposure at which effects were elicited, the significance of these results is uncertain. The Agency has no evidence that exposure to pyridine currently is occurring at the levels at which central nervous system effects were reported, or that effects are likely to be seen at lower levels.

3. *Mutagenicity.* Based on data which have become available since the ITC made its recommendation, the Agency believes that the available data indicate that pyridine is likely to be nonmutagenic and thus that there is insufficient basis for a finding that pyridine may present an unreasonable risk from this effect. Pyridine was shown to be negative in the Ames Test with and without microsomal activation (Refs. 11 and 18). While pyridine induced a small but significant increase in sister chromatid exchange in cultured cells of the Chinese Hamster, a dose effect was not shown (Ref. 1). Chromosomal aberrations in the Chinese Hamster cells did not occur even when doses of pyridine were elevated to near lethal concentrations, where no cell mitosis was observed (Ref. 19).

C. Discussion of Decisions and Request for Comment

Under section 4(a) of TSCA, EPA can require testing of a chemical substance or mixture if, along with other findings, the Agency finds that (a) the manufacture, distribution in commerce, processing, use, or disposal of the substance or mixture may present an unreasonable risk of injury to health or the environment (section 4(a)(1)(A)) or (b) the substance or mixture is or will be produced in substantial quantities and (I) it enters or reasonably may be anticipated to enter the environment in substantial quantities or (II) there is or may be significant or substantial human exposure to the substance or mixture (section 4(a)(1)(B)).

Although the current production volume of pyridine may be regarded as substantial, EPA believes that the available information on its expected release to the environment and human exposure do not provide a basis for requiring testing under section 4(a)(1)(B). Pyridine should not be considered to be released to the environment in substantial quantities because it is rapidly biodegraded by soil and water microorganisms, and half of the estimated annual release of approximately 660,000 pounds is to publically owned treatment works where its degradation by microorganisms is expected (Refs. 8, 12, 16, 17, 34, 39 through 42, and 45).

While the legislative history of section 4 of TSCA indicates the types of factors EPA should take into account in making a finding of substantial human exposure (including number of persons, duration, and level of exposure), neither it nor the statute gives explicit guidance as to when exposure should be considered "substantial." There is also no discussion of the factors for determining that exposures are "significant." EPA has not proposed any quantitative criteria for making those determinations, but has instead approached the issue on a case-by-case basis.

With respect to pyridine, EPA has concluded that although coke-oven workers and certain laboratory personnel are exposed to pyridine, the levels and duration are too low to support a finding of substantial human exposure. Current data cannot provide absolute assurance that pyridine or another chemical could not present a risk at these exposure levels, but EPA believes that exposure of this number of persons at these levels is not so great as to raise the inherent concern over the possible effects of a chemical that section 4(a)(1)(B) was intended to address. Such exposure levels could be considered substantial if a larger number of persons were exposed, however. Data available to EPA indicate that smaller numbers of workers in manufacture and first tier use of pyridine may be exposed to higher levels of pyridine (Ref. 34). However, EPA does not believe that a substantial exposure finding is warranted due to the low number of persons involved. Finally, EPA believes that the currently available data provide no basis to expect that any of these exposures are likely to be great enough to be of clear biological significance, especially given the strong odor of pyridine which can be expected to strongly limit the levels and durations of such exposures.

Because EPA concluded that human exposure to pyridine is not sufficient to be judged substantial or significant in the context of section 4(a)(1)(B), the Agency evaluated the question of whether testing of pyridine should be required under the criteria of section

4(a)(1)(A). In order to make a finding that the chemical "may present an unreasonable risk to human health," the Agency must possess some evidence which suggests that the chemical has the potential to induce a health effect. In addition, the Agency must have a basis for believing that there is human exposure to the substance at a level which might pose a risk. Although the data discussed in unit III.B above indicate that pyridine may have a potential to cause teratogenic, neurotoxic, and mutagenic effects, EPA believes that a finding that pyridine may present an unreasonable risk from these effects is not justified considering the evidently low exposure to this substance and the lack of strongly suggestive data.

EPA has not to date attempted to articulate generally applicable criteria for the degree of likelihood that a chemical will cause an effect at anticipated human exposure levels, or the minimum levels of exposure, necessary to support a finding that a chemical may present an unreasonable risk. However, the Agency has generally recognized that there is an inverse relationship between the degree of concern about the potential hazard of a chemical (both its nature and likelihood) and the degree of exposure which would warrant testing. That is, the more severe and likely the potential health effect, the less exposure is necessary to conclude that there is sufficient concern to justify testing, and vice versa.

In this case, the data suggesting that pyridine may be teratogenic are only weakly suggestive. Available data indicate that neurotoxicity in humans follows only prolonged exposure to the chemical at high levels (Ref. 43). Data on mutagenicity indicate that pyridine is likely to be nonmutagenic (Refs. 1, 11, 18, and 19). In addition, the available information indicates that the limited uses and strong, disagreeable odor of pyridine can be expected to restrict human exposure to the substance to low concentrations and infrequent exposures (Refs. 31, 34, 35, 36, and 37). The Agency cannot conclude on the basis of this evidence that the chemical presents no risk to humans from these effects; however, it is the Agency's judgment that a significant risk of such effects is unlikely. Therefore, the Agency does not believe that a finding that pyridine may present an unreasonable risk to humans of teratogenicity, neurotoxicity or mutagenicity should be made.

EPA's decisions not to require testing of pyridine for teratogenicity, neurotoxicity, and mutagenicity are close ones. Therefore, the Agency encourages public comment on this issue, including the submission of any data different from or in addition to those discussed in this notice. If comments indicate to the Agency that exposures occur at significantly higher levels than available evidence indicates, or that there is a significantly stronger basis for believing that pyridine may present a hazard from teratogenic, neurotoxic, or mutagenic effects at levels to which humans may be exposed, the Agency will reconsider its decisions in this matter.

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V. Public Record

EPA has established a public record for this testing decision on pyridine (docket number OPTS–42014) which is available for inspection in the OPTS Reading Room from 8:00 a.m. to 4:00 p.m. on working days in Rm. E–107, 401 M St. SW., Washington, DC 20460. This record includes basic information considered by the agency in developing this decision, such as:

(1) Federal Register notice containing the ITC Report designating pyridine to the Priority List.

(2) Public comments on the ITC Report.

(3) Communications (public, intraagency, and interagency) consisting of memoranda and letters, contact reports of telephone conversations, and meetings.

(4) Published and unpublished data.

The Agency will supplement the record with additional relevant information as it is received.

[Sec. 4, 90 Stat. 2003; (15 U.S.C. 2061)]

Dated December 20, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82–35272 Filed 12–23–82; 4:17 p.m.]

BILLING CODE 6560–50–M

[OPP–180616; PH–FRL 2273–1]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests in the States listed below. Also listed below are three crisis exemptions initiated by certain States.

DATES: See each specific and crisis exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific and crisis exemption for the name of the contact person. The following information applies to all contact people: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. California Department of Food and Agriculture for the use of carbaryl on pomegranates to control filbert worms, effective from October 23, 1982 to August 30, 1983. (Jack E. Housenger)

2. California Department of Food and Agriculture for the use of fenvalerate on bell peppers to control beet armyworns, effective from October 15, 1982 to July 19, 1983. California had initiated a crisis exemption for this use. (Jack E. Housenger)

3. California Department of Food and Agriculture for the use of metalaxyl on boysenberries, olallie berries, and raspberries to control *Phytophthora* root rot, effective from October 12, 1982 to September 1, 1983. California had initiated a crisis exemption for this use. (Libby Welch)

4. California Department of Food and Agriculture for the use of methiocarb on artichokes to control snails and slugs, effective from January 1, 1983 to December 31, 1983. (Gene Asbury)

5. California Department of Food and Agriculture for the use of permethrin on mushrooms to control adult sciarid flies, effective from November 6, 1982 to October 31, 1983. (Jack E. Housenger)

6. Delaware Department of Agriculture for the use of permethrin on mushrooms to control adult sciarid flies, effective from October 23, 1982 to October 15, 1983. (Jack E. Housenger)

7. Florida Department of Agriculture and Consumer Services for the use of benomyl on potatoes to control *Sclerotinia*, effective from October 21, 1982 to October 31, 1982. EPA completed a rebuttable presumption against registration (RPAR) of this chemical; the final determination was published in the Federal Register of October 20, 1982 (47 FR 46747). (Jim Tompkins)

8. Florida Department of Agriculture and Consumer Services for the use of metolachlor on cabbage, broccoli, and collards to control chickweed, dock, pigweed, purslane, ragweed, signalgrass, and crabgrass, effective from October 21, 1982 to October 1, 1983. (Libby Welch)

9. Georgia Department of Agriculture for the use of hexakis on pecans to control mites, effective from October 15, 1982 to October 31, 1982. Georgia had initiated a crisis exemption for this use. (Libby Welch)

10. Michigan Department of Agriculture for the use of metalaxyl on potatoes to control late blight, effective from October 21, 1982 to October 31, 1982. Michigan had initiated a crisis exemption for this use. (Jim Tompkins)

11. Michigan Department of Agriculture for the use of paraquat on dry beans as a harvest aid, effective

from October 27, 1982 to October 31, 1982. Michigan had initiated a crisis exemption for this use. (Jim Tompkins)

12. Minnesota Department of Agriculture for the use of metalaxyl on sunflower seeds to control downy mildew, effective from October 23, 1982 to April 30, 1983. (Jim Tompkins)

13. New Mexico Department of Agriculture for the use of fenvalerate on lettuce to control *Heliothis* spp., effective from October 20, 1982 to June 1, 1983. New Mexico had initiated a crisis exemption for this use. (Libby Welch)

14. New York State Department of Environmental Conservation for the use of permethrin on mushrooms to control adult sciarid flies, effective from October 23, 1982 to October 15, 1983. (Jack E. Housenger)

15. North Dakota Department of Agriculture for the use of metalaxyl on potatoes to control late blight, effective from October 21, 1982 to October 31, 1982. North Dakota had initiated a crisis exemption for this use. (Jim Tompkins)

16. Oregon Department of Agriculture for the use of carbofuran on mint to control strawberry root weevils, effective from October 11, 1982 to October 30, 1982. (Jim Tompkins)

17. Oregon Department of Agriculture for the use of paraquat on peppermint to control weeds, effective from October 23, 1982 to March 31, 1983. (Jack E. Housenger)

18. Pennsylvania Department of Agriculture for the use of permethrin on mushrooms to control adult sciarid flies, effective from October 23, 1982 to October 15, 1983. (Jack E. Housenger)

19. Texas Department of Agriculture for the use of metalaxyl on sunflower seed for export to control downy mildew, effective from October 23, 1982 to October 15, 1983. (Jack E. Housenger)

20. Washington Department of Agriculture for the use of metalaxyl on potates to control late blight, effective from October 21, 1982 to October 31, 1982. Washington had initiated a crisis exemption for this use. (Jim Tompkins)

21. U.S. Department of Agriculture for the use of chlorpyrifos on ornamental sod to control imported fire ants in Alabama, Arizona, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas, effective from October 11, 1982 to December 31, 1982. (Jack E. Housenger)

Crisis exemptions were initiated by the:

1. California Department of Food and Agriculture on October 21, 1982, for the use of triadimefon on tomatoes (fresh market) to control powdery mildew. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for this program is expected to last until October 21, 1983. (Jack E. Housenger)

2. California Department of Food and Agriculture on September 30, 1982, for the use of vinclozolin on grapes (wine) to control bunch rot. The need for this program ended on December 1, 1982. (Libby Welch)

3. Hawaii Department of Agriculture on October 1, 1982, for the use of thiabendazole on papayas to control post-harvest fungal diseases. Since it was anticiapted that this program would be needed for more than 15 days, Hawaii has requested a specific exemption to continue it. The need for this program is expected to last until October 1, 1983. (Gene Asbury)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136)).

Dated: December 14, 1982.

James M. Conlon, Acting Director,

Office of Pesticide Programs.

[FR Doc. 82-34805 Filed 12-28-82; 8:45 am]

BILLING CODE 6560-50-7

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-673-DR]

Arkansas; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas (FEMA-673-DR), dated December 13, 1982, and related determinations.

DATED: December 20, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

NOTICE: The notice of a major disaster for the State of Arkansas dated December 13, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 13, 1982:

For Public Assistance:

The Counties of Cleburne, Independence, Izard, Jackson, Johnson, Lawrence, Newton, Pope, Searcy, Sharp, Stone and Van Buren.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Jack W. McGraw,

Acting Associate Director, State and Local Program and Support, Federal Emergency Management Agency.

[FR Doc. 82-35285 Filed 12-28-82; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-674-DR]

Illinois; Amendment To Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA-674-DR), dated December 13, 1982, and related determinations.

DATED: December 20, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (20) 287-0501.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Illinois dated December 13, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 13, 1982:

The Counties of Clinton, Greene and Livingston for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Jack W. McGraw,

Acting Associate Director, State and Local Program and Support, Federal Emergency Management Agency.

[FR Doc. 82-35284 Filed 12-28-82; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Mediterranean/U.S.A. Great Lakes Westbound Freight Conference Agreement No. 8260; Notice of Agreement Termination

The Federal Maritime Commission gives notice that it shall terminate its approval of the Mediterranean/U.S.A. Great Lakes Westbound Freight Conference Agreement, as amended, effective January 4, 1983, the effective date of the withdrawal of Yugoslav Great Lakes Lines from membership in the agreement. Yugoslav G. L. Lines' withdrawal will reduce the agreement membership to only one party, thereby

terminating the agreement as a matter of law. Section 15 of the shipping Act, 1916, only recognizes agreements between two or more persons subject to the Act.

By Order of the Federal Maritime Commission.

Dated: December 23, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-35178 Filed 12-28-82; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements a the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Franciso, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D. C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-4066-1

Filing party: Mr. John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland, California 94604.

SUMMARY: Agreement No. T-4066-1 between the Port of Oakland (Port) and Hong Kong Islands Shipping Co., Ltd. (HKIS) modifies the basic agreement which provides for the nonexclusive use by HKIS at the Port's Outer Harbor Terminal, Berth 6 for the handling of vessels operated in its Transpacific service. The purpose of the modification is to amend Paragraph No. 5 of the Agreement to provide, that in the event that Crescent Wharf and Warehouse Company, the manager of Berth 6, is required to utilize adjacent Berth 5 for HKIS's vessels, the 90 percent of dockage tariff charges shall also apply as is provided when Berth 6 is utilized.

Agreement No.: T-4079.

Filing party: Mr. John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland California 94604.

SUMMARY: Agreement No. T-4079 between the Port of Oakland (Port) and Westwood Shipping Lines (WSL), is a Terminal Use Agreement which provides that WSL shall have nonexclusive right to assigned premises at the Outer Harbor Terminal, Berth 6, for the berthing, loading, discharging, and related operations in its all water North Europe-Pacific Coast Service and its all water Mediterranean and Pacific Service in the event such services have a need to call at Northern California Ports. WSL agrees that the assigned premises shall be its published regularly scheduled Northern California port of call. The authority to manage the premises for the Port is vested in Crescent Wharf and Warehouse Co. (Crescent), as separately provided for under Agreements No. T-4067. The provisions of the Port's Tariff No. 2 shall apply to WSL's use of the premises. As a consideration for its regular use of the Port, WSL will pay to the Port 90 percent of tariff dockage and wharfage revenues, instead of 100 percent of said charges. In event that Crescent, for terminal operational reasons, berths WSL's vessel at adjacent Berth No. 5, the 90 percent payment of revenues will also apply at the adjacent berth. If WSL generates in excess of 31,000 revenue tons per acre in a year, the amount of such excess wharfage tariff revenues, shall be refunded by the Port to WSL. The term of the Agreement commences upon Commission approval and shall run through August 31, 1986.

Agreement No. 9973-9

Filing party: R. Frederic Fisher, Esq., Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, Calofornia 94111.

SUMMARY: Agreement No. 9973-9 modifies the Johnson Scanstar Service Agreement to: (1) Add service to inland points in the United States; (2) add service via intermodal or connecting carrier service to ports and points in foreign countries served; (3) add service between the U.S. West Coast and the West Coast of Canada; (4) eliminate the limitation of 400 TEU's imposed on single space charters by Johnson Scanstar to meet peak seasonal demand; and (5) eliminate the restriction of such ad hoc charters to carriers not regularly serving the same trades.

By Order of the Federal Maritime Commission.

Dated: December 23, 1892.

Francis C. Hurney,

Secretary.

[FR Doc. 82-35179 Filed 12-28-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045.

1. *Bath National Corporation*, Bath, New York; to become a bank holding company by acquiring 90 percent of the voting shares of the successor by merger to the Bath National Bank, Bath, New York. Comments on tis application must be received not later than January 21, 1983.

B. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. **Bancorp. of Southern Indiana**, Seymour, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Jackson County Bank, Seymour, Indiana. Comments on this application must be received not later than January 21, 1983.

2. *Country Bancorp, Inc.* Mount Olive, Illinois, to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of Mount Olive, Mount Olive, Illinois. Comments on this application must be received not later than January 21, 1983.

Board of Governors of the Federal Reserve System, December 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-35195 Filed 12-28-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 115.4(b)(1)), for permission to engage de novo, directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp,* New York, New York (finance company and credit related insurance activities; Nevada): To expand the activities and service areas of two existing offices of its subsidiary, Citicorp Person-to-Person Mortgage Corporation, and to establish two *de novo* offices of Citicorp Homeowners, Inc. at the same locations. The activities in which the *de novo* offices of Citicorp Homeowners, Inc. propose to engage are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for each of the *de novo* offices of Citicorp Homeowners, Inc. shall comprise the entire State of Nevada for all the aforementioned proposed activities. The new activities in which the offices of Citicorp Person-to-Person Morgage Corporation propose to engage *de novo* are: the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for each office of Citicorp Person-to-Person Mortgage Corporation shall be the entire State of Nevada for the aforementioned proposed activities, and for the following activities which have been previously approved for Citicorp Person-to-Person Mortgage Corporation: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Mortgage Corporation and Citicorp Homeowners, Inc. The aforementioned activities will be conducted from the following two locations: Las Vegas and Reno, Nevada. Comments on this application must be received not later than January 21, 1983.

2. *Citicorp,* New York, New York (finance company and credit related insurance activities; New Mexico and Texas): To expand the activities and service areas of two existing offices of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., and to estabish two *de novo* offices of Citicorp Homeowners, Inc. at the same locations. The activities in which the *de novo* offices of Citicorp Homeowners, Inc. propose to engage are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgages disability insurance directly related to extensions of mortgage loans. The proposed service area for each of the *de novo* offices of Citicorp Homeowners, Inc. shall be the entire States of New Mexico and Texas for all the aforementioned proposed activities. The new activities in which the offices of Citicorp Person-to-Person Financial Center, Inc. propose to engage *de novo* are: the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for each office of Citicorp Person-to-Person Financial Center, Inc. shall be the entire States of New Mexico and Texas for the aforementioned proposed activities, and for the following activities which have been previously approved for Citicorp Person-to-Person Financial Center, Inc.: the making or acquiring of loans and other extensions of credit, secured or

unsecured, for consumer and other purposes; the extension of loans to dealers for the financial of inventory (floor planning) and working capital purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. The aforementioned activities will be conducted from the following two locations: Albuquerque and Santa Fe, New Mexico. Comments on this application must be received not later than January 21, 1983.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *FB & T Corporation,* Hanover, Pennsylvania (mortgage banking, servicing, and credit insurance activities; Pennsylvania): To engage through its subsidiary, FB & T Mortgage Company, in making and acquiring loans and other extensions of credit secured by real estate mortgages and deeds of trust and acting as agent for the sale of credit life and accident and disability insurance directly related to its extensions of credit. These activities will be conducted from offices in Hanover, Pennsylvania, serving Pennsylvania. Comments on this application must be received not later than January 21, 1983.

2. *Univest Corporation of Pennsylvania,* Souderton, Pennsylvania (financial management and related services, Pennsylvania, New Jersey, Delaware, Florida, Maryland and Virginia): To engage, through its subsidiary, Univest Financial Planning Corporation acting as investment or financial advisors and providing portfolio investment advice and financial advice to the extent authorized by section 225.4(a)(5) of Regulation Y. These activities will be conducted from offices in Souderton, Montgomery County, Pennsylvania, serving Pennsylvania, New Jersey, Delaware, Florida, Maryland and Virginia. Comments on this application must be received not later than January 18, 1983.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Maryland National Corporation,* Baltimore, Maryland (leasing and commercial lending activities: continental United States): To engage through its subsidiaries Maryland National Leasecorp and Maryland National Leasing Services Corporation in the following activities: engaging generally in the business of leasing real property where the lease is the functional equivalent of an extension of credit; originating real property leases as principal or agent; servicing real property leases for affiliated or non-affiliated individuals, partnerships, corporations or other entities; buying, selling and otherwise dealing in real property leases as principal, agent or broker; acting as adviser in real property leasing transactions; engaging generally in commercial lending operations including, but not limited to, secured or unsecured commercial loans and other extensions of credit to commercial enterprises; and acting as advisor or broker in commercial lending transactions. These activities would be conducted from the present offices of the subsidiaries in Towson, Maryland. The geographic area to be served will be the continental United States. Comments on this application must be received not later than January 21, 1983.

D. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Railroad & Banking Company of Georgia,* Augusta, Georgia, (banking, consumer finance, insurance premium financing, and bank data processing; Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee and Virginia): To engage through its subsidiary, First Financial Management Corporation, in providing data processing and transmission services, facilities, data bases, and access to such services, facilities and data bases both for the internal operations of the Application and its subsidiaries and for other customers. These data processing services will be provided from two major computer centers located in Atlanta, Georgia, and Miami, Florida to customers in Georgia, Florida, Alabama, North Carolina, South Carolina, Tennessee and Virginia. These services will be provided through existing and future remote input/output data collection centers located within the states being served, through input/output equipment located in the customers' offices, through a transmission network of ground couriers and through any other technological means which may be feasible. Comments on this application must be received not later than January 12, 1983.

2. *Southeast Banking Corporation,* Miami, Florida (mortgage banking activities; Florida): To engage through its subsidiary, Southeast Mortgage Company, in origination and servicing of loans and other extensions of credit secured by real estate mortgages. The activities would include preparing applications for loans, assembling credit information and solicitation of loan business. These activities would be conducted from an office to be located in Ponte Vedra Beach, Florida, serving St. Johns County and portions of Duval County which are in close proximity to office. Comments on this application must be received not later than January 19, 1983.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First City Bancorp,* Oklahoma City, Oklahoma (financing activities, credit-life, accident and health insurance activities; Oklahoma): To engage directly in making or acquiring loans and other extensions of credit, both secured and unsecured, including commercial loans secured by a borrower's inventory, accounts receivable or other assets, consumer loans, residential and commercial construction loans, and loans secured by second real estate mortgages, such as would be made, for example, by a mortgage, finance, credit card or factoring company; to continue to engage indirectly in the sale of credit-life, accident, and health insurance directly related to an extension of credit by the applicant or its subsidiary bank. These activities would be conducted from offices in Oklahoma City, Oklahoma, serving the State of Oklahoma. Comments on this application must be received not later than January 20, 1983.

Board of Governors of the Federal Reserve System, December 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-35196 Filed 12-28-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Administration on Aging; SCAN Data Bases; Activity Notice

AGENCY: Office of Human Development Services, HHS.

ACTION: Extension of closing date for receipt of applications for assumption of certain data bases at no cost to the Federal Government.

SUMMARY: The Administration on Aging (AoA) announced on December 1, 1982 (47 FR 54266) that competing applications would be accepted for assumption, dissemination and utilization of information in the SCAN Information System. The present notice extends the closing date of the December 1, notice.

DATE: Closing date for receipt of applications is extended to January 31, 1983.

SUPPLEMENTARY INFORMATION: At the information sharing meeting on December 10, 1982, a representative of an organization interested in applying for these activities suggested that the closing date be extended because of the loss of work time that is expected during the holidays. This was supported without exception by the more than 30 persons who attended the meeting. As a result, the closing date for submissions of applications is extended to January 31, 1983. Conditions for meeting the closing date remain as stated in the December 1 notice.

Dated: December 16, 1982.

Lennie-Marie P. Tolliver,

Commissioner on Aging.

Dated: December 22, 1982.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 82-35229 Filed 12-28-82; 8:45 am]

BILLING CODE 4130-01-M

National Institutes of Health

Board of Regents, the Extramural Programs Subcommittee, and the Lister Hill Center and National Medical Audiovisual Center Subcommittee; Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on January 27-28, 1983, in the NMAC Classroom, Lister Hill Center Building of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meetings of the Extramural Programs Subcommittee of the Board of Regents and the Lister Hill Center and National Medical Audiovisual Center Subcommittee on the preceding day, January 26, 1983, from 1:00 to 5:00 p.m., in the 5th floor Conference Room, and from 2:00 to 5:00 p.m. in the 7th-floor Conference Room of the Lister Hill Center Building, respectively.

The meeting of the Board will be open to the public from 9:00 a.m. to 5:00 p.m. on January 27 and from 10:15 a.m. to adjournment on January 28 for administrative reports and program discussions. The entire meeting of the Lister Hill Center and National Medical Audiovisual Center Subcommittee will be open to the public for a discussion of program directions of the National Medical Audiovisual Center. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the entire meeting of the Extramural Programs Subcommittee on January 26 will be closed to the public, and the regular Board meeting on January 28 will be closed from 9:00 to 10:15 a.m. for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301-496-6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Betty J. Beveridge,

National Institutes of Health, Committee Management Officer.

[FR Doc. 82-35187 Filed 12-28-82; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors and Board Ad Hoc Subcommittee, Division of Cancer Cause and Prevention; meeting

Pursuant to Public Law 93-463, notice is hereby given of the meetings of the Board of Scientific Counselors and its ad hoc Subcommittee, Division of Cancer Cause and Prevention on February 7-9, 1983, Building 31, C Wing Conference Room 10, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. Portions of the Board meeting and the ad hoc Subcommittee will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

The Board of Scientific Counselors Meeting will be closed to the public from 9:00 a.m. to 12 noon on February 7, 1983, as indicated below in accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual programs and projects conducted by the Division of Cancer Cause and Prevention. These programs, projects, and discussions could reveal personal information concerning individuls associated with the programs and projects, the disclosure of which would constitute a clearly unwarranted invasion personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary of the Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, Building 31, Room 11A04, National Institutes of Health, Bethesda, Maryland 20205 (301/496-6927) will furnish substantive program information.

Name of Committee: Board of Scientific Counselors, Division of Cancer Cause and Prevention.

Dates of Meeting: February 7-8, 1983.

Place of Meeting: Building 31, C Wing, Conference Room 10, National Institutes of Health.

Closed Session: February 7, 9:00 a.m.—12:00 Noon.

Open: February 7, 1:00 p.m.—adjournment. February 8, 9:00 a.m.—adjournment.

Agenda: Review of concepts for grants, contracts and interagency agreements and scientific presentations.

Name of Committee: Board of Scientific Counselors, ad hoc Subcommittee on Development of Radiation Tables, Division of Cancer Cause and Prevention.

Date of Meeting: February 9, 1983.

Place of Meeting: Building 31, C Wing, Conference Room 10.

Open: February 9, 9:00 a.m.—adjournment.

Agenda: To discuss scientific issues relating to development of radiation-related

cancers in persons who have been exposed to radiation.

Dated: December 16, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-35182 Filed 12-28-82; 8:45 am]

BILLING CODE 4140-01-M

Cancer Clinical Investigation Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, February 23, 1983, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on February 23, from 8:30 a.m. to 9:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 23, from approximately 9:00 a.m. to adjournment, for the review, discussion, and evaluation of individual cooperative agreement applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Dorothy K. Macfarlane, Executive Secretary, Cancer Clinical Investigation Review Committee, National Cancer Institute, Westwood Building, Room 819, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7481) will furnish substantive program information.

Dated: December 6, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-35184 Filed 12-28-82; 8:45 am]

BILLING CODE 4140-01-M

Cancer Control Grant Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Grant Review Committee, National Cancer Institute, February 28-March 1, 1983, Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on February 28, from 8:30 a.m. to 9:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on February 28, from 9:00 a.m. to adjournment, and on March 1, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

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.

Dr. Robert F. Browning, Executive Secretary, Cancer Control Grant Review Committee, National Cancer Institute, Westwood Building, Room 806, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7413) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.399, project grants and contracts in cancer control, National Institutes of Health).

Dated: December 16, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-35185 Filed 12-28-82; 8:45 am]

BILLING CODE 4140-01-M

Cancer Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, January 20-22, 1983, Building 31, C Wing, Conference Room 8, National Institutes of Health, Bethesda, Maryland 20205.

This meeting will be open to the public on January 20 from 8:30 a.m. to 9:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 20, from 9:00 a.m. to adjournment, on January 21, from 8:30 a.m. to adjournment, and on January 22, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

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.

Dr. Leon J. Niemiec, Executive Secretary, Cancer Research Manpower Review Committee, National Cancer Institute, Westwood Building, Room 809D, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7978) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower, National Institutes of Health)

Dated: December 16, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-35183 Filed 12-28-82; 8:45 am]

BILLING CODE 4140-01-M

Communicative Disorders Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institutes of Health, March 3 and 4, 1983, in the Queensbury Room of the Linden Hill Hotel and Racquet Club, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

The meeting will be open to the public from 8:30 a.m. until 9:30 a.m. on March 3, to discuss program planning and program accomplishments. Attendance

by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 3 from 9:30 a.m. to adjournment on March 4, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Maryland 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Marilyn Semmes, Executive Secretary, NINCDS, NIH, Federal Building, Room 9C14, Bethesda, Maryland, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program, National Institutes of Health.)

Dated: December 16, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-35188 Filed 12-28-82; 8:45 am]

BILLING CODE 4140-01-M

National Advisory Council on Aging; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, on February 3–4, 1983, in Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public on Thursday, February 3, from 9:00 a.m. until noon, for a status report by the Acting Director, National Institute on Aging, a report from the Council ad hoc Program Committee and a report on Indirect Costs. It will be open to the public on Friday, February 4, from 9:00 a.m. until adjournment for the Epidemiology, Demography and Biometry and Intramural Program Reviews. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on February 3, 1983, from 1:00 p.m. until adjournment for the review, discussion and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Council Secretary, National Institute on Aging, Building 31, Room 2C–05, National Institutes of Health, Bethesda, Maryland 20205 (Area Code 301, 496–5898), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: December 10, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-35190 Filed 12-28-82; 8:45 am]

BILLING CODE 4140-01-M

National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee, Microbiology and Infectious Diseases Subcommittee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, and its subcommittees on January 27–28, 1983, at the National Institutes of Health, Building 31C, Conference Room 10, Bethesda, Maryland 20205.

The meeting will be open to the public on January 27 from approximately 9:00 a.m. to 9:30 a.m. for opening remarks of the Institute Director and again from 1:30 p.m. to approximately 5:00 p.m. for discussion of procedural matters, Council business, and a report from the Institute Director which will include a discussion of budgetary matters. The primary discussions will be on Occupational Health and Acquired Immunodeficiency Disease Syndrome. On January 28 the meeting will be open to the public from approximately 9:00 a.m. to 10:00 a.m. for the report of the director of the Immunology, Allergic and Immunologic Diseases Program and the director of the Microbiology and Infectious Disease Program. Attendance by the public at all open sessions will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Public Law 92–463, the meetings of the NAAIDC Allergy and Immunology Subcommittee and of the NAIDC Microbiology and Infectious Diseases Subcommittee will be closed to the public for approximately three hours for the review, evaluation, and discussion of individual grant applications. It is aniticipated that this will occur from 9:30 a.m. until approximately 12:30 p.m. on January 27, 1983. The meeting of the full Council will be closed from approximately 10:00 a.m. until adjournment on January 28 for the review, evaluation, and discussion of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. John W. Diggs, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

Dated: December 16, 1982.

Betty J. Beveridge,

National Institute of Health Committee Management Officer.

[FR Doc. 82-35186 Filed 12-28-82; 8:45 am]

BILLING CODE 4140-01-M

National Advisory Research Resources Council; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources (DRR), February 3–4, 1983, Conference Room 6, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

The meeting will be open to the public on February 3 from 9:00 a.m. to recess for the following: Opening remarks by

the Director, DRR, comments by the Deputy Director, NIH (tentative), consideration of the minutes of the previous meeting, consideration of future meeting dates, Council discussion of the report of the Director, DRR, a report of the Council Planning Committee, review of the Council Operating Procedures, a report on the Department of Defense Equipment Program by a member of the Council, a presentation on clinical research coordinated by the Program Director, General Clinical Research Centers Program, DRR, and consideration of new business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6) Title 5, U.S. Code and Section 10(d) of Pub. L. 93–463, the meeting will be closed to the public on February 4 from approximately 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Rm. 5B10, Bldg. 31, National Institutes of Health, Bethesda, MD 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, Rm. 5B03, Bldg. 31, National Institutes of Health, Bethesda, MD 20205 (301) 496–6023, will furnish substantive program information and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clinical Research; 13.337, Biomedical Research Support; 13.371, Biotechnology Resources; 13.375, Minority Biomedical Research Support, National Institutes of Health.)

Dated: December 10, 1982.

Betty J. Beveridge,

National Institutes of Health Committee Management Officer.

[FR Doc. 82–35189 Filed 12–28–82; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Advisory Council; Meetings

Pursuant to Public Law 92–463, notice is hereby given of four public briefing meetings to be sponsored by the National Heart, Lung, and Blood Advisory Council of the National Institutes of Health. The meetings will be held at the following times and locations:

February 24–25, 1983: Washington, D.C., 9:00 a.m. to adjournment, Lister Hall Auditorium, Building 38A, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

March 3–4, 1983: San Francisco, California, 9:00 a.m. to adjournment, San Francisco Hilton and Tower, 333 O'Farrell Street, San Francisco, California 94102.

March 24–25, 1983: New Orleans, Louisiana, 9:00 a.m. to adjournment, International Hotel, 300 Canal Street, New Orleans, Louisiana 70130.

April 14–15, 1983: Chicago, Illinois, 9:00 a.m. to adjournment, Radisson, Chicago Hotel, 505 North Michigan Avenue, Chicago, Illinois 60611.

These meetings will be open to the public for the purpose of informing biomedical scientists, administrators, volunteer health organizations, and the public about the status of the National Heart, Lung, and Blood Institute and about possible strategies for achieving and maintaining a balance of program mechanisms for protecting the number of research grants awarded by the Institute. These briefing meetings are designed as an educational effort that will also provide the opportunity for the Council and the National Heart, Lung, and Blood Institute to hear directly from those interested in and concerned about the future of the Institute's extramural programs.

Those who wish to speak at a briefing meeting must submit a written request to Dr. Jay Moskowitz, address given at the end of this notice, no later than January 21, 1983. The request to speak must include the following: (1) The name of the person who wishes to address the Council; (2) the professional affiliation of the requesting speaker, if appropriate; (3) a brief summary of the statement that would be presented; and (4) the address and telephone number where the requesting speaker can be reached during business hours.

Speakers will be selected from the constituencies who look to the Institute to advance knowledge about heart, lung, and blood diseases and from others whose interests correspond to the extramural programs of the National Heart, Lung, and Blood Institute.

Each speaker will be allowed about ten minutes. A list of speakers for a meeting will be sent in advance to the region in which that particular meeting will be held. Additional written comments of any length may be submitted, at any time, for distribution to the Council. The results of these briefing meetings, including the texts of the speakers and all other materials submitted, will be available in the summer of 1983.

Further information concerning the meetings and the results of the briefing meetings can be obtained from: Dr. Jay Moskowitz, Public Briefing Meetings, National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, Building 31, Room 5A–03, Bethesda, Maryland 20205, (301) 496–6331.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: December 21, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82–35181 Filed 12–28–82; 8:45 am]

BILLING CODE 4140–01–M

Neurological Disorders Program—Project Review B Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Neurological Disorders Program—Project Review B Committee, National Institutes of Health, February 21, 22, and 23, 1983, at the Linden Hill Hotel & Racquet Club, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

The meeting will be open to the public from 2:00 p.m. until 2:30 p.m. on February 21, 1983, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 21st from 2:30 p.m. to adjournment on February 23rd, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Ellen G. Archer, Executive Secretary, Federal Building, Room 9C10B, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health.)

Dated: December 10, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–35191 Filed 12–28–82; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

General Powers and Duties of Public Health Service; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of January 14, 1981 (46 FR 10016) by the Secretary of Health and Human Services to the Assistant Secretary for Health of authority under Title III of the Public Health Service Act the Assistance Secretary for Health has delegated to the Director, National Center for Health Statistics the following authorities:

(1) Section 301 of the Public Health Service Act (42 U.S.C. 241), as amended, authority relative to research, investigation, and testing functions.

(2) Section 304 of the Public Health Service Act (42 U.S.C. 242b), as amended, general authority respecting research, evaluations, and demonstrations in health statistics, health services, and health care technology.

(3) Section 306 of the Public Health Service Act (42 U.S.C. 242k), as amended, authority pertaining to the National Center for Health Statistics.

(4) Section 307 of the Public Health Service Act (42 U.S.C. 2421), as amended, international cooperation authority.

(5) Section 310 of the Public Health Service Act (42 U.S.C. 242o), as amended, authority relative to health conferences and health education information.

The above authorities do not include: (a) The authority to prescribe regulations; (2) the authority under section 304(b)(4) relative to the acquisition, construction, improvements, repair, operation, and maintenance of real property; or (3) the authority under section 306(k) relative to the establishment of and the selection of members to the National Committee on Vital and Health Statistics and the designation of the tems of offices for members upon their appointment or reappointment to said committee.

The Director, National Center for Health Statistices, may redelegate: (1) The authority under sections 301, 307, and 310 within the National Center for Health Statistics and exercise them insofar as they pertain to the functions assigned to the National Center for Health Statistics, and (2) the authority under sections 304 and 306 as specified by statute or as appropriate.

The December 24, 1981, delegation by the Deputy Assistant Secretary for Health Research, Statistics, and technology to the Director, National Center for Health Statistics, has been superseded insofar as it pertains to authorities under Title III of the Public Health Service Act. Provision has been made for previous delegations and redelegations to other officials within the National Center for Health Statistics to continue in effect, provided they are consistent with the delegation to the Director, National Center for Health Statistics.

In addition to the delegation to the Director, National Center for Health Statistics, the Assistant Secretary for Health has amended the August 4, 1981 delegation to the Director, Centers for Disease Control, by cancelling the authority under section 304, General Authority Respecting Research, Evaluations, and Demonstrations in Health Statistics, Health Services and Health Care Technology and under section 308, General Provisions Respecting Sections 304, 305, 306, 307, and 309 of the Public Health Service Act, from the area of authority assigned to the Centers for Disease Control. All other Title III authorities delegated to the Director, Centers for Disease Control remain in effect.

The delegation to the Director, National Center for Health Statistics and the amendment to the August 4, 1981 delegation to the Director, Centers for Disease Control became effective on December 2, 1982.

Dated: December 2, 1982.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 82–35175 Filed 12–28–82; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–82–1193]

Federal National Mortgage Association—Maximum Debt-to-Capital Ratio

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of Fixing of Maximum Debt-to-Capital Ratio.

SUMMARY: This Notice announces a change in FNMA's maximum debt-to-capital ratio from 25-to-1 to 30-to-1.

FOR FURTHER INFORMATION CONTACT: John A. Maxim, Jr., Associate General Counsel for Insured Housing and Finance, Office of General Counsel, Department of Housing and Urban Development, Room 9238, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6274. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 304(b) of the FNMA Charter Act, 12 U.S.C. 1719, provides that FNMA:

> Is authorized to issue * * * and have outstanding at any one time obligations having such rate or rates of interest as may be determined by the corporation * * *; but the aggregate amount of obligations of the corporation under this subsection outstanding at any one time shall not exceed fifteen times the sum of its capital, capital surplus, general surplus, reserves, and undistributed earnings unless a greater ratio shall be fixed at any time or from time to time by the Secretary of Housing and Urban Development.

Section 304(e) of the Charter Act provides that, for the purpose of the above limitation, the amount of FNMA's outstanding subordinated obligations are deemed to be capital.

By a document published at 33 FR 14779, effective October 1, 1968, the Secretary fixed the maximum ratio described in section 304(b) at 20-to-1. By a document published at 34 FR 19656, effective December 8, 1969, the Secretary changed the ratio to 25-to-1. That maximum ratio was incorporated into HUD regulations implementing the Secretary's authority over the conduct of FNMA's secondary market operations promulgated in 1978 (43 FR 36200).

By a final rule published at 47 FR 31866 (July 22, 1982), effective September 10, 1982, 24 CFR 81.15 was amended to provide that upon request submitted by FNMA, including justification satisfactory to the Secretary, the Secretary from time to time may fix such greater maximum ratio than the statutory ratio of 15-to-1 as the Secretary, in his discretion, may determine, which shall remain in effect as FNMA's maximum ratio until otherwise specified by the Secretary. The regulation further provides that upon fixing or changing a maximum ratio, the Secretary shall cause notice of such action to be published in the **Federal Register.**

Pursuant to such provisions, FNMA recently requested that the Secretary increase the maximum debt-to-capital

ratio from 25-to-1 to 30-to-1. In support of its request, FNMA advised that its actual debt-to-capital ratio at August 31, 1982, adjusted on a pro forma basis for a stock-for-debentures exchange and a subordinated debenture private placement which occurred after that date, was 23-to-1. Based on a projection of its foreseeable debt financing needs at then-current interest rates (which have declined substantially since the date of FNMA's request), FNMA predicted that it would reach the 25-to-1 maximum ratio at the end of the calendar year or shortly thereafter. FNMA therefore requested that the Secretary increase the maximum ratio to 30-to-1.

The setting of a maximum debt-to-capital ratio for FNMA by the Secretary does not indicate a Secretarial judgment as to the soundness of FNMA's financial condition under the circumstances of such a capitalization structure nor does it imply Federal backing of any sort for FNMA debt issued within the limits set. As acknowledged by the Chairman of FNMA in his request to the Secretary, "The financial market must, of course, determine for itself the appropriateness of FNMA's ratio in making judgments about yield and term requirements for FNMA's debt." Federal financial backing of FNMA is limited to the authority of the Secretary of the Treasury, granted by Section 304(c) of the FNMA Charter Act, to purchase obligations of FNMA up to a maximum of $2.25 billion outstanding at any time, as a public debt transaction.

The Secretary recognizes, however, that the maximum ratio set by him may affect FNMA's borrowing ability, or the attractiveness of its securities, in another way. As FNMA's actual debt-to-capital ratio approaches the limit set by the Secretary, indicating the possibility of an urgent need for an increase in the near future, uncertainty and consequent adverse market reaction could result. The Secretary believes, therefore, that it is both prudent and in the interest of facilitating FNMA's continued ability to meet its statutory purposes that the maximum ratio be maintained at a level which will permit continuation of projected activities without artificial hindrance for the proximately foreseeable future.

Accordingly, the Secretary has granted FNMA's request and has fixed FNMA's maximum debt-to-capital ratio at 30-to-1, effective December 22, 1982.

Dated: December 22, 1982.

John J. Knapp,

General Counsel.

[FR Doc. 82-35233 Filed 12-28-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California; Realty Action

In the matter of Recreation and public purposes—lands suitable for lease/sale of public lands in Shasta County, California.

Pursuant to 43 CFR 2400, the Bureau of Land Management proposes to classify and segregate the following described land as suitable for application under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869, et seq.).

Shasta County, California

T. 32 N., R. 5 W M.D.M.
Section 32, all or portion of lots 141, 143, 151, 152, 153, 154, 156, 157, 158, and a portion of the Homestake No. 3, all lying within the NW¼ (lying at the NW corner of the intersection of Highway 299 W and Iron Mountain Road)
The tract as described contains aproximately 19 acres.

The California Department of Forestry (CDF) has expressed an interest in establishing a forest fire station on the above referenced site (CA 12988), through the Recreation and Public Purposes Act, as amended.

This decision/notice is based upon the following rationale:

1. The proposed classification and use is in conformance with existing land use plans.

2. The lands have been found to be suitable and valuable for public purposes and/or recreation uses.

3. The land is not of national significance and not essential to any Bureau of Land Management program.

4. The proposed use will have no known significant effect on the human and natural environment. Further study will be evaluated prior to issuing a lease, with option to purchase.

5. Leasing, with option to purchase, of the above-described lands, will provide land necessary to serve the public interest.

Classification of these lands under the provisions of the Recreation and Public Purposes Act will segregate them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws and applications under the Recreation and Public Purposes Act.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Area Manager, 355 Hemsted Drive, Redding, California 96002. 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 of the Bureau of Land Management.

Dated: December 9, 1982.

Robert Korfhage,

Acting Area Manager.

[FR Doc. 82-35169 Filed 12-28-82; 8:45 am]

BILLING CODE 4310-84-M

[N-1279; N-2711]

Nevada; Classification Vacated; Correction

In the FR issue of December 17, 1982, on page 56562, in the first paragraph of FR Documents 82-34261 and 82-34259, respectively, "Esmeralda County" should read "Humboldt County."

Wm J. Malencik,

Chief, Division of Operations.

[FR Doc. 82-35197 Filed 12-28-82; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 104-TAA-14]

Bicycle Tires and Tubes From the Republic of Korea

AGENCY: International Trade Commission.

ACTION: Institution of countervailing duty investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: Pursuant to section 104(b)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), the United States International Trade Commission is instituting this countervailing duty investigation to determine whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of bicycle tires and tubes from the Republic of Korea (Korea) provided for in items 772.48 and 772.57 of the Tariff Schedules of the United States, covered by an outstanding countervailing duty order, if the order were to be revoked.

EFFECTIVE DATE: December 21, 1982.

FOR FURTHER INFORMATION CONTACT: Jim McClure, Supervisory Investigator, O of Investigations, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202-523-0439.

SUPPLEMENTARY INFORMATION:

Background.—On January 12, 1979,

the Department of the Treasury (Treasury) issued a countervailing duty order T.D. 79–131, under section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), on bicycle tires and tubes imported from Korea manufactured by Korea Inoue Kasei Co. (KIK) (44 FR 2570).

On January 1, 1980, the provisions of the Trade Agreements Act of 1979 (Public Law 96–39) became effective, and on January 2, 1980, the authority for administering the countervailing duty statutes was transferred from Treasury to the Department of Commerce (Commerce).

As required by section 751(a)(1) of the Traiff Act of 1930 (19 U.S.C. 1675(a)(1)), Commerce has conducted its first annual review of the countervailing duty order on bicycle tires and tubes from Korea. As a result, Commerce determined that bicycle tires and tubes manufactured by KIK have benefitted from a total net subsidy of 1.05 percent of the f.o.b. invoice price of the merchandise (46 FR 38736, July 1981). On July 20, 1982, Commerce published in the **Federal Register** (47 FR 31412) the preliminary results of its second annual review. As a result of that review, Commerce has preliminarily determined the net subsidy on bicycle tires and tubes from Korea manufactured by KIK to be 0.95 percent of the f.o.b. invoice price of the merchandise.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11, as amended by 47 FR 6189, Feb. 10, 1982), not later than 21 days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d), as amended by 47 FR 6189, Feb. 10, 1982). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), amended by 47 FR 33682, Aug. 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on February 14, 1983, pursuant to section 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation concurrently with the hearing for antidumping investigation No. 731–TA–94 (Final), bicycle tires and tubes from Taiwan, beginning at 10:00 a.m., on March 1, 1983, at the U.S. International Trade Commisssion Building, 701 E Street, NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on February 18, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on February 22, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is February 25, 1983.

Testimony at the public hearing is governed by section 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requres that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevent to the public hearing should be included in prehearing brief in accordance with section 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Post hearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24, as amended by 47 FR 6191, Feb. 10, 1982) and must be submitted not later than the close of business on March 8, 1983.

Written submission.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before March 8, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8, as amended by 47 FR 6188, Feb. 10, 1982, and 47 FR 13791, Apr. 1, 1982). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commissions.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207, as amended by 47 FR 6190, Feb. 10, 1982, and 47 FR 33682, Aug. 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 47 FR 6188, Feb. 10, 1982; 47 FR 13791, Apr. 1, 1982; and 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20, as amended by 47 FR 6190, Feb. 10, 1982).

By order of the Commission.

Issued: December 22, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–35238 Filed 12–28–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–94 (Final)]

Bicycle Tires and Tubes From Taiwan

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: December 7, 1982.

SUMMARY: As a result of an affirmative prelimary determination by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from Taiwan of bicycle tires and tubes, provided for in items 772.48 and 772.57 of the Tariff Schedules of the United States, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of

Investigation No. 731-TA-94 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. Unless the investigation is extended, the Department of Commerce will make its final dumping determination in the case on or before February 8, 1983, and the Commission will notify the Department of Commerce of its final injury determination by April 5, 1983 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Jim McClure, Supervisory Investigator, Office of Investigations, U.S. International Trade Commission, telephone 202-523-0439.

SUPPLEMENTARY INFORMATION:

Background.—On June 14, 1982, the Commission notified the Department of Commerce, on the basis of the information developed during the course of its preliminary investigation, that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of alleged LTFV imports of bicycle tires and tubes from Taiwan. The preliminary investigation was instituted in response to a petition filed on April 30, 1982, by counsel for Carlisle Tire & Rubber Co., the sole domestic producer of bicycle tires and tubes.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11, as amended by 47 FR 6189, Feb. 10, 1982), not later than 21 days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d), as amended by 47 FR 6189, Feb. 10, 1982). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), amended by 47 FR 33682, Aug. 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on February 14, 1983, pursuant to section 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m., on March 1, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on February 18, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on February 22, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is February 25, 1983.

Testimony at the public hearing is governed by section 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with section 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24, as amended by 47 FR 6191, Feb. 10, 1982) and must be submitted not later than the close of business on March 8, 1983.

Written submission.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before March 8, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8, as amended by 47 FR 6188, Feb. 10, 1982, and 47 FR 13791, Apr. 1, 1982). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207, as amended by 47 FR 6190, Feb. 10, 1982, and 47 FR 33682, Aug. 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 47 FR 6188, Feb. 10, 1982; 47 FR 13791, Apr. 1, 1982; and 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20, as amended by 47 FR 6190, Feb. 10, 1982).

By order of the Commission.

Issued: December 20, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-35241 Filed 12-28-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-116 and 117 (Preliminary)]

Carton-Closing Staples and nonautomatic Carton-Closing Staple Machines From Sweden

AGENCY: International Trade Commission.

ACTION: Institution of preliminary antidumping investigations and scheduling of a conference to be held in connection with the investigations.

EFFECTIVE DATE: December 17, 1982.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of preliminary antidumping investigations under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Sweden of carton-closing staples and nonautomatic carton-closing

staple machines, provided for in items 64.620 and 662.20, respectively, of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Ms. Mairiam A. Bishop, Office of Investigations, U.S. International Trade Commission, 701 E St. NW., Washington, D.C. 20436, telephone 202–523–0291.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed December 17, 1982, on behalf of International Staple and Machine Co. The Commission must make its determination in these investigations within 45 days after the date of the filing of the petition or by January 31, 1983 (19 CFR 207.17).

Participation.—Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11, as amended by 47 FR 6189, February 10, 1982), not later than seven (7) days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of documents.—The Secretary will compile a service list from the entries of appearance filed in these investigations. Any party submitting a document in connection with the investigations shall, in addition to complying with section 201.8 of the Commission's rules (19 CFR 201.8, as amended by 47 FR 6188, February 10, 1982, and 47 FR 13791, April 1, 1982), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b), as amended by 47 FR 33682, August 4, 1982).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written submissions.—Any person may submit to the Commission on or before January 14, 1983, a written statement of information pertinent to the subject matter of these investigations (19 CFR 207.15, as amended by 47 FR 6190, February 10, 1982). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8, as amended by 47 FR 6186, February 10, 1982, and 47 FR 13791, April 1, 1982).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., on January 10, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Parties wishing to participate in the conference should contact the staff investigator, Ms. Miriam A. Bishop (202/523–0291), not later than January 6, 1983, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public inspection.—A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular 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.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and B (19 CFR Part 207, as amended by 47 FR 6182, February 10, 1982, and 47 FR 33682, August 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 47 FR 6182, February 10, 1982, 47 FR 13791, April 1, 1982, and 47 FR 33682, August 4, 1982). Further information concerning the conduct of the conference will be provided by Ms. Bishop.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: December 22, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-35240 Filed 12-28-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-112]

Certain Cube Puzzles; Termination of Two Respondents on the Basis of Settlement Agreements

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to respondents F. W. Woolworth and Sears, Roebuck & Co. on the basis of settlement agreements.

SUMMARY: On June 29, 1982, complainant Ideal Toy Corp. and respondents F. W. Woolworth and Sears, Roebuck & Co. moved in two joint motions (motions nos. 112–23 and 112–24) to terminate the investigation as to the above-named respondents based on settlement agreements. On July 14, 1982, the presiding officer recommended that the two joint motions be granted. A Federal Register notice was published on August 25, 1982, seeking comments from interested members of the public and other Government agencies on the proposed termination of the aforementioned respondents (47 FR 37310). Comments were received from respondent P. G. Continental, the Department of Justice, and Ideal Toy Corp. On December 8, 1982, the Commission granted the joint motions to terminate the investigation as to respondents F. W. Woolworth and Sears, Roebuck & Co. on the basis of settlement agreements.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into, and sale in, the United States of certain cube puzzles. Notice of the institution of the investigation was published in the Federal Register of December 29, 1981 (46 FR 62964).

Copies of any 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.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW.,

Washington, D.C. 20436, telephone 202-523-0499.

By order of the Commission.

Issued: December 23, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-35243 Filed 12-28-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-112]

Certain Cube Puzzles; Notice of Termination of Respondents Based on Settlement Agreements

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to respondents BMJ Trading, Ltd., and Vanguard Jewelry Corp. based on settlement agreements.

SUMMARY: On October 26, 1982, complainant Ideal Toy Corporation (Ideal) and respondent BMJ Trading, Ltd. (BMJ), jointly moved (Motion No. 112-33C) to terminate the investigation as to BMJ on the basis of a settlement agreement. On October 29, 1982, complainant Ideal and respondent Vanguard Jewelry Corp. (Vanguard) jointly moved (Motion No. 112-34C) to terminate the investigation as to Vanguard on the basis of a settlement agreement. The Commission published a Federal Register notice on November 24, 1982, seeking comments from interested members of the public and other Government agencies on the proposed terminations of BMJ and Vanguard based on settlement agreements (47 FR 53148). No comments were received.

On December 20, 1982, the Commission granted the joint motions to terminate the investigation as to respondents BMJ and Vanguard on the basis of settlement agreements.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain cube puzzles. Notice of the institution of the investigation was published in the Federal Register of December 29, 1981 (46 FR 62964).

Copies of the Commission's Action and Order 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.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0499.

By order of the Commission.

Issued: December 23, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-35242 Filed 12-28-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-135]

Certain Direction-Reversing Musical Crib Toys; Notice of 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 November 23, 1982, under section 337 of the Tariff Act of 1930 (19 U.S.C. 13337), on behalf of Mattel, Inc., 5150 Rosecrans Ave., Hawthorne, Calif. 90250. An amended complaint was filed on December 8, 1982. An amendment to the amended complaint was filed on December 15, 1982. The complaint, as amended, alleges unfair methods of competition and unfair acts in the importation of certain direction-reversing musical crib toys into the United States, or in their sale, by reason of the alleged direct and/or induced infringement of the claims of U.S. Letters Patent 4,285,159. 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, during the pendency of the investigation, the Commission issue both a temporary exclusion order, prohibiting importation of the articles into the United States except under bond, and a temporary cease and desist order, and, after a full investigation, issue both an exclusion order, prohibiting importation of the articles into the United States for the life of the patent in issue, and cease and desist order.

Authority: The authority of institution 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 § 210.21).

Scope of the Investigation

Having considered the complaint, the U.S. International Trade Commissioin, on December 21, 1982, 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 reason to believe that there is a violation or whether there is a violation of subsection (a) of section 337 in the unauthorized importation of certain direction-reversing musical crib toys into the United States, or in their sale by reason of the alleged direct and/or induced infringement of the claims of U.S. Letters Patent 4,285,159, the effect or tendency of which is to destroy or substantially injure an industry, efficiently 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—Mattel, Inc., 5150 Rosecrans Ave., Hawthorne, California 90250.

(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:

Durham Industries of Hong Kong Ltd., 19th Fl., Eastern Commercial Centre, 397 Hennessy Road, Hong Kong.

Durham Industries, Inc., 41 Madison Ave., New York, New York 10010.

(c) Ralph Elsas-Patrick, Unfair Import Investigations Division, U.S. International Trade Commission 701 E Street NW., 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 Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer. Pursuant to Commission rule 210.30)c), discovery should be allowed in connection with the temporary relief phase of the investigation only to the extent necessary to weigh the standards that are applicable in determining whether temporary relief should be granted.

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 §§ 210.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if

received not later that 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 maybe 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 working 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.

FOR FURTHER INFORMATION CONTACT: Ralph Elsas-Patrick, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0440.

By order of the Commission.

Issued: December 22, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–35239 Filed 12–28–82; 8:45 am]

BILLING CODE 7020–01–M

[Investigation No. 337–TA–119]

Certain High Precision Solenoids and Components Thereof; Notice of Termination of Investigation Based on a Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: The Commission has granted the parties' joint motion to terminate the above-captioned investigation on the basis of a settlement agreement.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain high precision solenoids and components thereof. Notice of the Institution of the investigation was published in the Federal Register of March 16, 1982 (47 FR 11330). Complainant Ledex, Inc., respondents Shindengen Electric Manufacturing Co., Ltd., Densitron Corp., Photo Chemical Products of Calif., Inc., E–M Devices, Dynel Co., Zaslow Sales Co., Inc., and Taylor Marketing and Sales Co., and the Commission investigative attorney have jointly moved (Motion No. 119–4) to terminate the investigation as to all respondents pursuant to Commission rule § 210.51(c). On September 17, 1982, the presiding officer recommended that the joint motion be granted (Order No. 11). Notice of the proposed termination was published in the Federal Register of October 20, 1982 (47 FR 46774).

Copies of any non-confidential 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.

Settlement Agreement

The relevant terms of the public version of the settlement agreement are summarized as follows:

1. In full and complete satisfaction and settlement of all claims by Ledex, Shindengen agrees to pay Ledex a certain sum of money and other good and valuable consideration, receipt of which is acknowledged.

2. Except for Respondents' obligations under the Settlement Agreement, Ledex for itself and its successor remises, releases, and forever discharges Shindengen, Densitron, Photo Chemical, E–M Devices, Zaslow, Taylor and Dynel from any and all liability, claims, demands and/or causes of actions and claims for damages and/or royalties at law or in equity claimed or arising out of or in connection with any claim against Shindenge, Densitron, Photo Chemical, E–M Devices, Zaslow, Taylor, and Dynel.

3. Shindengen, Densitron, Photo Chemical, E–M Devices, Zaslow, Taylor and Dynel, for themselves and their successors, remise, release and forever discharge Ledex from any and all liability, claims, demand and/or causes of action, and claims for damages in law oir in equity, arising out of or in connection with any claims, which against Ledex, Shindengen, Densitron, Photo Chemical, E–M Devices, Zaslow, Taylor and Dynel ever had or now have, and attorneys' fees, including costs.

4. In the event any provision of the Settlement Agreement shall be held illegal or invalid by any duly constituted authority, such illegality or invalidity shall not affect the validity or enforceability of the remaining provisions.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–0375.

Issued: December 21, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–35235 Filed 12–28–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–128]

Certain Cupric Hydroxide Formulated Fungicides and Cupric Hydroxide Preparations Used in the Formulation Thereof; Notice of Commission Decision Not To Review Initial Determination

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination terminating Calabrian Chemical Co. as a respondent in the above-captioned investigation. Accordingly, as of December 20, 1982, the initial determination, became the Commission's determination with respect to this matter.

AUTHORITY: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982; to be codified at 19 CFR 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION:

On November 4, 1982, complainant Kocide Chemical Corp., and respondent Calabrian Chemical Corp. ("Calabrian") jointly moved (Motion No. 128–13) to terminate the Commission's investigation with respect to Calabrian. On December 3, 1982, the presiding officer granted Motion No. 128–13 and terminated Calabrian as a respondent in the investigation.

Pursuant to rule § 210.53(h)(2), an initial determination of the presiding officer under rule § 210.53(c) becomes the determination of the Commission fifteen (15) days from the date of service, unless the Commission orders review of the initial determination. As pointed out by the presiding officer in Order No. 21, rulings with respect to motions to terminate a respondent pursuant to rule § 210.51(c) are initial determinations under rule § 210.53. Rule

§ 210.53 controls over any language to the contrary in rule § 210.51(c)(2).

Having examined the record in this investigation, including Motion No. 128–13, the papers filed in connection therewith, and the initial determination of the presiding officer, the Commission finds no grounds for review of the initial determination.

Copies of the nonconfidential version of the presiding officer's initial determination 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.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0375.

By order of the Commission.

Issued: December 20, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–35236 Filed 12–28–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–134]

Certain Treadmill Joggers; Notice of Change of the Commission Investigative Attorney

Notice is hereby given that as of this date, Samuel Bailey, Jr., Esq. of the Unfair Import Investigations Division will be the Commission Investigative Attorney in the above-cited investigation instead of John Milo Bryant, Esq.

The Secretary is requested to publish this notice in the **Federal Register.**

Dated: December 16, 1982.

David I. Wilson, Chief,

Unfair Import Investigations Division.

[FR Doc. 82–35237 Filed 12–28–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701–TA–184 (Final)]

Frozen Concentrated Orange Juice From Brazil

AGENCY: International Trade Commission.

ACTION: Institution of final countervailing duty investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: December 16, 1982.

SUMMARY: As a result of an affirmative preliminary determination by the U.S. Department of Commerce that there is reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930 (19 U.S.C. 1671) are being provided to manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice, provided for in item 165.35 of the Tariff Schedules of the United States, the United States International Trade Commission hereby gives notice of the institution of investigation No. 701–TA–184 (Final) under section 705(b) of the act (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. The Department of Commerce is scheduled to make its final subsidy determination in the case on or before February 24, 1983, and the Commission will make its final injury determination by April 14, 1983 (19 CFR 207.25.

FOR FURTHER INFORMATION CONTACT: Mr. David Coombs (202–523–1376), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background.— On August 30, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, that there was a reasonable indication that an industry in the United States was materially injured or threratened with material injury by reason of allegedly subsidized imports of frozen concentrated orange juice from Brazil. The preliminary investigation was instituted in response to a petition filed on April 12, 1982, by counsel for Florida Citrus Mutual, an association of orange growers.

Participation in the investigation.— Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11, as amended by 47 FR 6189, Feb. 10, 1982), not later than 21 days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d), as amended by 47 FR 6189, Feb. 10, 1982). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on February 18, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this invetigation beginning at 10:00 a.m. on March 8, 1983, in Grand Hall C of the Holiday Inn International, 65157 International Drive, Orlando, Florida. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on February 24, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on March 2, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is March 1, 1983.

Testimony at the public hearing is governed by section 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24, as amended by 47 FR 6191, Feb. 10, 1992) and must be submitted not later than the close of business on March 16, 1983.

Written submissions.— As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before

March 16, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8, as amended by 47 FR 6188, Feb. 10, 1982, and 47 FR 13791, Apr. 1, 1982). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207, as amended by 47 FR 6190, Feb. 10, 1982, and 47 FR 33682, Aug. 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 47 FR 6188, Feb. 10, 1982; 47 FR 13791, Apr. 1, 1982; and 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to section 207.20 of the Commission's rules (19 CFR 207.20, as amended by 47 FR 6190, Feb. 10, 1982).

By order of the Commission.

Issued: December 23, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-35244 Filed 12-28-82; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by the Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Lee Campbell (202) 275-7238. Comments regarding this information collection should be addressed to Lee Campbell, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Robert Siegel, Office of Management and Budget, Room 3001 NEOB, Washington, DC 20503, (202) 395-7313.

- Type of Clearance: Extension.

Bureau/Office: Bureau of Accounts.
Title of Form: Monthly Report of Employees, Service and Compensation.
OMB Form No.: 3120-0074.
Agency Form No.: Wage A and B.
Frequency: Monthly.
Respondents: Class I Railroad.
Number of Respondents: 533.
Total Burden Hours: 64,493.

- Type of Clearance: Extension.

Bureau/Office: Bureau of Accounts.
Title of Form: Monthly Preliminary Report of Number of Employees of Class I Railroads.
OMB Form No.: 3120-0075.
Agency Form No.: Preliminary Wage.
Frequency: Monthly.
Respondents: Class I Railroads.
Number of Respondents: 492.
Total Burden Hours: 6,888.

- Type of Clearance: Revision.

Bureau/Office: Bureau of Accounts.
Title of Form: Annual Report of Railroad Employees, Service and Compensation.
OMB Form No.: 3120-0074.
Agency Form No.: Annual Wage A and B.
Frequency: Annually.
Respondent: Class I Railroad.
Number of Respondents: 35.
Total Burden Hours: 1,400.

- Type of Clearance: Revision.

Bureau/Office: Bureau of Accounts.
Title of Form: Quarterly Report of Railroad Employees, Service and Compensation (Summary).
OMB Form No.: 3120-0074.
Agency Form No.: Quarterly wage A and B (Summary).
Frequency: Quarterly.
Respondents: Class I Railroads.
Number of Respondents: 140.
Total Burden Hours: 39,760.

- Type of Clearance: Revision.

Bureau/Office: Bureau of Accounts.
Title of Form: Monthly Report of Number of Railroad Employees.
OMB Form No.: 3120-0075.
Agency Form No.: Monthly Employees.
Frequency: Monthly.
Respondents: Class I Railroads.
Number of Respondents: 35.
Total Burden Hours: 5,880.

Kathleen M. King,

Acting Secretary.

[FR Doc. 82-35247 Filed 12-28-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

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 the Regional Office named in the **Federal Register** publiction no later than the 15th calendar day after the date the notice of 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 us 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-225

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, Pa. 19106.

MC 165042 (Sub-II-1TA), filed December 7, 1982. Applicant: ATHA TRUCKING, INC., Route 2, Box 531, Bridgeport, WV 26330. Representative: James D. Gray, P.O. Box 2190, Clarksburg, WV 26302-2190. *Concrete sectional grave liners and burial vaults* from points in Franklin and Crawford Counties, OH to points in WV. An underlying ETA seeks 120 days authority. Supporting shipper: Mountaineer Vault Company, Inc., P.O. Box 46, Salem, WV 26426.

MC 163072 (Sub-II–2TA), filed December 7, 1982. Applicant: B/T EXPRESS TRUCKING CO., 1536 Montvale Circle, West Chester, PA 19380. Representative: Donald Britt (same address as applicant). *General commodities* (except Classes A & B explosives, commodities in bulk, and those commodities which because of size or weight require of special handling or equipment) between all points in the U.S. (except AK & HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dafoe & Dafoe, 155 Great Valley Pkwy., Malvern, PA 19355.

MC 124333 (Sub-II–13TA), filed December 7, 1982. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Joseph F. Fogarty (same address as applicant). *Contract,* irregular: *Petroleum and petroleum products, in bulk, in tank vehicles,* between points in DE, NJ and PA. Supporting shipper: Wesley Engery Systems Corp., New Castle, DE 19720.

MC 5285 (Sub-II–2TA), filed December 1, 1982. Applicant: BAYSE TRANSPORTATION SERVICE, INC., 2031 Salem Industrial Dr., Salem, VA 24153. Representative: Charles W. Bayse (same address as applicant). *Contract,* irregular: *Food and related products* between Newport, Sevierville, Tellico Plains, Danbridge, and Jefferson City, TN, on the one hand, and, on the other, Baltimore, MD. Supporting shipper: Stokely-Van Camp, Inc., P.O. Box 1113, Indianapolis, IN 46206.

MC 72069 (Sub-II–17TA), filed December 2, 1982. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Sport shooting supplies,* between all points in the U.S. (except AK and HI), for 270 days. Supporting shippers: Kay Ohye Corp., 600 Holly Lane, No. Brunswick, NJ 08902, and Dawson Enterprises, 7191 Nave St., S.W., Massillon, OH 44646.

MC 149043 (Sub-II–13TA), filed December 7, 1982. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Drive, Dayton, OH 45414. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. (1) *Film, plastic, sheets, asbestos packing, thread, sealer, gums, synthetic resins, wheel cylinder packing, rubber compounds, barytes, neoprene, washers, gaskets, powdered zinc, packing devices, paints, stains, varnishes, liquid paste or aerosol cans, asbestos cloth and asbestos yarn for packing materials, soapstone, carbon black, castings, synthetic fabric,* between Dayton, OH on the one hand, and, on the other, points in TX, NV, GA, NY, NC, IA, MI, VA, AL, LA, NJ, IL, NM, KY, SC and IN; and (2) *Carbon black, soapstone, synthetic fabrics, barytes, rubber compounds, neoprene, powdered zinc,* between points in TX, NV, GA, NC, IA, MI, VA, AL, LA, NJ, IL, NM, OH, KY, SC and IN on the one hand, and, on the other, Palmyra, NY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Garlock, Inc., 6094 Executive Blvd., Dayton, OH 45424.

MC 165043 (Sub-II–1TA), filed December 7, 1982. Applicant: EUREKA PIPE LINE CO., P.O. Drawer 808, 963 Market St., Parkersburg, WV 26101. Representative: Ronald L. Ridgway (same address as applicant). Contract, irregular: *Crude oil* from Kanawha and Lincoln Counties, WV to Boyd County, KY, under continuing contract(s) with Pennzoil Products Co., a Div. of Pennzoil Co., Houston, TX. An underlying ETA seeks 120 days authority. Supporting shipper: Pennzoil Products Co., Div. of Pennzoil Co., 165 Oakwood Ave., Newark, OH 43055.

MC 164570 (Sub-II–1TA), filed December 1, 1982. Applicant: GARY L. GHIZZONI d.b.a. M & B TRANSPORTATION, P.O. Box 5204, New Castle, PA 16105. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Foodstuffs and such commodities as are dealt in by retail and wholesale grocery houses,* between New Castle and Pittsburgh, PA, on the one hand, and, on the other, points in CA, under continuing contract(s) with Galaxy Cheese Co. and OK Grocery Co., Div. of Giant Eagle Markets. An underlying ETA seeks 120 days authority. Supporting shippers: Galaxy Cheese Co., P.O.B. 5204, New Castle, PA 16105; OK Grocery Co., Div. of Giant Eagle Markets, 101 Kappa Dr., Blawnox, PA 15238.

MC 151587 (Sub-II–2TA), filed December 7, 1982. Applicant: P&G OIL CO., INC., d.b.a. P&G TRUCKING CO., Lakeview Drive, Madison Heights, VA 24572. Representative: Eric Meierhoefer, 915 Pennsylvania Building, 425 13th Street, NW, Washington, DC 20004. *Contract,* irregular: *joiner work for ships, and fixtures and furniture for use on oceangoing vessels,* between points in the U.S. (except AK and HI), under continuing contract(s) with Hopeman Brothers, Inc., of Waynesboro, VA. (An underlying ETA seeks 120 days of authority.) Supporting shipper: Hopeman Brothers, Inc., P.O. Box 550, 435 Essex Avenue, Waynesboro, VA 22980.

MC 149163 (Sub-2–1TA), filed December 1, 1982. Applicant: PAGERLY DETECTIVE & SECURITY AGENCY, INC., Hill Road, Wernersville, PA 19565. Representative: Calvin Lieberman, 635 Walnut Street, Reading, PA 19601. *Contract carrier:* irregular routes: *Cash letters and non-negotiable bank document,* between points in Reading and King of Prussia, PA on one hand, and, on the other hand, points in Newark, NJ, under a continuing contract(s) with American Bank and Trust Co. of PA, Reading, PA. An underlying ETA seeks 120 days authority. Supporting shipper: American Bank and Trust Co. of PA, Reading, PA.

MC 154381 (Sub-II–5), filed December 1, 1982. Applicant: PRETLOW BROS. TRUCKING CO., INC., 121 E. Marshall St., Richmond, VA 23219. Representative: Revardo C. Pretlow (same address as applicant). *General commodities (except household goods, Classes A & B explosives and commodities in bulk)* between the Defense General Supply Center, Bell Bluff, VA, and Dover Air Force Base, Dover, DE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) Department of Defense, U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041.

MC 165191 (Sub-II–1TA), filed December 14, 1982. Applicant: CHRISTIAN SCHMIDT, Rt. 5, Box 650, Easton, MD 21601. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Lumber, lumber products and forest products* between points in Wicomoco County, MD on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, PA, RI, VA and DC for 270 days. Supporting shipper: Long Life Treated Wood, Inc., P.O. Box 340, Hebron, MD 21830.

MC 158996 (Sub-II–2TA), filed December 7, 1982. Applicant: Beulah M. Seals, 12343 Oak Drive, Orient, OH 43146. Representative: Frank L. Calvary, 3066 N. Star Road, Columbus, OH 43221. *Ramps* from Circleville, OH, to points in U.S. (except AK and HI), under continuing contract(s) with KABS, Inc. for 270 days. Supporting shipper: KABS, INC., P.O. Box 30128, Cincinnati, OH 45230.

MC 151401 (Sub-II–5TA), filed December 1, 1982. Applicant: TRI-SERVICE, INC., P.O. Box 1419, West Chester, PA 19380. Representative: Daniel B. Johnson, 4304 East-West Hwy., Bethesda, MD 20814. *Such commodities as are used or dealt in by chemical manufacturers (except in bulk),* between points in the New York, NY commercial zone, on the one hand, and, on the other, points in and east of MN, IA, MO, AR

and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Captree Chemical Corp., 395 Eastern Pkwy., Farmingdale, L.I., NY 11735.

MC 147282 (Sub-II-2TA), filed December 1, 1982. Applicant: SCOTT WEBSTER TRUCKING CO., 209 Valley Park Dr., Pittsburgh, PA 14216. Representative: Scott Webster (same as applicant). *Contract,* irregular: *General Commodities (Except commodities in bulk, in tank vehicles, household goods as defined by the Commission, and Classes A and B explosives)* between points in DE, KY, MD, NJ, NY, OH, PA, and WV, under continuing contract(s) with the Merchandise Warehouse Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Merchandise Warehouse Co., 1177 Joyce Ave. P.O. Box 2298, Columbus, OH 43216.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 6992 (Sub-4-8TA), filed December 10, 1982. Applicant: AMERICAN RED BALL TRANSIT CO., INC., 1335 Sadlier Circle, East Drive, Indianapolis, IN 46239. Representative: John F. Spickelmier (same address as applicant). Transporting *pulp, paper and related products,* between points in Indianapolis, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Bowers Envelope Co., 5331 N. Tacoma Ave., Indianapolis, IN 46239.

MC 133314 (Sub-4-6TA), filed December 13, 1982. Applicant: SILVAN TRUCKING CO., INC., R.R. No. 2, Box 137, Pendleton, IN 46064. Representative: Walter F. Jones, Jr., 1111 East 54th Street, Suite 155, Indianapolis, IN 46220. *Machine, hand and automotive tools, tool chests, battery chargers and testing equipment* between Tallmadge, OH, IN, MI, and IL. Supporting shipper: Matco Tools Corp., 124 N. Ave., Tallmadge, OH 44278.

MC 134167 (Sub-4-3TA), filed December 10, 1982. Applicant: CARRIER SERVICE CO. OF WISCONSIN, INC., 2621 South 5th Place, Milwaukee, WI 53207. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *contract* carrier, over *irregular* routes, transporting: *Electrical appliances, and materials, equipment and supplies used or useful in the manufacture, sale or distribution of electrical appliances,* between Hartford and Milwaukee, WI, on the one hand, and, on the other hand, Chicago, IL; Columbus, New Baltimore and Toledo, OH; Indianapolis, IN; Louisville, KY; Detroit, MI; and Nashville, TN under continuing contract(s) with Broan Mfg. Co., Inc. Authority sought for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Broan Mfg. Co., Inc., 926 West State Street, Hartford, WI 53027.

MC 145807 (Sub-4-7), filed December 10, 1982. Applicant: DERBY TRANSPORT, INC., 609 First Ave. North, Box 695, Weyburn, Saskatchewan, Canada S4H 1P1. Representative: William J. Gambucci, 525 Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402. *Fertilizer* between points of entry on the International Boundary Line between the U.S. and Canada located in MT, on the one hand, and, on the other, points in WA and OR, an underlying ETA seeks 120 days authority. Shipper: J. R. Simplot Co., D.B.A. Simplot Soilbuilders, POB 10004, Yakima, WA 98909.

MC 146121 (Sub-4-4TA), filed December 13, 1982. Applicant: BAY CARTAGE CO., 1122 E. Barney Ave., Muskegon, MI 49444. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract,* irregular: *General commodities (except in bulk, Classes A and B explosives, and household goods as defined by the Commission)* between all points in the United States (except AK and HI), under contract with Clarke Division of McGraw Edison Co. Supporting shipper: Clark Div. of McGraw Edison Co., 2900 Estes St., Muskegon, MI 49441.

MC 154904 (Sub-4-2), filed December 10, 1982. Applicant: RUSSELL TRUCKING, INC., 1860 W. Main, Ubly, MI 48475. Representative: James R. Davis, Fraser Trebilcock Davis & Foster, P.C., Tenth Floor, Michigan National Tower, Lansing, MI 48933. 1. Plain or insulated wire; cord sets; scrap metal for reclaim purposes; plastic and metal products; plastic pellets, clay filler, rubber and other materials used in the manufacturer of metal insulating materials between the facilities of General Cable Company in Sanilac County, MI, on the one hand, and, on the other, points in the states of AL, IL, AZ, CA, FL, GA, IN, KY, MA, MS, NB, NJ, PA, TX, TN and NY. 2. Metal buildings, grain bins, forage and livestock equipment including elevators, manure and liquid fertilizer spreaders, silage unloaders, conveyors, grain drying systems, and parts and supplies for the same between points and places in MI, on the one hand, and on the other, points in the States of KA, IO, MN and WI. There are two supporting shippers.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 65300 (Sub-5-2TA), filed December 13, 1982. Applicant: LUNA TRUCK LINE, INC., Sanders Corner Route, Box 48-20, West Plains, MO 65775. Representative: Thomas A. Stroud, 109 Madison Avenue, Memphis, TN 38103. *Common,* Regular; *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) between Springfield, MO and Poplar Bluff, MO, from Springfield over U.S. Highway 60 to its junction with U.S. Highway 67, then over U.S. Highway 67 to Poplar Bluff and return; (2) between Winona, MO and Salem, MO, over MO Highway 19; (3) between West Plains, MO and Poplar Bluff, MO, over U.S. Highway 160; (4) between West Plains, MO and Thayer, MO, over U.S. Highway 63; and (5) between Mansfield, MO and Ava, MO, over MO Highway 5; serving all intermediate points on routes (1) through (5), and serving the commercial zones of all points on routes (1) through (5). Supporting shippers: 27. Applicant intends to tack and interline.

MC 114028 (Sub-5-13TA), filed December 13, 1982. Applicant: ROWLEY INTERSTATE TRANSPORTATION CO., INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Carl L. Steiner, 135 South LaSalle Street, Chicago, IL 60603. *Contract, Irregular, Printing Paper and Wrapping Paper* from Peshtigo, WI, to points in IL, MO, IA, KS & NE under continuing contract with Badger Paper Mills, Inc., Peshtigo, WI.

MC 128075 (Sub-5-7TA), filed December 13, 1982. Applicant: JOHNSRUD TRANSPORT, INC., 5201 Northeast 17th Street, Des Moines, IA 50313. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Contract;* Irregular. *Commodities used in the manufacture of weed and tree killing compounds, in bulk,* from Tulsa, OK and Dayton, TX to Ankeny, IA. Supporting shipper: Albaugh Chemical Corporation, Ankeny, IA.

MC 147019 (Sub-5-3TA), filed December 13, 1982. Applicant: WENGERT TRANSPORTATION, INC., d.b.a. CITY DELIVERY, 651 58th Avenue Ct., S.W., Cedar Rapids, IA 52404. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Toilet preparations, cosmetics, costume jewerly, and premium items,* from Mt. Pleasant, IA to all points in IA. Prior

Interstate traffic. Supporting shipper: Avon Produts, Inc., Morton Grove, IL.

MC 148045 (Sub-5–4TA), filed December 13, 1982. Applicant: QUAD CITY SPOTTING SERVICE, INC., P.O. Box 4168, Davenport, IA 52808. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *General commodities (except household goods, commodities in bulk, and classes A and B explosives),* between Kansas City, MO and its commercial zone, on the one hand, and, on the other, points in KS and MO, restricted to the transportation of traffic having a prior or subsequent movement by rail. Supporting shippers: Immanuel Transport Inc. and Immanuel Freight Lines, Inc., Santa Fe Springs, CA; John M. Boast, Inc., Davenport, IA.

MC 159513 (Sub-4–TA), filed December 13, 1982. Applicant: LOK TRUCKING CO., P.O. Box 44B, Route 2, Frisco, TX 75034. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Paper* between AL, CA, IL, MI, OH, PA. TN, VA, WI on the one hand, and, the other, points in TX. Restricted to shipments originating at or destined to the facilities of Clampitt Paper Company. Supporting shipping: Clampitt Paper Company, Dallas, TX

MC 163503 (Sub-5–5TA), filed December 13, 1982. Applicant: NATIONAL FREIGHT SYSTEM, INC., 2305 Oak Lane, Suite 115, Grand Prairie, TX 75051. Representative: Stephen W. Mitchell (same address as above). *Such commodities as are dealt in or used by Wholesale, Retail and Discount Centers* between TX on the one hand, and, on the other, points in the U.S. (EX AK and HI). Supporting shippers: 12.

MC 163503 (Sub-5–6TA), filed December 14, 1982. Applicant: NATIONAL FREIGHT SYSTEM, INC., 2305 Oak Lane, Suite 115, Grand Prairie, TX 75051. Representative: Stephen W. Mitchell (same address as above). *Miscellaneous Rubber and Plastic Products* between, TX, AZ, IL, IN, MI, OH and WI on the one hand, and, on the other, points in the continental United States. Supporting shippers: PMS, Ft. Worth, TX; Tex Star Plastics, Grand Prairie, TX; Gemstar, Chandler, AZ; Wickman Traffic Service, Inc., Western Springs, IL.

MC 164218 (Sub-5–3TA), filed December 13, 1982. Applicant: CONTAINER MAINTENANCE SERVICE, INC., P.O. Box 24781, Houston, TX 77029. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. *Electrical Equipment and Scrap Metals, moving in ocean containers,* restricted to shipments having a prior or subsequent movement via rail, between Dallas, TX, on the one hand, and on the other, Camden, AR, Little Rock, AR and Hope, AR. Supporting shipper: Kanton Metals, South Bend, IN.

MC 164693 (Sub-5–1TA), filed December 13, 1982. Applicant: JOE'S TRUCKING CO., 1701 Olson Way, Marshalltown, IA 50158. Representative: Jerry W. Garner (same address as above). *Contract* irregular: *refrigerators, washers, dryers, T.V.'s, Video recorders, new furniture and fixtures and new automotive parts* between Omaha, NE and Des Moines, Marshalltown, Mason City, Fort Dodge, and Ottumwa, IA, and their commercial zones. Supporting shipper: Sidles Distributing Co., Inc., Omaha, NE.

MC 164789 (Sub-5–1TA), filed December 13, 1982. Applicant: KEN SELLERS, d.b.a. KEN SELLERS TRUCKING, 5916 Bertha Lane, Fort Worth, TX 76117. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Boat trailers, partially knocked down and nested, on shipper owned lowboy trailers,* from Joshua, TX, to points in AL, AR, AZ, GA, FL, KS, KY, IN, IA, IL, LA, MO, MI, MS, MN, OH, OK, TN, UT and WI. Supporting shipper: Skipper B Trailer Co., Joshua, TX.

MC 165154 (Sub-5–1TA), filed December 13, 1982. Applicant: WILLIAM WAYNE DAVIS d.b.a. WAYNE DAVIS TRUCKING, R.R. No. 1, Box 240, Sigourney, IA 52591. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract* irregular: *Fertilizer, Fertilizer Materials and Potash,* between points in IA. Prior or subsequent movement by rail. Supporting shipper: International Minerals and Chemicals, Slater, IA.

MC 165155 (Sub-5–1TA), filed December 13, 1982. Applicant: PAUL THOMPSON d.b.a. PLT TRUCKING, 4855 South 157 Street, Omaha, NE 68135. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Food and related products,* from the facilities of Omaha Steaks International at Omaha, NE, to Cincinnati, OH. Supporting shipper: Omaha Steaks International, Omaha, NE.

MC 165156 (Sub-5–1TA), filed December 13, 1982. Applicant: B&J TRUCKING, INC., Rt. 1, Box 18C, Sheridan, AR 72150. Representative: Sam Ed Gibson, P.O. Box 211, Benton, AR 72015. *Contract* irregular. *Wood products being wooden handle blanks and other similar wood products* between Sheridan Grant County, AR, on the one hand, and, on the other, Memphis, Shelby County, TN, and their commercial zones. Supporting shipper: IXL Manufacturing Company, Inc., d.b.a. LaPierre Sawyer Handle Company, Sheridan, AR.

MC 165194 (Sub-5–1TA), filed December 14, 1982. Applicant: A. WEST d.b.a. KREMLIN BUS SERVICE, Box 27, Kremlin, OK 73753. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 North Classen Boulevard, Oklahoma City, OK 73118. *Passengers and their baggage, in the same vehicle with passengers, in charter and special operations,* between points in OK, on the one hand, and, on the other, points in the U.S. (except HI). Supporting shipper: Enid Travel Service, Enid, OK.

Kathleen M. King,

Acting Secretary.

[FR Doc. 82–35249 Filed 12–28–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP 5–296]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: December 17, 1982.

90–Day Intrastate Motor Common Carriers of Passengers.

The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the **Federal Register** on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922 (c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that

each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 25 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 subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will issued. Once this compliance is met, the authority will be issued.

Within 30 days after publications 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.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

Note.—All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

Please direct status inquiries to Team 5, (202) 275–7289.

MC 61599 (Sub–142), filed December 7, 1982. Applicant: TRAILWAYS SOUTHEASTERN LINES, INC., 200 Spring St., NW, Atlanta, GA 30303. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655–7937. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on routes in No. MC 61599 Sub 141, in part, as follows: To operate over the route between Atlanta, GA and Greenville, SC, to provide intrastate service at all intermediate points between Chamblee and Lavonia, GA, including Chamblee and Lavonia.

Kathleen King,

Acting Secretary.

[FR Doc. 82–35248 Filed 12–28–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor

common carrier of passengers are duly noted. Please direct status inquiries to Team 1 at (202) 275–7992.

Volume No. OP1–239

Decided: December 21, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 28670 (Sub-7), filed December 15, 1982. Applicant: STAR MOTOR FREIGHT, INC., P.O. Box 253, Lewiston, ID 83501. Representative: Kevin M. Clark, 2417 Bank Drive, Suite 8, Boise, ID 83705, (208) 344–7714. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in WA, OR, ID, UT, and MT.

MC 2890 (Sub-60), filed December 6, 1982. Applicant: AMERICAN BUSLINES, INC., 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn (same address as applicant), (214) 655–7937. Over regular routes, transporting *passengers*, (a) between Cleveland, OH, and Cincinnati, OH, over Interstate Hwy 71, serving all intermediate points and serving Ashland, OH, as an off-route point, (b) between junction Interstate Hwy 71 and OH Hwy 82 and Strongsville, OH, over OH Hwy 82, serving all intermediate points, (3) between junction Interstate Hwy 71 and OH Hwy 18 and Medina, OH, over Hwy 18, serving all intermediate points, (4) between junction Interstate Hwy 71 and U.S. Hwy 30 and junction Interstate Hwy 71 and OH Hwy 13, from junction Interstate Hwy 71 and U.S. Hwy 30, over U.S. Hwy 30 to junction OH Hwy 13, then over OH Hwy 13 to junction Interstate Hwy 71, and return over the same rout, serving all intermediate points, (5) between Toledo, OH, and Cincinnati, OH, over Interstate Hwy 75, serving all intermediate points and serving North College Hill as an off-route point, (6) between junction Interstate Hwy 75 and U.S. Hwy 6 and Bowling Green, OH, from junction Interstate Hwy 75 and U.S. Hwy 6, over U.S. Hwy 6 to junction OH Hwy 25, then over OH Hwy 25 to Bowling Green, OH, and return over the same route, serving all intermediate points, (7) between junction Interstate Hwy 75 and OH Hwy 47 and Sidney, OH, over OH Hwy 47, serving all intermediate points, (8) between junction Interstate Hwy 75 and OH Hwy 122 and Middletown, OH, over OH Hwy 122, serving all intermediate points, and (9) between Akron, OH and junction Interstate Hwy 76 and Interstate Hwy 71, over Interstate Hwy 76, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 55830 (Sub-2), filed December 13, 1982. Applicant: THRU-WAY TRANSFER INCORPORATED, 320 Woodmont Rd., Milford, CT 06460. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 58561 (Sub-4), filed December 10, 1982. Applicant: J.A.R. TRUCKING, INC., 3926 Valley Rd., Cleveland, OH 44109. Representative: Stepehn J. Habash, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *metal products* between points in OH, on the one hand, and, on the other, points in NJ.

MC 60251 (Sub-18), filed December 16, 1982. Applicant: P & D TRANSPORTATION, INC., Connell Highway, Newport, RI 02840. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535–5430. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NH, PA, RI, MA, CT, ME, VT, NJ, and NY.

MC 75320 (Sub-240), filed December 16, 1982. Applicant: CAMPELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawfor, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. 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 75840 (Sub-172), filed December 9, 1982. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Malone Intermodal, Inc., of Tucker, GA.

MC 111940 (Sub-76), filed December 16, 1982. Applicant: SMITH'S TRUCK LINES, P.O. Box 88, Muncy, PA 17756. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting *general commodities* (except classes A and B explosives and household goods), between points in DE, MD, PA, NJ, NY, OH, VA, WV and DC.

MC 121731 (Sub-3), filed December 7, 1982. Applicant: CENTRAL FREIGHT, INC., P.O. Box 1348, Antioch, CA 94509. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111, (415) 986–1414. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. under continuing contract(s) with Cut & Ready Foods, of San Lorenzo, CA.

MC 127300 (Sub-3), filed November 22, 1982. Applicant: MT. KISCO BUS LINES, INC., 8 Birch Lane, Mahopac, NY 10541. Representative: Sidney J. Leshin, 3 East 54th Street, New York, NY 10022, (212) 759–3700. *Over regular routes*, transporting *passengers*, (1) between Baldwin Place, NY, and White Plains, NY, from Baldwin Place over NY Hwy 6 to Brewster, NY, then over NY Hwy 22 to junction NY Hwy 100, then over NY Hwy 100 to junction NY Hwy 138 (Golden's Bridge Road), then over NY Hwy 138 to junction Interstate Hwy 684, then over Interstate Hwy 684 through Connecticut to Interstate Hwy 287 then over Interstate Hwy 287 to White Plains, and return over the same route, and (2) between the Town of Lewisboro, NY, and New York, NY, from the Town of Lewisboro at the junction of NY Hwy 121 and 35, then over NY Hwy 35 to NY Hwy 124 to junction NY Hwy 103 at Pond Ridge, NY then over NY Hwy 103 to junction NY Hwy 22 at Bedford Village, NY, then over NY Hwy 22 to junction Interstate Hwy 684, at Armonk, NY, then over Interstate Hwy 684 to Interstate Hwy 287, then over Interstate Hwy 287 to Interstate Hwy 95, then over Interstate Hwy 9 to Bruckner Extension, Bronx, NY, then continuing south on Bruckner Extension to Exit at 138th Street, New York, NY, then west of 138th Street to Third Ave. Bridge, then south on Third Ave. Bridge to Second Ave., then south on Second Ave. to Houston Street, then west on Houston Street to Broadway, then south on Broadway to Battery Place, New York, NY, and return over the same route, serving all intermediate points on routes (1) and (2) above.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 129420 (Sub-8), filed December 8, 1982. Applicant: LILE INTERNATIONAL COMPANIES, 15605 S. W., 72nd Ave., Tigard, OR 97223. Representative: Wendell B. Lile, (same address as applicant), (503) 620–8480. Transporting *household goods, unaccompanied*

baggage and used automobiles, between points in the U.S. (except AK, HI and VT).

MC 133870 (Sub-9), filed December 16, 1982. Applicant: JOHN P. WEYER, INC., PO Box 225, Brownsville, WI 53006. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 27.4710. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. (except AK and HI).

MC 138100 (Sub-7), filed December 10, 1982. Applicant: MELLOW TRUCK EXPRESS, INC., 11655 SW Pacific Hwy., P.O. Box 23725, Tigard, OR 97223. Representative: Peter H. Glade, 1 SW Columbia, Suite 555, Portland, OR 97258, (503) 227–1681. Transporting *General commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 139030 (Sub-3), filed December 10, 1982. Applicant: J & D, INC., d.b.a. J & D TRANSPORT, 7020 88th Avenue, Kenosha, WI 53142. Representative: Edward J. Gerrity, 601½ W. College Avenue, P.O. Box 914, Appleton, WI 54912, (1–414–734–5608). Transporting *food and related products*, between points in Ramsey County, MN, on the one hand, and, on the other, points in Racing County, WI.

MC 142181 (Sub-26), filed October 13, 1982, previously published in the FR on October 2, 1982. Applicant: COBLE EXPRESS, INC., P.O. Box 1104, 214 Hermitage Ave., Nashville, TX 37202. Representative: Robert L. Baker, Sixth Floor, U.S. Bank Bldg., Nashville, TN 37219, (615)–244–8100. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Note: The purpose of this republication is to correct the commodity description.

MC 143271 (Sub-4), filed December 13, 1982. Applicant: CAPITAL CITY TRUCK GARAGE, & TRUCKING COMPANY, INC., 3017 Trawick Rd., Raleigh, NC 27604. Representative: Nicholas J. Dombalis, II, 3700 Computer Drive, P.O. Box 18237, Raleigh, NC. 27619 (919) 781–1311. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC, SC, and VA, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the US and Canada.

MC 147010 (Sub-3), filed December 13, 1982. Applicant: WHALEN TRUCKING, INC., 301 Prairie, Waverly, IL 62692. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *fertilizer and petroleum products*, between points in IA, IL and MO. Condition: To the extent that this certificate authorizes the transportation of liquefied petroleum gas (propane), it shall expire 5 years from the date of issuance.

MC 144710 (Sub-10), filed December 2, 1982. Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 749 Phillips Road, P.O. Box F, Fishers, NY 14453. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580, (716) 671–1021. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (a) between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundary of Itasca and Koochinghing Counties, MN, to the international boundary line between the U.S. and Canada, and (b) between those points described in (a) above on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 1, Room 2379.

MC 145940 (Sub-5), filed November 15, 1982. Applicant: DIXIE REFRIGERATED, INC., P.O. Box 2163, Mobile, AL 36601. Representative: James David Mills, P.O. Box 2664, Mobile, AL 36652, (205) 432–0701. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except HI).

MC 148931 (Sub-2), filed December 10, 1982. Applicant: GERALD L. BETTS, d.b.a. BETTS TRUCKING, 229 17th Ave., Central City, NE 68826. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, (402) 488–4841. Transporting (1) *fertilizer and soil conditioners*, between points in Eddy County, NM, Jasper County, MS, and Brazoria County, TX, on the one hand, and, on the other, points in CO, KS, NE and MT, (2)(a) *agricultural machinery and equipment*, between points in Weld County, CO, on the one hand, and, on the other, points in IA, KS, NE, and SD, and (b) between points in Finney and Wilson Counties, KS, on the one hand, and, on the other, points in IA, NE and SD, and (3) *such commodities* as are dealt in or used by building materials, ranch, farm and home supply stores, between points in the U.S. (except AK and HI).

MC 149100 (Sub-20), filed December 7, 1982. Applicant: JIM PALMER TRUCKING, 9730 Derby Dr., Missoula, MT 59801. Representative: John T. Wirth, 717–17th St., Suite 2600, Denver, CO 80202–3357, (303) 892–6700. Transporting (1) *Lumber and wood products*, and (2) *construction materials*, between points in the U.S. (except AK and HI).

MC 153681 (Sub-1), filed December 14, 1982. Applicant: FRAZIER-FARRIS, INC. P.O. Box 178, Gower, MO 64454. Representative: Tom B. Kretsinger, Jr., 20 East Franklin, Liberty, MO 64068, (816) 781–6000. Transporting *commodities in bulk*, between points in the MO, on the one hand, and, on the other, points in KS.

MC 154460 (Sub-7), filed December 16, 1982. Applicant: "Q" Carriers Inc., 14086 Rutgers St. NE., Prior Lake, MN 55372. Representative: Randall D. Quiring, (same address as applicant), (612) 445–8718. 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 Connco Shoes, Inc., of Lake Elmo, MN.

MC 155170 (Sub-2), filed December 13, 1982. Applicant: PEACH STATE TRUCK BROKERS, INC., P.O. Box 2937, Gainseville, GA 30503. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *general commodites* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Chateau Elan Ltd., of Braselton, GA, and International Puffins, Inc., of Gainesville, Ga.

MC 158361 (Sub-2), filed December 13, 1982. Applicant: G.F.C. TRUCKING CORP., W. 100 Century Road, Paramus, NJ 07652. Representative: D. Weintraub, (same address as applicant), (201) 262–7500. Transporting *aluminum products*, between points in the U.S., under continuing contract(s) F. & M. Schaefer Brewing Company, of Allentown, PA.

MC 159350 (Sub-2), filed December 15, 1982. Applicant: LANMAN CORPORATION, 1096 Riverbend Club Dr., N.W., Atlanta, GA 30339. Representative: Richard B. Felder, 1019 19th St., N.W., Suite 800, Washington, DC 20036, (202) 785–3420. 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 Robert W. Lanman, doing business as RWL Enterprises, of Atlanta, GA.

MC 160451, filed December 15, 1982. Applicant: NORTHWEST MO. TRANSPORT, P.O. Box 203, 933 W. 3rd, Maryville, MO 64468. Representative: Paul Ferguson (same address as applicant), (816) 562–2055. Transporting *disposable diapers, wood pulp, and polyurathane,* between points in the U.S., under continuing contract(s) with Riegel Textile Corp., of Maryville, MO.

MC 160870 (Sub-1), filed December 14, 1982. Applicant: O/P TRANSPORTATION LTD., INC., 12290 S.W. Main, Tigard, OR 97223. Representative: Robert Lindsay McArthur (same address as applicant), (503) 684–3450. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except HI), under continuing contract(s) with Superior Truck Clearing, Inc., of Ontario, OR.

MC 161290, filed December 7, 1982. Applicant: CARROLL FOSTER, INC., Rt. 3, Box 659, Jonesboro, AR 72401. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. Transporting *furniture and fixtures, appliances, metal products, household furnishings, textiles, wood products,* (1) between points in Hinds County, MS, and Hillsborough County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) between points in IN, MN, NM, NC, and WI, on the one hand, and, on the other, points in AZ and NM.

MC 162991, filed December 3, 1982. Applicant: EMMA LOUISE JORDAN AND WILLIE JORDAN, d.b.a. E.W. TRUCKING CO., 2060 West 94th Place, Los Angeles, CA 90047. Representative: Mark E. Mahler, 433 North Camden Drive, Sixth Floor, Beverly Hills, CA 90210, (213) 272–9591. Transporting (1) *textile mill products,* between points in Los Angeles County, CA, on the one hand, and, on the other, Chicago, IL, St. Louis, MO, and Houston, TX, (2) *transportation equipment and musical instruments* between points in Los Angeles County, CA, on the one hand, and, on the other, Chicago, IL, and Seattle, WA, and (3) *food and related products and plastic and wood products,* between points in Los Angeles County, CA.

MC 164740, filed December 10, 1982. Applicant: ACE TRANSPORTATION, INC., P.O. Box 91714, 210 Ambassador Caffery & I–10, Lafayette, LA 70501 Representative: Janet Boles Chambers, 8211 Goodwood Blvd., Suite C–1, Baton Rouge, LA 70806, (504) 924–2686. Transporting *contractor's machinery and equipment, building materials, commodities which because of their size of weight require the use of special equipment, mercer commodities and metal products,* between points in AL, FL, LA, MS, OK and TX, on the one hand, and, on the other, points in the U.S. (except HI).

MC 164851, (Sub-1) filed December 13, 1982. Applicant: NATIONWIDE TRANSPORTATION, INC., 4601 South 50th St., Suite 309, Omaha, NE 68117. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501–2028, (402) 475–6761. Transporting *food and related 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 another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 1, Room 2379.

MC 165110, filed December 9, 1982. Applicant: KENNEDY MANUFACTURING COMPANY, 520 East Sycamore St., Van Wert, OH 45891. Representative: Fred Early (same address as applicant), (419) 238–2442. 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 North American Philips Lighting Corporation, Teleflex, Inc., American Merchandising Assoc. Inc., and Federal-Mogul Corp., all of Van Wert, OH.

MC 165121, filed December 10, 1982. Applicant: J. P. TRANSPORTATION CO., INC., 3800 Tytus Ave., Middletown, OH 45042. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OH, PA, MI, IN, IL, KY, TN, and WV.

MC 165141, filed December 10, 1982. Applicant: PACIFIC GULF TRUCKING, INC., P.O. Box 7676, Phoenix, AZ 85011. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 165160, filed December 13, 1982. Applicant: WATER BONNET MFG., INC., 100 Lake Howell Rd., Casselberry, FL 32707. Representative: Harry F. Gildea (same address as applicant) (305) 831–2122. Transporting *metal products,* between Franklin Park, IL, on the one hand, and, on the other, points in IL, and points in Cullman County, AL, under continuing contract(s) with Woodside Engineering Co., of Franklin Park, IL.

MC 165161, filed December 13, 1982. Applicant: H & H LUMBER COMPANY, a corporation, 1403 S. 32nd St., West, Billings, MT 59102. Representative: Charles A. Murray, Jr., 2822 Third Ave. North, Billings, MT 59101, (406) 252–4165. Transporting *building materials,* between points in WA, OR, ID, UT, MT, WY, CO, ND, SD, NE and MN.

MC 165210, filed December 14, 1982. Applicant: OSCAR W. WIKSTROM d.b.a. WIKSTROM TRUCKING COMPANY, 223 Highland St., Weston, MA 02193. Representative: Oscar W. Wikstrom, III, (same address as applicant) (617) 893–6728. Transporting (1) *ores and minerals,* (2) *coal and coal products,* and (3) *clay, concrete, glass or stone products,* between points in ME, NH, VT, MA, RI, CT, NY, NJ, OH, PA, MD, and DE.

MC 165221, filed December 16, 1982. Applicant: DONALD MUFFLER, Rt. 1, Seneca, IL 61360. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting (a) *general commodities,* (except classes A and B explosives and household goods), between points in Dubuque County, IA and LaSalle County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI) and (b) *lumber and wood products,* between points in LaSalle County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 2 (202) 275–7030.

Volume No. OP2–328

Decided: December 16, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 105413 (Sub-44), filed December 6, 1982. Applicant: PETROLEUM

TRANSPORT SERVICE, INC., 3908 Richland Dr., Council Bluffs, IA 51501. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *commodities in bulk,* between points in MN, NE, IA, MO, and KS.

MC 107403 (Sub-1352), filed December 2, 1982. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant), 215–259–9800. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with A. E. Staley Manufacturing Company, of Decatur, IL.

MC 119293 (Sub-8), filed December 7, 1982. Applicant: DIAL TRANSFER, INCORPORATED, 756 North 4th St., Minneapolis, MN 55401. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting (1) *textile mill products, and apparel or other finished textile products or knit apparel,* between Minneapolis, MN, on the one hand, and, on the other, points in IA, ND, SD and WI, (2) *clay, concrete, glass or stone products,* between Minneapolis, MN and points in Rock County, WI, on the one hand, and, on the other, points in IA, MN, ND, SD, and WI, (3) *rubber and plastic products,* between Minneapolis, MN, on the one hand, and, on the other, Chicago, IL, St. Louis, MO, and points in Dane County, WI, Pottawattamie County, IA, and ND, and (4) *primary metal products,* between Minneapolis, MN, on the one hand, and, on the other, points in IA, MT, ND, SD, and WI.

MC 138512 (Sub-45), filed December 3, 1982. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., 100 N. Waukegan Rd., P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same address as applicant), (312) 295–5700. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Spencer Kellogg, of Buffalo, NY.

MC 163612 (Sub-1), filed December 13, 1982. Applicant: FALCON TRANSPORT, INC., 6085 Lagrange SW., Atlanta, GA 30336. Representative: Marsha N. Honda, 1545 Wilshire Blvd. No. 606, Los Angeles, CA 90017, 213–483–4700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in GA, on the one hand, and, on the other, points in FL, SC, NC, VA, TN, WV, AR, MS, AL, LA, and KY.

MC 164143, filed December 30, 1982. Applicant: KOCH OIL CO., LTD., P.O. Box 6088, Stn "D", Calgary, Alberta, Canada, T2P 2C7. Representative: E. Allan Munro (same address as applicant), 403–264–7770. Transporting *crude petroleum, natural gas, and gasoline,* between ports of entry on the international boundary line between the U.S. and Canada, at points in MT, on the one hand, and, on the other, points in MT.

Note.—A petition for exemption pursuant to U.S.C. 11343(e) has been filed, docketed MC–F–15021. Condition: (1) Issuance of this authority is subject to approval of the petition in MC–F–15021; and (2) to the extent any certificate issued in this proceeding authorizes the transportation of natural gas, it shall be limited to a period expiring 5 years from its date of issuance.

MC 164983, filed December 2, 1982. Applicant: BOBBY AMMONS, d.b.a. AMMONS TRUCKING, P.O. Box 22, Sanderstown Rd., Franklin, NC 28734. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372–6730. Transporting *lumber and wood products,* between points in NC, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

Volume No. OP2–330

Decided: December 20, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 117872 (Sub-15), filed December 10, 1982. Applicant: A. JOSEPH AND COMPANY, P.O. Box 4798, Jackson, MS 39216. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, 601–948–5711. Transporting *such commodities* as are dealt in or used by breweries, between points in AL, AR, CO, FL, GA, LA, MS, NC, SC, TN, TX, VA, and DC.

MC 145312 (Sub-6), filed November 22, 1982. Applicant: SUNBELT SYSTEMS TRANSPORT, INC., 1256 La Quinta Drive, Orlando, FL 32809. Representative: M. Craig Massey, 1701 South Florida Avenue, P.O. Drawer 2787, Dixieland Station, Lakeland, FL 33806–2787, (813) 682–1178. 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 Florida Computer Graphics, Inc., of Lake Mary, FL.

MC 148152 (Sub-6), filed December 10, 1982. Applicant: K & H TRUCKING, INC., 3301 So. Lamar St., Dallas, TX 75215. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279. Transporting *food and related products,* between Dallas, TX, Atlanta, GA, Denver, CO, Memphis, TN, and Phoenix, AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163812, filed December 13, 1982. Applicant: R. S. COUGHLAN, LTD., 103 MacFarlane St., Fredericton, New Brunswick, Canada, E3A 1V5. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, 207–773–5651. Transporting *lumber, wood products, and building materials,* between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Devon Lumber Company, Ltd., of Fredericton, New Brunswick, Canada.

MC 165122, filed December 9, 1982. Applicant: TRANSPORTATION ENTERPRISES OF BAYONNE, INC., 37 East 27th St., Bayonne, NJ 07002. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, 212–466–0220. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NJ and NY, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL, and DC.

MC 165162, filed December 13, 1982. Applicant: NELSON DE MIRANDA, d.b.a. N.T.I. EXPRESS, 1750 W. 39th Place, Hialeah, FL 33012. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328, 305–434–7621. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in FL.

For the following, please direct status inquiries to Team 3 at 202–275–5223.

Volume No. OP3–59

Decided: December 21, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 1515 (Sub-319), filed November 23, 1982. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant) (602) 248–2942. Over regular routes, transporting *passengers* (1) Between Detroit, MI, and junction Interstate Hwy 75 and the MI–OH State line, over Interstate Hwy 75; (2) Between junction the OH–MI State line and Interstate Hwy 75, and junction Interstate Hwy 75 and the OH–KY State

line, serving the off-route point of Sharonville, OH, over Interstate Hwy 75; (3) Between Cleveland, OH and junction the OH–KY State line and Interstate Hwy 71, serving the off-route points of Ashland, Mansfield, and Washington Court House, over Interstate Hwy 71; (4) Between Columbus, OH and junction the OH–IN State line and Interstate Hwy 70, serving the off-route point of Springfield, OH, over Interstate Hwy 70; (5) Between Cincinnati, OH and junction Interstate Hwy 74 and the OH–IN State line, over Interstate Hwy 74; (6) Between junction the KY–OH State line and Interstate Hwy 75, and junction the KY–TN State line and Interstate Hwy 75, serving the off-route points of Williamstown, Georgetown, Mt. Vernon, London, Corbin, and Williamsburg, KY, over Interstate Hwy 75; (7) Between junction the KY–OH State line and Interstate Hwy 71, and Louisville, KY, over Interstate Hwy 71; (8) Between Louisville, KY and junction the KY–WV State line and Interstate Hwy 64, serving the off-route points of Middletown, Frankfort, Lexington, Winchester, Mt. Sterling, Morehead and Ashland, KY, over Interstate Hwy 64; (9) Between Winchester, KY and Paintsville, KY, serving the off-route points of Stanton and Salyersville, KY: From Winchester over Interstate Hwy 64 access route to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction Mountain Parkway, then over Mountain Parkway to junction U.S. Hwy 460, then over U.S. Hwy 460 to Paintsville, KY; (10) Between Allen, KY and London, KY, serving the off-route points of Hazard and Manchester, KY: from Allen over New KY Hwy 80 to junction Daniel Boone Parkway, then over the Daniel Boone Parkway to junction KY Hwy 80 access road near London, KY, then over KY Hwy 80 access road to junction KY Hwy 80, then over KY Hwy 80 to London, KY; (11) Between Owensboro, KY and Henderson, KY: from Owensboro over the Audubon Parkway to junction the Pennyrile Parkway, then over the Pennyrile Parkway to junction unnumbered hwy near Henderson, KY, then over unnumbered hwy to Henderson, KY; (12) Between Henderson, KY and Hopkinsville, KY, serving the off-route point of Madisonville, KY: from Henderson over unnumbered hwy to junction Pennyrile Parkway, then over Pennyrile Parkway to junction U.S. Hwy 68, then over U.S. Hwy 68 to Hopkinsville, KY; (13) Between Mayfield, KY and Fulton, KY: from Mayfield over U.S. Hwy 45 to junction Purchase Parkway, then over Purchase Parkway to junction unnumbered hwy near Fulton, KY, then over unnumbered hwy to Fulton, KY; (14) Between junction KY–OH State line and Interstate Hwy 65, and junction KY–TN State line and junction Interstate Hwy 65, serving the off-route points of Elizabethtown, Munfordsville, Cave City, and Bowling Green, KY, over Interstate Hwy 65; (15) Between junction the IN–KY State line and Interstate Hwy 65, and Gary, IN, serving the off-route points of Scottsburg, Seymour, Columbus, Edinburgh, Franklin, and Lafayette, IN, over Interstate Hwy 65; (16) Between Terre Haute, IN, and junction IN–OH State line and Interstate Hwy 70, serving the off-route point of Richmond, IN, over Interstate Hwy 70; (17) Between Indianapolis, IN and Fort Wayne, IN, serving the off-route points of Marion and Huntington, IN: from Indianapolis over Interstate Hwy 69 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Fort Wayne, IN; (18) Between Indianapolis and junction Interstate Hwy 74 and the IN–OH State line, serving the off-route points of Shelbyville and Greensburg, IN, over Interstate Hwy 74; (19) Between Charleston, WV and junction Interstate Hwy 64 and the WV–KY State line, serving the off-route points of Nitro and Hurricane, WV, over Interstate Hwy 64; (20) Between junction KY–TN State line and Interstate Hwy 65, and Nashville, TN, over Interstate Hwy 65; serving in (1) through (20) above all intermediate points.

Note.—(A) Applicant intends to tack this authority with its existing authority; and (B) Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

MC 1515 (Sub-320), filed December 6, 1982. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (602) 248–2942. Over *regular routes,* transporting *passengers,* (1) Between Pittsburgh, PA, and Charleston, WV: From Pittsburgh over Interstate Hwy 279 to junction Interstate Hwy 79, and then over Interstate Hwy 79 to Charleston, WV, serving the off-route points of Washington, PA, Morgantown, Fairmont, Clarksburg, Weston, and Sutton, WV; and (2) Between Charleston, WV, and Cedar Grove, WV, over U.S. Hwy 60, serving all intermediate points in (1) and (2) above.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

MC 1515 (Sub-321), filed December 6, 1982. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (602) 248–2942. Over *regular routes,* transporting *passengers,* (1) Between Chattanooga, TN and Birmingham AL: From Chattanooga over Interstate Hwy 24 to junction Interstate Hwy 59, and then over Interstate Hwy 59 to Birmingham, serving the off-route points of Fort Payne, Collinsville, and Gadsden, AL; (2) Between Atlanta, GA and Birmingham, AL, over Interstate Hwy 20, serving the off-route points of Bremen, GA, and Anniston, and Pell City, AL; (3) Between Atlanta, GA and Montgomery, AL, over Interstate Hwy 85, serving the off-route points of Hapesville, Atlanta International Airport, Newnan, and La Grange, GA, and Lanette, Opelika, Auburn, and Tuskegee, AL; (4) Between junction Interstate Hwy 85 and Interstate Hwy 185 and Columbus, GA, over Interstate Hwy 185, serving the off-route point of La Grange, GA; (5) Between Chattanooga, TN and Tampa, FL, over Interstate Hwy 75, serving the off-route points of Dalton, Calhoun, Cartersville, Marietta, McDonough, Perry, Cordele, Tifton, and Valdosta, GA, and Lake City, Gainesville, Ocala, and Bushnell, FL; (6) Between Bonaire, GA and Hawkinsville, GA, over U.S. Hwy 129; (7) Between Fitzgerald, GA and Douglas, GA: From Fitzgerald over GA Hwy 206 to junction GA Hwy 353, to Douglas; (8) Between Savannah, GA and Jacksonville, FL: From Savannah over Interstate Hwy 16 to junction Interstate Hwy 95, and then over Interstate Hwy 95 to Jacksonville, serving the off-route points of Brunswick and Kingsby, GA; (9) Between Macon, GA and Savannah, GA over Interstate Hwy 16, serving the off-route point of Dublin, GA; and (10) Between Statesboro, GA and junction GA Hwy 67 and Interstate Hwy 16, over GA Hwy 67, serving all intermediate points in (1) through (10) above.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922 (C)(2)(B) over the same route.

Note.—This regular route authority may be tracked with carrier's existing authority.

MC 15735 (Sub-64), filed December 7, 1982. Applicant ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680 (312) 681–8378. Representative: Richard V. Merrill (same address as applicant) (312) 681–8378. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with RCA Corporation of Cherry Hill, NJ and its subsidiaries: C.I.T. Financial Corporation, New York, NY, All Steel, Inc., Aurora, IL, William Iselin & Co., Inc., New York, NY, Meinhard-Commercial Corporation, New York,

NY, North American Company for Life and Health Insurance, Chicago, IL, Coronet Industries, Inc., Dalton, GA, APC Corporation, Hawthorne, NJ, Pacific Home Furnishings, Ltd., Pearl City, HI, Crown Wood Products Company, Indianapolis, IN, The Hertz Corporation, New York, NY, Hertz Penske Trucking Leasing, Inc., Parsippany, NJ, National Broadcasting Company, New York, NY, RCA American Communications, Inc., Princeton, NJ, RCA Cable, Inc., New York, NY, RCA Communication, Inc., New York, NY, RCA Gloval Communications, Inc., New York, NY, RCA Network Service, Inc., New York, NY, and RCA Sales Corporation, Indianapolis, IN.

MC 15735 (Sub-65), filed December 7, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Martin T. Boratyn, P.O. Box 4403, Chicago, IL 60680 (312) 681–8377. Transporting (1) *computerized electronic communications switching systems,* and (2) *parts and components,* between points in the U.S., under continuing contract(s) with InteCom, Inc., of Allen, TX.

MC 30605 (Sub-174), filed December 7, 1982. Applicant: SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Wichita, KS 67201. Representative: Iris E. Reeves, 224 South Michigan Ave., Chicago, IL 60604. (312) 427–4900, X 2261. Transporting *general commodities* (except household goods and commodities in bulk), between points in the U.S. (except AK and HI).

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 67234 (Sub-69), filed December 6, 1982. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105 (314) 727–0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with K-Mart Corporation, of Troy, MI.

MC 114604 (Sub-131), filed December 9, 1982. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, State Farmers Market, Building 33, Forest Park, GA 30050. Representative: Guy H. Postell, Suite 675, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. (404) 237–6472. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 116164 (Sub-19), filed December 6, 1982. Applicant: ARROW TRANSPORTATION CO., 1911 N.E. 58th Ave., Des Moines, IA 50313. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312 (515) 274–4985. Transporting *lumber, wood products and building materials,* between points in CO, FL, IN, MI, OR, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), or submit an affidavit stating why Commission approval is unnecessary, or submit a petition of exemption to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition of proof of filing the applications(s) for common control to Team 3, Room 2158.

MC 119285 (Sub-6), filed December 7, 1982. Applicant: YELLOW CAB, INC., 130 E. Market St., Lima, OH 45801. Representative: Paul F. Berry, 275 E. State St., Columbia, OH 43215 (614) 228–8575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Allen County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 133175 (Sub-11), filed November 29, 1982. Applicant: METALS TRANSPORT CO., 1140 Poland Ave., Youngstown, OH 44502. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017 (614) 889–2531. Transporting *metal products* and *buildings,* between points in the U.S. (except AK and HI).

Condition.—Applicant's permits under MC 133175 (Sub-No. 10)X, issued August 14, 1981, and the underlying authority in Subs 2, 3, 6, 7, and 9 are revoked upon issuance of a certificate in this proceeding.

MC 140484 (Sub-111), filed December 9, 1982. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005 (202) 289–3555. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Navajo Shippers, Inc., of Denver, CO.

MC 141425 (Sub-2), filed December 7, 1982. Applicant: THUNDER EXPRESS, LTD., W137 N9418 Hwy 145, Menomonee Falls, WI 53051. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203 (414)273–7410. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, Il, Milwaukee, WI, and points in Waukesha and Brown Counties, WI, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, and WI; (2) *building materials,* between points in Manitowoc County, WI, on the one hand, on the other, points in IL, IN, MI, AND MN; and (3) *lumber and wood products,* between points in IA, IL, IN, MI, MN, and WI.

MC 141914 (Sub-110), filed December 9, 1982. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. 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 145804 (Sub-2), filed December 6, 1982. Applicant: WILLIAM T. SMEESTER, d.b.a. UPPER PENINSULA SPECIAL DELIVERY SERVICE, P.O. Box 207, Iron Mountain, MI 49801. Representative: William T. Smeester, (same address as applicant) (906) 774–1931. Transporting *general commodities* (except classes A and B explosives, household goods, and commodites in bulk), between points in MI, WI, MN, IL, IN, OH, and AZ.

MC 146605 (Sub- 11), filed December 6, 1982. Applicant: EVENSON BROS. INC., P.O. Box 328, Felican Rapids, MN 56572. Representative: Thomas J. Van Osdel, Suite 502, 15 Broadway, Fargo, ND 58102 (701) 235–4487. 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 Concrete Sectional Culvert Co., Fargo, ND.

MC 148045 (Sub- 7), filed December 6, 1982. Applicant: QUAD CITY SPOTTING SERVICE, INC., 1607 W. River Dr., P.O. Box 4168, Davenport, IA 52808. Representative: Joseph Winter, 29 So. LaSalle St., Chicago, IL 60603 (312) 263–2306. 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 ND, SD, NE, KS, OK and TX.

MC 156045 (Sub- 4), filed December 6, 1982. Applicant: H.P. LEASING, INC., 44 Chandler Dr., Somerset, MA 02726. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043 (617) 749–6500. 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). Condition: Applicant's Permits under MC 156045 Lead, issued December 17, 1981, Sub-1, issued November 2, 1981, Sub-2, issued April 29, 1982, and Sub-3, issued July 20, 1982, will be revoked upon issuance of the Certificate.

MC 156064 (Sub- 3), filed December 9, 1982. Applicant: GENEVA AND JOHN NIXON, d.b.a. NIXON FREIGHT LINES, 3618 U.S. Route #42, P.O. Box 213, Mason, OH 45040. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215 (614) 224–3161. Transporting *metal products,* between points in Warren County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159784 (Sub- 1), filed December 7, 1982. Applicant: ROCHESTER ARMORED CAR CO., 1441 North 11th St., Omaha, NE 68101. Representative: Robert M. Cimino, 3035 South 72nd St., Suite 200, Omaha, NE 68124 (402) 393–5005. Transporting *coin, currency, securities, bank related items, and other valuables,* between points in ND, SD, MN, IA, and WI.

MC 161965 (Sub-1), filed December 6, 1982. Applicant: BULK PETROLEUM HAULERS INC., 246 South Grand St., Hammonton, NJ 08037. Representative: John P. Brancato, 707 Moss Mill Rd., Hammonton, NJ 08037 (609) 561–6646. Transporting *petroleum products,* between points in NJ, PA, and DE.

MC 164094, filed December 6, 1982. Applicant: FROCK BROS. TRUCKING, INC., P.O. Box 87, New Oxford, PA 17350. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. (301) 797–6060. Transporting (1) *metal and fibergalss materials* and (2) *wire fencing, poultry netting, iron wire cloth and iron wire strand,* between points in the U.S. (except AK and HI).

MC 164354 (Sub-1), filed December 9, 1982. Applicant: TITAN TRANSFER INC., 3612A Silverside Rd., Wilmington, DE 19803. Representative: Gerald K. Burns, 3308 Inglewood Rd., Wilmington, DE 19810 (302) 575–3741. Transporting (1) *building materials,* and (2) *clay, concrete, glass or stone products,* between points in the U.S. (except AK and HI), under continuing contract(s) with TAMKO Asphalt Products, Inc., of Joplin, MO.

MC 164634 filed December 6, 1982. Applicant: SHELAU TRUCKING CO., INC., 284 Meserole St., Brooklyn, NY 11206. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375 (212) 263–2078. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT, MA, NJ and NY.

MC 165015, filed December 6, 1982. Applicant: CHARLES WILLIS & SONS TRUCKING COMPANY, 2523 Old Savannah Road, Augusta, GA 30906. Representative: Michael B. Hagler, P.O. Box 1477 (13), Augusta, GA 30913 (404) 724–0171. Transporting (1) *food and related products,* between points in the U.S., under continuing contract(s) with Southern Beverage Packers, Inc., of Augusta, GA., (2) *textile mill products,* between points in the U.S., under continuing contract(s) with Augusta Bag and Burlap Company, of Augusta, GA and (3) *food and related products,* between points in the U.S., under continuing contract(s) with Beatrice Foods, Inc., a Division of Murray Biscuit Company, of Augusta, GA.

MC 165034, filed December 6, 1982. Applicant: STEMPIHAR BROS. DISTRIBUTING, INC., 118 S. Sophie Street, P.O. Box 21, Bessemer, MI 49911. Representative: Thomas E. Stempihar, Rt. 1, Box 358, Bessemer, MI 49911 (906) 663–4763. Transporting *petroleum, asphalt, wood, pulp and food products,* between points in MI, WI, MN, IL, OH, IN, ND, SD, and IA.

MC 165054, filed December 6, 1982. Applicant: ARCANA, INC., 1549 Blain Ave., Indianapolis, IN 46221. Representative: Walter F. Jones, Jr., 1111 E. 54th St., Suite 155, Indianapolis, IN 46220 (317) 257–4060. Transporting *metal products and plastics,* between points in IN, on the one hand, and, on the other, points in WI, MO, OH, IL, KY and MI.

MC 165055, filed December 7, 1982. Applicant: RAMON TRUCKING, INC., P.O. Box 263, Victor, NY 14564. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202 (315) 472–8845. Transporting *metal products and machinery,* between points in NY, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK and TX.

MC 165065, filed December 6, 1982. Applicant: L.M.O. TRUCKING, INC., P.O. Box 429, La Grande, OR 97850. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210 (503) 226–3755. Transporting *machinery and construction materials,* between those points in the U.S. in and east of Morrow, Grant, and Harney Counties, OR, on the one hand, and, on the other, points in WA and ID.

MC 165094, filed December 8, 1982. Applicant: HARRY D. SAYLOR, d.b.a. J & H TRUCKING, 12525 Woodsboro Pike, P.O. Box 61, Ladiesburg, MD 21759. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877 (301) 840–8565. Transporting *commodities in bulk,* between points in PA, MD, and VA.

Kathleen King,

Acting Secretary.

[FR Doc. 82–35246 Filed 12–28–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains apropriate compliance. the unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–329

Decided: December 16, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 119843 (Sub-11), filed November 22, 1982. Applicant: ROESCH LINES, INC., 844 East 9th St., San Bernardino, CA 92402. Representative: Fred H. Mackensen, Suite 4150, 2029 Century Park East, Los Angeles, CA 92402, (213) 879–5955. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 123773 (Sub-4), filed December 13, 1982. Applicant: BLACK HILLS STAGE LINES, INC., 720 East Norfolk Ave., Norfolk, NE 68701. Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101, 712–277–1434. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 127663 (Sub-1), filed December 13, 1982. Applicant: LUDOLPH'S BUS SERVICE, INC., 304 8th Ave. NW., Pipestone, MN 56164. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting *passengers*, in charter and special operations, (1) between points in MN, IA, and SD, and (2) beginning and ending at points in MN, IA, and SD, and extending to points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 139652 (Sub-1), filed December 13, 1982. Applicant: RALEIGH LINES, INC., P.O. Box 279A, Somerset, WI 54025. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting *passengers*, in charter and special operations (1) between points in MN, WI, IA, ND, and SD, and (2) beginning and ending at points in MN, WI, IA, ND, and SD, and extending to points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164773, filed November 18, 1982. Applicant: GONZALEZ TRANSPORTATION SERVICE, INC., 3514 Palisade Ave., Union City, NJ 07087. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Transporting (1) *passengers and their baggage*, between New York, NY, and points in Hudson County, NJ, under continuing contract(s) with Galaxy Towers Condominium Association, of Guttenberg, NJ. (2) *passengers*, in charter and special operations, beginning and ending at points in NJ, NY, and PA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation in part (2) above only.

MC 164973, filed December 2, 1982. Applicant: MANCHESTER TRANSIT AUTHORITY, 110 Elm St., Manchester, NH 03103. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783–3525. Transporting *passengers*, in charter and special operations, beginning and ending at points in NH, and extending to points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP2–331

Decided: December 20, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 164632, filed November 9, 1982. Applicant: BILLY D. CRAWLEY AND ROBERT G. WILKINSON, SR., d.b.a. CRAWLEY'S CANYON COUNTRY SCENIC TOURS, P.O. Box 187, Kayenta, AZ 86033. Representative: Irene Warr, 311 S. State St. Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *passengers*, in charter and special operations, between points in UT, AZ, NM and CO.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164842, filed November 23, 1982. Applicant: ROYAL COACH OF FLORIDA, 6214 Vicksburg Dr., Pensacola, FL 32503. Representative: Jack Fowler (same address as applicant), (904) 474–0477 or 478–8330. Transporting *passengers*, in charter and special operations, beginning and ending at points in Escambia, Santa Rosa, Okaloosa, and Walton Counties, FL, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165052, filed December 6, 1982. Applicant: SPORTSMAN TRAVEL CLUB, INC., 2474 Kellog Park Dr., Pomona, CA 91768. Representative: William C. Robison, 16133 Ventura Blvd., Penthouse Suite B, Encino, CA 91436, (213) 784–9993/872–0285. Transporting *passengers*, in charter and special operations, beginning and ending at points in CA and AZ, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165142, filed December 9, 1982. Applicant: NATIONAL LIVERY SERVICE, INC., 541 Lexington Ave., New York, NY 10022. Representative: Morton E. Kiel, Suite 1832, Two World

Trade Center, New York, NY 10048, 212–466–0220. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter or special transportation.

For the following, please direct status inquiries to Team 3 (202) 275–5223.

Volume No. OP3–58

Decided: December 21, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 15364 (Sub-20), filed November 29, 1982. Applicant: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith St., Green Bay, WI 54302. Representative: H. Barney Firestone, 180 N. Michigan, Suite 1700, Chicago, IL 60601, (312) 263–1600. Over *regular routes,* transporting *passengers,* Between Duluth, MN, and Abbottsford, WI: From Duluth over U.S. Hwy 2 to Ashland, WI, and then over WI Hwy 13 to Abbottsford, serving all intermediate points. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), or submit an affidavit stating why Commission approval is unnecessary, or submit a petition of exemption to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

Note.—(1) Applicant seeks to serve a community not regularly served by an ICC-authorized motor common carrier of passengers;

(2) Applicant seeks to provide service to a community to which the only motor common carrier of passengers providing interstate transportation to such community applies to discontinue such transportation under 49 U.S.C. 10925(c) or applies to reduce its intrastate service to such community under 49 U.S.C. 10935; and

(3) This regular-route authority may be tacked with carrier's existing authority.

MC 15364 (Sub-21), filed December 6, 1982. Applicant: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith St., Green Bay, WI 53402. Representative: H. Barney Firestone, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263–1600. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), or submit an affidavit stating why Commission approval is unnecessary, or submit a petition of exemption to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 54534 (Sub-9), filed December 6, 1982. Applicant: GRAND ISLAND TRANSIT CORP., 5355 Junction Rd., Lockport, NY 14094. Representative: Ronald W. Malin, Bankers Trust Bldg., Fourth Floor, Jamestown, NY 14701, (716) 664–5210. Transporting *passengers,* in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 60325 (Sub-15), filed November 22, 1982. Applicant: JEFFERSON LINES, INC., 1206 Currie Ave., Minneapolis, MN 55403. Representative: Elvin S. Douglas, Jr., P.O. Box 280, Harrisonville, MO 64701, (816) 884–3238. Transporting *passengers,* in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 138134 (Sub-14), filed December 6, 1982. Applicant: DONALD HOLLAND TRUCKING, INC., Main St. Rd., Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 143575 (Sub-3), filed December 7, 1982. Applicant: CENTRAL TRANSIT LINES, INC., 46–48 20th Avenue, Patterson, NJ 07505. Representative: Arthur Wagner, 342 Madison Avenue, New York, NY 10173, (212) 755–9500. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 153294 (Sub-2), filed December 7, 1982. Applicant: A YANKEE LINE, INC., P.O. Box 281, 1298 Commonwealth Ave., Allston, MA 02134. Representative: Donald N. Dunham (same address as applicant), (617) 731–0382. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 157274 (Sub-1), filed November 22, 1982. Applicant: AMERICAN CONCORD LINES, INC., U.S. 6 and 15, New Paris, IN 46553. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491, (317) 638–1301. Transporting *passengers,* in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164685 (Sub-1), filed December 6, 1982. Applicant: GEORGE L. CULLENS, SR. & GEORGE L. CULLENS, JR., d.b.a. GEORGIA TRAILWAYS, R.F.D. No.1, Harrison, GA 31035. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 164695, filed November 23, 1982. Applicant: HAMPTON JITNEY, INC., "The Omni", County Road 39–A, Southhampton, NY 11968. Representative: Robert J. Brooks, 1828 L. St. NW., Suite 1111, Washington, D.C. 20036, (202) 466–3892. Transporting (A) over irregular routes, *passengers,* in special and charter operations, between points in the U.S.

Note.— Applicant seeks in (A) above to provide privately-funded charter and special transportation. (B) over regular routes, *passengers*

(1) Between Montauk, NY, and New York, NY: from Montauk over NY Hwy 27 to junction County Road 39, then over County Road 39 to junction NY Hwy 27, then over NH Hwy 27 to junction County Road 111, then over County Road 111 to junction Long Island Expressway, then over Long Island Expressway to New York; (2) Between Sag Harbor, NY, and Bridgehampton, NY, over Sag Harbor Turnpike; (3) Between junction NY Hwy 27 and North Sea Rd., near Southampton, NY, and junction North Sea Rd. and County Rd. 39, over North Sea Rd.; and (4) Between Southampton, NY, and Westhampton, NY: from junction County Road 39 and NY Hwy 27A, over Montauk Hwy, to junction County Road 31, near Westhampton, then over County Road 31 to junction NY Hwy 27, serving all intermediate points in (B) above.

Note.— Applicant seeks in (B) above to serve a community not regularly served by an

ICC-authorized motor common carrier of passengers.

MC 164885, filed November 24, 1982. Applicant: NORFOLK MOTOR COACH, 9534 Selby PL, Norfolk, VA 23503. Representative: Charles E. Warnell (same address as applicant), (804) 480–3381, Transportating *passengers*, in charter and special operations, beginning and ending at points in VA, MD, and NC, and extending to points in the U.S.

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 165024, filed December 6, 1982. Applicant: EXECUTIVE COURIER SERVICE, INC., 63 Orchard Lane, Staten Island, NY 10312. Representative: Kenneth Piken, Rego Park, NY 11374, (212) 275–1000, Transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 165025, filed December 6, 1982. Applicant: CAL COAST CHARTER, INC., 2557 Cortez St., P.O. Box 5625, Oxnard, CA 93031. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 165084, filed December 8, 1982. Applicant: BROTHER'S COLD STORAGE, INC., 1132 Lincoln St., Box 858, Green Bay, WI 54302. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. As a *broker* of general commodities (except household goods), between points in the U.S. (except AK and HI).

MC 165114, filed December 9, 1982. Applicant: TRAN SOURCE INC., 906 Mark Road, Baltimore, MD 21225. Representative: Edward N. Button, 635 Oak Hill Avenue, Hagerstown, MD 21740, (301) 739–4860. As a *broker* of *general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 1 (202) 275–7992.

Volume No. OP1–238

Decided: December 21, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 66810 (Sub-21), filed December 13, 1982. Applicant: PEORIA ROCKFORD BUS COMPANY, 1034 Seminary St., Rockford, IL 61101. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 124370 (Sub-9), filed December 14, 1982. Applicant: ACE TRANSPORTATION CO., INC., 1407 St. John Ave., Albert Lea, MN 56007. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *passengers* in charter and special operations, (1) between points in MN, IA, WI, ND, SD, and NE and (2) beginning and ending at points in MN, IA, WI, ND, SD, and NE and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 126551 (Sub-7), filed December 14, 1982. Applicant: ROMANO'S COACH CORP., 1065 Belvoir Rd., Norristown, PA 19401. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 127300 (Sub-4), filed November 24, 1982. Applicant: MT. KISCO BUS LINES, INC., 8 Birch Lane, Mahopac, NY 105641. Representative: Sidney J. Leshin, 3 East 54th St., New York, NY 10022, (212) 759–3700. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

MC 130410 (Sub-1), filed December 16, 1982. Applicant: CORPORATE TRAVEL SERVICE, INC., 23527 Ford Rd., Dearborn, MI 48128. Representative: Neill T. Riddell, 900 Guardian Bldg., Detroit, MI 48226, (313) 963–3750. Transporting *passengers*, in charter and special operations, beginning and ending at points in IL, IN, MI, and OH, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 142120 (Sub-7), filed December 13, 1982. Applicant: LENZNER COACH LINES, INC., d.b.a. NORTH BOROUGHS CAB, Mt. Nebo Road, R.D., #2, Sewickley, PA 15143. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 147310 (Sub-3), filed December 13, 1982. Applicant: RUSTAD BUS SERVICE, INC., Kerkhoven, MN 56252. Representative: Charles G. Rustad (same address as applicant), (612) 264–2987. Transporting *passengers*, in charter and special operations, between points in the U.S. (excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 153441 (Sub-3), filed December 2, 1982. Applicant: JOHNSON'S BUS SERVICE, INC., P.O. Box 245, Mt. Joy, PA 17552. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting *passengers*, in charter and special operations, between points in NJ, NY, PA, DE, MD, VA, WV, and DC, On the one hand, and, on the other, points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 16350 (Sub-1), filed December 13, 1982. Applicant: DUNN MANAGEMENT SERVICES, INC., Rt. 1, Erwin, NC 28339. Representative: Gerald W. Hayes, Jr., 109 S. Ellis Ave., Dunn, NC 28334, (919) 892–2178. Transporting *passengers* in charter and special operations, between points in the US (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164361 (Sub-1), filed December 14, 1982. Applicant: SAN JOAQUIN VALLEY EXPRESS, 5245 N. Van Clief, Livingston, CA 95334. Representative: Michael S. Rubin, 100 Bush St., Suite 410, San Francisco, CA 94104, (415) 421–6743. As a *broker* of *general commodities* (except household goods as defined by the Commission), between points in the U.S. (including AK and HI).

MC 165301, filed December 6, 1982. Applicant: B&M ENTERPRISES, INC., 9213 Woodreed Ct., Crestwood, KY 40014. Representative: George T. Brawner (same address as applicant), (502) 241–9780. Transporting *passengers*, in charter and special operations, beginning and ending at Louisville, KY, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165070, filed December 7, 1982. Applicant: DUTCH-BOY LINES, INC.,

P.O. Box 6430, 1182 Edgefield Rd., North Augusta, SC 29841. Representative: F. Harold McElmurray (same address as applicant), (803) 278–3300. Transporting *passengers* in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165071, filed December 7, 1982. Applicant: AMABILE & PROPST, INC., 183 Cemetery Street, Archbald, PA 18403. Representative: Raymond Talipski, 121 South Main Street, Taylor, PA 18517, (717) 344–8030. Transporting *passengers*, in charter and special operations, beginning and ending at points in PA, NY and NJ, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165101, filed December 9, 1982. Applicant: MTW ENTERPRISES, INC., d.b.a. COBB COACH LINES, P.O. Box 1301, Marietta, GA 30061. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., NE, Atlanta, GA 30326, (404) 262–7855. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165111, filed December 9, 1982. Applicant: TUFARO TRANSIT CO., Inc., 225 Van Brunt St., Brooklyn, NY 11231. Representative: Sidney J. Leshin, 3 East 54th St., New York, NY 10022, (212) 759–3700. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165140, filed December 10, 1982. Applicant: DON HILL, 516 Dennis Drive, DeForest, WI 53532. Representative: Don Hill (same address as applicant), (608) 846–3573. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 165150, filed December 10, 1982. Applicant: PERSONALIZED VAN SERVICE, INC., R.D. Number 5, Box 521, Clarks-Summit, PA 18411. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *passengers*, in charter and special operations, beginning and ending at points in PA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165151, filed December 10, 1982. Applicant: GALWAY BAY, INC., 1020 Parkway Bldg., 11th & Bancroft Parkway, Wilmington, DE 19805. Representative: Martin R. Martino, 333 South Glebe Road, Arlington, VA 22204, (703) 979–1627. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165170, filed December 13, 1982. Applicant: DIAL DELIVERIES, INC., 720 Grand, Kansas City, MO 64104. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141 (816) 842–8600. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in KS, on the one hand, and, on the other, points in MO.

MC 165180, filed December 13, 1982. Applicant: KINGS BAY TRANSPORTATION CO., INC., P.O. Box 63, Sheepshead Bay Sta., Brooklyn, NY 11235. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304 (703) 751–2441. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165181, filed December 13, 1982. Applicant: N. L. ANSON, P.O. Box 111, Ewing, NE 68735. Representative: Bradford E. Kristler, P.O. Box 82028, Lincoln, NE 68501 (402) 475/6761. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *Agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicles, between points in the U.S. (except AK and HI).

MC 165190, filed December 14, 1982. Applicant: LAYSON TRANSPORT SERVICE, INC., 5000 Wyoming Avenue, Suite 132, Dearborn, MI 48126. Represenfative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440 (216) 652–2789. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165211, filed December 14, 1982. Applicant: PROFESSIONAL CHARTER SERVICE, INC., 224 Clarkson Ave., Brooklyn, NY 11226. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048 (212) 466–0220. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Kathleen King,

Acting Secretary.

[FR Doc. 82-35251 Filed 12-28-82; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15021]

Motor Carriers; Koch Industries, Inc.—Continuance in Control Exemption—Koch Oil Co., Ltd. and Matador Service, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), added by section 21 of the Bus Regulatory Reform Act of 1982, Pub. L. 97–261 (September 20, 1982), Koch Industries, Inc. seeks an exemption from the requirement under section 11343 of prior regulatory approval for its continuance in control of Koch Oil Co., Ltd. (No. MC–164143) and Matador Service, Inc. (No. MC–145149), both of which are motor carriers.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Team 2, Room 2379 Interstate Commerce Commission Washington, DC 20423; and

(2) Petitioner's representative E. Allan Munro P.O. Box 6088 Station "D" Calgary, Alberta, Canada, T2P 2C7.

Comments should refer to No. MC–F–15021.

FOR FURTHER INFORMATION CONTACT: C. Landis Plummer (202) 275–7030.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contracting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: December 16, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-35253 Filed 12-28-82; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15011]

Motor Carriers; L. M. Wenham, et al.—Continuance in Control Exemption—Dependable Transportation, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), added by section 21 of the Bus Regulatory Reform Act of 1982, Pub. L. 97-261 (September 20, 1982), L. M. Wenham, F. L. Wenham III, J. E. Wenham and T. G. Wenham, seek an exemption from the requirement under section 11343 of prior regulatory approval for their continuance in control of Dependable Transportation, Inc., (No. MC-154613). The Wenhams also have a beneficial interest in Transco Systems, Inc., a non-carrier holding company, which controls Total Transportation Trucking, Inc., (MC-160291), Wenham Transportation, Inc. (MC-77424), and Bestway Systems, Inc. (MC-161173).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and

(2) Petitioner's representative, F. L. Wenham III, 3200 East 79th St., Cleveland, OH 44104.

Comments should refer to No. MC-F-15011.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: December 17, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-35252 Filed 12-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30073]

Rail Carriers; the Atchison, Topeka and Santa Fe Railway Co.—Trackage Rights Exemption—Over Southern Pacific Transportation Company and Alameda Belt Line; Notice of Exemption

December 22, 1982.

By notice of exemption filed on November 19, 1982, pursuant to 49 CFR 1180.2(d)(5) [formerly 49 CFR 1111.2(d)(5)] the Atchison, Topeka and Santa Fe Railway Company (Santa Fe) seeks to acquire trackage rights over a 6.249-mile segment of track of the Southern Pacific Transportation Company (SP) between SP mileposts 6.35 and 10.43 in Oakland, CA and over a 2.04-mile segment of track of the Alameda Belt Line (ABL) between ABL mileposts 0.00 and 2.04 in Alameda, CA.

Santa Fe formerly operated a barge line between Richmond and Alameda, CA to interchange rail carload traffic with ABL. Due to the destruction by fire of the Alameda barge slip in 1970 and the high cost of restoring that slip, interim arrangements were made for SP to bridge Santa Fe cars over SP's line from an existing point of interchange at Oakland to interchange with ABL at Alameda. Santa Fe now has executed long-term agreements for trackage rights over the lines of ABL and SP and for the bridging by SP of Santa Fe cars to the rail yard of ABL. Consummation of the trackage rights and bridging agreements will enable Santa Fe to relocate its former barge service. There will be no diminution of service under the proposed agreements. This is an exempt transaction under 49 CFR 1180.2(d)(5).

Santa Fe shall protect its employees as required in *Norfolk and Western Ry. Co.-Trackage Rights-BN,* 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.-Lease and Operate,* 360 I.C.C. 653 (1980).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Kathleen M. King,

Acting Secretary.

[FR Doc. 82-35246 Filed 12-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30055]

Rail Carriers; National Railroad Passenger Corp.—Compensation—Commuter Use of Northeast Corridor

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The National Railroad Passenger Corporation (Amtrak) has submitted to the Commission, for resolution, disputes regarding the proper amount of compensation to be paid by commuter services for use of the Northeast Corridor (NEC). Specifically, Amtrak seeks settlement of compensation disputes with Southeastern Pennsylvania Transportation Authority and New Jersey Transit Corporation. The Commission is instituting a proceeding to resolve these disputes.

DATES: Responses by interested parties should be filed with the Commission and served on Amtrak no later than February 2, 1983. Rebuttal by Amtrak should be filed and served no later than February 21, 1983.

ADDRESSES: An original and 15 copies of all responses should be filed with: Rail Section, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423. A copy of each response should be served on: Paul F. Mickey, Jr., National Railroad Passenger Corporation, 400 N. Capitol Street NW., Washington, D.C. 20001. Pleadings should refer to Finance Docket No. 30055.

FOR FURTHER INFORMATION CONTACT: Stephen Grimm, (202) 275-0839 or Elaine Kaiser, (202) 275-0907.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. For a copy of the full decision, contact the Office of the Secretary, 12th and Constitution Ave., N.W., Washington, D.C. 20423, (202) 275-7428.

DECIDED: December 17, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Kathleen M. King,

Acting Secretary.

[FR Doc. 82-35245 Filed 12-28-82; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15027]

Midatlantic Coast Delivery Systems, Inc.; Control Exemption; Command Cargo Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), added by section 21 of the Bus Regulatory Reform Act of 1982, Pub. L. 97-261 (September 20, 1982), Midatlantic Coast Delivery Systems, Inc. (Midatlantic), a regulated Motor carrier (No. MC-105369), and, in turn, Raymond Taibi and Herschel Frankel, who jointly own all of the common stock of

Midatlantic, and James McDiarmid, who owns all of the common stock of Command Cargo Corporation (Command), a regulated motor carrier (No. MC–141684), and who will acquire a portion of the common stock of Midatlantic, seek an exemption from the requirement under section 11343 of prior regulatory approval for the acquistion of control of Command.

DATES: Comments must be received on or before January 28, 1983.

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423;

and

(2) Petitioner's representative, Bruce J. Robbins, Robbins & Newman, P.C., 18 East 48th Street, New York, NY 10017.

Comments should refer to No. MC–F–15027.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the interstate Commerce Commission during usual business hours.

Decided: December 27, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 82-35460 Filed 12-28-82; 11:53 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 82-15]

K & B Successors, Inc.; New York, New York; Hearing

Notice is hereby given that on March 30, 1982, the Drug Enforcement Administration, Department of Justice, issued to K & B Successors, Inc., an Order To Show Cause as to why the DEA Certificate of Registration, AK5260132, issued to Respondent pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823), should not be revoked.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Thursday, January 6, 1983 in Courtroom No. 3–B, Room 309, U.S. Court of Claims, 717 Madison Place, NW., Washington, D.C.

Dated: December 21, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-35231 Filed 12-28-82; 8:45 am]

BILLING CODE 4410-09-M

Office of Legal Policy

Federal Justice Research Program; Notice of Solicitation

The Federal Justice Research Program (FJRP) is a departmental program for conducting research relating to the administration of civil and criminal justice in the United States.

The Effect of the Speedy Trial Act on Prosecutorial and Investigative Activities

FJRP announces a competitive grant solicitation for a study to determine the effects that the Speedy Trial Act of 1974, as amended, 18 U.S.C. 3161 *et seq.*, has had on federal prosecutorial and investigative activities since the sanctions became effective under the Act on July 1, 1980.

The Speedy Trial Act of 1974, as amended by the Speedy Trial Act Amendments Act of 1979, constitutes the congressional determination of the time period within which federal criminal cases are to be tried. The time requirements of the Act are intended to protect both the right of defendants to a speedy trial and the interest of the public in the expeditious trial of criminal cases.

The 1974 Act originally had a four-year phase-in period, with the final time limits and the sanctions to become effective on July 1, 1979. In July 1979, the Congress passed the Speedy Trial Act Amendments Act of 1979 which made a number of substantive changes in the Act and postponed the effective date of the sanctions to July 1, 1980.

The sanctions under the Act apply to all cases brought after July 1, 1980. If an indictment or information is not filed, or a trial is not begun within the applicable time period, the case is subject to dismissal under section 3162 (a) or (b).

The Federal Justice Research Program had previously funded a study on the levels and patterns of compliance prior to the imposition of sanctions. *See* The Processing of Federal Criminal Cases Under the Speedy Trial Act of 1974 (published July 1980). This follow-up study should address the impact of the Act after the effective date of the sanctions on the manner in which federal criminal cases are investigated and prosecuted, including:

(1) Prosecutorial and investigative case acceptance/declination policies and practices;

(2) Arrest and indictment practices and policies;

(3) Changes, if any, in investigative and prosecutorial caseloads;

(4) Plea negotiation practices;

(5) Other effects of the Act on investigative and trial preparation policies and practices;

(6) Reasons that the cases dismissed pursuant to the Act failed to meet time limits.

Deadlines

All papers postmarked before midnight, February 25, 1983, and received by the FJRP within ten (10) working days after that date will be considered. Submissions received after this prescribed period will be returned to the submitter.

Level and Duration of Funding

This announcement envisions a grant award not to exceed $150,000 with an expected duration of ten (10) months.

Eligibility

Eligible applicants include: universities, agencies involved in the criminal justice process, other not-for-profit research organizations, and profit-making organizations that are willing to waive their fee or profit.

Application Requirements and Procedures

Parties interested in responding to this solicitation should prepare and submit a proposal (not to exceed 15 double-spaced typewritten pages) which should include:

(1) A 150–200 word abstract summarizing the proposed research design and methodology.

(2) A clear, concise statement of the issues surrounding the problem area and of the research hypotheses or questions to be explored. A discussion of the relationship of the proposed work to the existing literature is also expected.

(3) A detailed statement of the proposed research design and analytical methodologies. Delineate carefully and completely the proposed data sources, data collection strategies, variables to be examined, and procedures of analysis to be employed.

(4) The organization and management plan to conduct the study. Include a list of major milestones of events, activities and products and a timetable for completion, including the time

commitments of key staff to individual project tasks.

(5) The anticipated number and type of interim and/or final products of the project.

(6) A budget outlining all direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, subcontracts, and overhead. Percentage of time and man-months of effort to be devoted by principal staff should also be included.

(7) A statement of the competence of the research team, indicating the variety of skills to be used, a description of the relevant research experience, educational background, and the demonstrated ability to produce a final product that is readily comprehensible and usable. Include resumes of all known staff.

Seven (7) copies of the proposals should be submitted to: Federal Justice Research Program, 10th and Constitution Avenue, N.W., Room 4237, Washington, D.C. 20530.

Selection Process

Notification: Applicants will receive a letter acknowledging receipt of the submission.

Review: A panel of reviewers with expertise in the subject area will evaluate the proposals submitted. Based on the criteria set forth below, this panel will then recommend proposals that the Assistant Attorney General, Office of Legal Policy, may consider for award.

Criteria for Review of Proposals

Proposals will be assessed according to the following criteria:

(1) *Conceptualization of the Problem.* Demonstration of the applicant's firm grasp of the issues underlying the problem area including ongoing and past relevant research. (40%)

(2) *Soundness of Research Design and Methodology.* The design and methodology for the proposed study in terms of clarity, specificity, appropriateness and feasibility. (40%)

(3) *Qualifications of the Applicant.* The competence of the research team, the appropriateness of the proposed combination of skills, its prior relevent research experience, the demonstrated ability to produce a final product which is readily comprehensive and usable, adequacy of the time commitment of key staff, and the quality and specificity of the organization and management plan to accomplish the proposed project. (15%)

(5) *Costs.* The reasonableness of cost estimates and personnel allocations, and the appropriateness of the costs to the expected products. (5%)

Contact Helen Lessin Shaw, Administrator, Federal Justice Research Program (202) 633–2034 if you have any questions concerning this request for solicitation.

Dated: December 17, 1982.

Approved:

Jonathan C. Rose,

Assistant Attorney General, Office of Legal Policy.

[FR Doc. 82-35168 Filed 12-28-82; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Recording Section) to the National Council on the Arts will be held on January 18–19, 1983, from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on January 19, 1983, from 2:30 p.m.–4:00 p.m. to discuss policy and guidelines review.

The remaining sessions of this meeting on January 18, 1983, from 9:00 a.m.–5:30 p.m. and on January 19, 1983, from 9:00 a.m.– 2:30 p.m. and 4:00 p.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Office, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

December 21, 1982.

[FR Doc 82-35173 Filed 12-28-82; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Technology; Notice of Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, it is hereby determined that the renewal of the Committee on Equal Opportunities in Science and Technology is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law.

Authority for this Committee shall expire on December 12, 1984, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

Edward A. Knapp,

Director.

December 22, 1982.

[FR Doc. 82-35177 Filed 12-28-82; 8:45 am]

BILLING CODE 7555-01-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Design Approval for the Alaska Gas Conditioning Facility Segment of the Alaska Natural Gas Transportation System

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice.

EFFECTIVE DATE: December 6, 1982.

FOR FURTHER INFORMATION CONTACT: Edward Hengerer, General Counsel, Office of the Federal Inspector, ANGTS, Room 3407, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20044, (202) 275–1144.

SUPPLEMENTARY INFORMATION: Take notice that by letter of December 6, 1982, from the Federal Inspector, John T. Rhett, to Northwest Alaskan Pipeline Company, the Office of the Federal Inspector (OFI) approved the current design for the Alaska Gas Conditioning Facility (AGCF). This approval is a final agency action pursuant to Sections 102 and 202(a) of Reorganization Plan No. 1 of 1979, 44 FR 33663 (June 12, 1979).

The AGCF will be located in the Prudhoe Bay field, and will be connected at its outlet flange to the Alaskan pipeline segment of the Alaska Natural Gas Transportation System (ANGTS). The design for the AGCF, as discussed below, reflects a gas conditioning process selected by the

sponsors in 1981. The OFI notes, however, that the ANGTS Design and Engineering Board has publicly announced additional study of a different process, the stated purpose being to possibly reduce construction time and construction and operating costs. The December 6th design approval recognizes the possibility of a new design based on a different process and provides for subsequent OFI action. But should the current process be retained, this approval functions to permit procurement.

Northwest Alaskan currently estimates the direct capital costs at $3.3 billion (mid-1981 U.S. dollars, excluding contingency). The AGCF is essential for treating the raw natural gas stream to make it of pipeline quality and thus acceptable for transportation. The conditioning process entails separation of the natural gas liquids (NGL's), removal of impurities and most of the carbon dioxide (CO_2), reblending of certain NGL's into the gas stream, compression to pipeline pressure, and refrigeration. The AGCF also generates certain by-products, including large volumes of CO_2 mixed with hydrocarbons (to be used as fuel at Prudhoe Bay) and some additional NGL's over and above those that can be transported through ANGTS.

Since its inception in 1979, the OFI has been working with the sponsors of the Alaskan segment of ANGTS to assure eventual compliance with the terms and conditions imposed on ANGTS by the President in Section 5 of the 1977 *Decision*.[1] At that time this Alaskan segment of ANGTS only consisted of the pipeline; ANGTS was legally described to "commence at the discharge side of the gas plant facilities in the Prudhoe Bay field." *Decision*, at 6. As such, the AGCF was subject neither to the Presidential terms and conditions in Section 5 of the *Decision* nor to the specific expediting and enforcement authorities of the OFI under Reorganization Plan No. 1 of 1979 (44 FR 36633).

Congressional approval of the President's October 15, 1981, proposed waiver of law (S.J. Res. 115, Pub. L. 97-93), substantially changed this regulatory environment. Among other things, the waiver brings the AGCF into ANGTS: "to include the gas conditioning plant in the approved transportation system [that is, as the Alaskan plant segment of ANGTS] * * *." The waiver also clarifies that the AGCF will be certificated by the FERC as an interstate transportation facility which is part of ANGTS. *See*, H.R. Rep. 97-350 (Part 1), 97th Cong. 1st Sess. 22 (1981); H.R. Rep. 97-350 (Part 2), 97th Cong. 1st Sess. 15 (1981); and S. Rep. 97-272, 97th Cong. 1st Sess. 33-34 (1981). The waiver legislation moreover provides that all but one of the terms and conditions in the *Decision*, as well as OFI enforcement authority under the Reorganization Plan, do apply to the AGCF.[2]

Northwest Alaskan filed the current design for the AGCF with the OFI during 1982. The OFI Office of Engineering Review reviewed the various design packages, met and consulted with Northwest, and requested and analyzed additional information and several specific studies. This resulted in technical approval of the current design by the Office of Engineering Review, also on December 6, 1982. That technical approval was adopted by the Federal Inspector in his approval.

In approving the current design, the Federal Inspector concluded that "[t]he sponsors can rely on the approval for procurement and detailed design elaboration—though not for project execution—consistent with the approved design." This approval was, however, subject to certain conditions.

Copies of the design approval are available upon request from the OFI.

Dated: December 23, 1982.

John T. Rhett,

Federal Inspector.

[FR Doc. 82-35232 Filed 12-28-82; 8:45 am]

BILLING CODE 6119-01-M

[1] *Decision and Report to Congress on the Alaska Natural Gas Transportation System*, September 1977, approved by H.J. Res. 621, Pub. L. 95-158.

[2] The Senate Committee on Energy and Natural Resources pointed out that "[a]s one consequence of the integration of the gas conditioning plant into ANGTS, that facility will now be subject to the full terms and conditions of the President's 1977 *Decision*." S. Rep. No. 97-272, 97th Cong., 1st Sess. at 34 (1981).

OVERSEAS PRIVATE INVESTMENT CORPORATION

Agency Report Forms Under OMB Review

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit information collection requests to OMB for review and approval, and the publish a notice in the **Federal Register** notifying the public that the Agency has made such a submission. The proposed form under review is summarized below.

DATE: Comments must be received within 14 calendar days of this notice. If you anticipate commenting on the form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the Agency Submitting Officer of your intent as early as possible.

ADDRESS: Copies of the subject form and the request for review submitted to OMB may be obtained from the Agency submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer and the OMB reviewer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer: L. Jacqueline Brent, Office of Personnel and Administration, Overseas Private Investment Corporation, Room 405, 1129 20th Street, N.W., Washington, D.C. 20527; Telephone (202) 653-2818.

OMB Reviewer: Francine Picoult, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503; Telephone (202) 395-7231.

Summary of Form Under Review:

Type of Request: Revision.

Title: Request For Registration For Political Risk Investment Insurance.

Form Number: OPIC 50.

Frequency of Use: Other—once per investor per project.

Type of Respondent: Businesses or other institutions (except farms).

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. investors considering application for OPIC insurance coverage for their overseas investments.

Number of Responses: 500.

Reporting Hours: One half hour per response.

Federal cost: $0.00.

Authority for Information Collection: Section 231(k) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): (1) The addition of two questions about the named broker would eliminate the need for investors to send OPIC a separate, formal letter designating their broker and/or authorized representative for the named project. (2) Changing the name of the category to "Broker And/Or Authorized Representative . . ." would more accurately reflect the fact that a broker may also serve as authorized representative of the investor. (3) Under "Coverage Requested" the words, "and Civil Strife" need to be added to "War,

Revolution, Insurrection" because OPIC is now authorized to add Civil Strife Coverage to this category.

Dated: December 17, 1982.

Leo H. Phillips, Jr.,

Office of the General Counsel.

[FR Doc. 82-35170 Filed 12-28-82; 8:45 am]

BILLING CODE 3210-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22795; 70-6821]

Central Power and Light Co.; Proposed Issuance and Sale of Long-Term Debt and Preferred Stock at Competitive Bidding

December 21, 1982.

Central Power and Light Company ("CP&L"), 120 North Chaparral Street, Corpus Christi, Texas 78401, an electric utility subsidiary of Central and South West Corporation ("CSW"), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 promulgated thereunder.

CP&L proposes to issue and sell at competitive bidding up to $100 million aggregate principal amount of long-term debt and up to 500,000 shares of authorized preferred stock, $100 par value per share, in one or more series and in one or more sales from time to time through December 31, 1983. The sale of debt securities will be accomplished through the issuance of first mortgage bonds unless CP&L is unable to meet certain charter or indenture requirements relating to minimum gross income, minimum net earnings and expenditures for bondable property, in which case, long-term, unsecured debentures may be substituted for, or combined with, the sale of bonds. In no event, however, will the sale of bonds and/or debentures exceed an aggregate principal amount of $100 million. The sale of preferred stock is subject to the authorization, by preferred and common shareholders of CP&L, of an increase in the number of authorized preferred shares at a special shareholder meeting scheduled for January 11, 1983.

Each series of bonds will have a term of not less than five nor more than thirty years and will be sold at a price and annual interest rate determined by competitive bidding at the time of sale. The bonds will be issued under a mortgage indenture, dated November 1, 1943, as supplemented and amended, and as to be further amended by a proposed supplemental indenture. Each series of preferred stock will be sold at a price to CP&L of not less than $100 nor more than $102.75 per share, plus dividends accrued from date of issue. Depending upon market conditions, the offering of the preferred stock may provide for periodic redemption through the operation of a cash sinking fund. If CP&L is unable to issue bonds in an aggregate amount of $100 million, long-term, unsecured debentures will be issued for terms up to thirty years under an indenture dated April 1, 1982, as amended and supplemented by a proposed supplemental indenture.

CP&L may employ alternative competitive bidding procedures in accordance with the Commission's statement of policy pursuant to Rule 50(a)(5) under the Act (HCAR No. 22623, September 2, 1982). CP&L also indicates, however, that it may eventually request an exception from all competitive bidding requirements under Rule 50(a)(5) so that the debt instruments or preferred stock may be offered through a negotiated public offering or private placement. The net proceeds from the issuance and sale of the long-term debt and the preferred stock will be used, combined with common equity contributions from CSW, to finance portions of CP&L's construction program, and to retire certain amounts of outstanding short-term debt.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 17, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-35264 Filed 12-28-82; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-670]

The Children's Place, Inc.; and Opportunity for Hearings

December 22, 1982

Notice is hereby given that The Children's Place, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for exemption from the periodic reporting requirements under Sections 13 and 15(d) of the 1934 Act.

The application states in part:

Applicant believes that the exemptive order it requests is appropriate in view of the fact that it has no public shareholders as of August 6, 1982. On that date, Federated Department Stores, Inc., then the holder of 97.7% of Applicant's common stock, exercised its option to call the 2.3% of Applicant's outstanding common stock then held by fifty-six public shareholders.

For a more detailed statement of the information presented all persons are referred to said application which is on file in the Office of the Commission at the Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that any interested person not later than Jan. 17, 1983 may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed; Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-35268 Filed 12-28-82; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Chrysler Corp.:
$2.75 Cumulative Preferred, No Par Value (File No. 7-6399)
Carolina Freight Carriers Corporation:
Common Stock, $.50 Par Value (File No. 7-6400)
Consolidated Freightways Inc.:
Common Stock, $0.625 Par Value (File No. 7-6401)
Missouri Pacific Corp.:
Common Stock, $5 Par Value (File No. 7-6402)
Natomas Company:
Common Stock, $1 Par Value (File No. 7-6403)
Overnite Transportation Co.:
Common Stock, $1 Par Value (File No. 7-6404)
Rio Grande Industries:
Common Stock, $1 Par Value (File No. 7-6405)
Transway International Corp.:
Common Stock, No Par Value (File No. 7-6406)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 14, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-35269 filed 12-28-82; 8:45 am]
BILLING CODE 8010-01-M

[File No. 81-668]

Coast Federal Savings and Loan Association; Application and Opportunity for Hearing

December 22, 1982.

Notice is hereby given that Coast Federal Savings and Loan Association (the "Applicant"), has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended ("1934 Act") for exemption from certain reporting requirements under Section 13 and the operation of Section 16 of the 1934 Act.

The Applicant states in part:

In the absence of an exemption, the Applicant would be required to file reports adhering to all the items requirements of the Forms 10-K, 10-Q, 8-K as well as reports pursuant to Section 16 of the 1934 Act.

Accordingly, Applicant believes that the exemptive order requested by it is appropriate in view of the fact that Form 10-Q and certain items of the Forms 10-K and 8-K, as well as reports required pursuant to Section 16 of the 1934 Act are inapplicable to the pass-through mortgage pool arrangement.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the office of the Commission at 450 Fifth Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than January 17, 1983, may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-35261 Filed 12-28-82; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 12915; 812-5352]

Dean Witter Reynolds InterCapital Inc., et al.; Filing of Application

December 21, 1982.

In the matter of Dean Witter Reynolds InterCapital Inc., InterCapital Dividend Growth Securities Inc., InterCapital High Yield Securities Inc., InterCapital Income Securities Inc., InterCapital Industry-Valued Securities Inc., InterCapital Liquid Asset Fund, Inc., InterCapital Natural Resource Development Securities Inc., InterCapital Tax-Exempt Securities Inc., InterCapital Tax-Free Daily Income Fund Inc., Active Assets Money Trust, Active Assets Tax-free Trust, Active Assets Government Securities Trust, 5 World Trade Center New York, NY 10048; Dean Witter Reynolds Organization, Inc. 45 Montgomery Street, San francisco, CA 94104; Sears, Roebuck and Co. and Edward R. Telling, Sears Tower, Chicago, IL 60684.

Notice is hereby Given that InterCapital Dividend Growth Securities Inc., InterCapital High Yield Securities Inc., InterCapital Income Securities Inc. ("Income Securities"), InterCapital Industry-Valued Securities Inc., InterCapital Liquid Asset Fund Inc., InterCapital Natural Resource Development Securities Inc., InterCapital Tax-Exempt Securities Inc., InterCapital Tax-Free Daily Income Fund Inc., Active Assets Money Trust, Active Assets Tax-Free Trust, and Active Assets Government Securities Trust (collectively, the "Funds"), each of which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, with the exception of Income Securities which is registered as a closed-end, diversified, management investment company, Sears, Roebuck and Co. ("Sears"), Dean Witter Reynolds Organization, Inc. ("DWRO"), Dean Witter Reynolds InterCapital, Inc. ("InterCapital"), and Edward R. Telling (collectively, "Applicants"), filed an application on October 25, 1982, requesting an order of the Commission pursuant to Section 6(c) of the Act, exempting Mr. Telling from the definition of "interested person" of an investment adviser as set forth in

Section 2(a)(19) of the Act, solely for purposes of determining compliance with the requirements of Section 15(f)(1)(A) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that InterCapital, a company registered under the Investment Advisers Act of 1940, serves as the investment adviser for each of the Funds pursuant to investment management agreements adopted and approved in accordance with the requirements of Sections 15(a) and 15(c) of the Act. They further state that DWRO owns all of the outstanding securities of InterCapital, and that Dean Witter Reynolds, Inc. ("DWR"), another wholly-owned subsidiary of DWRO, is a broker-dealer registered under the Securities Exchange Act of 1934 and serves as principal underwriter for certain of the Funds. According to the application DWRO is a wholly-owned subsidiary of Sears, having been acquired by Sears in late 1981 in a two-step transaction involving a cash tender offer and a subsequent merger of DWRO into a subsidiary of Sears. The application states that the merger was approved by stockholders of DWRO and became effective on December 31, 1981.

Applicants note that, in accordance with the provisions of Section 15(a)(4) of the Act, the various investment management agreements pursuant to which InterCapital has served as investment adviser to the Funds have each provided for their automatic termination in the event of an "assignment." They further note that, as required by the provisions of Section 15(b)(2) of the Act, the distribution agreements pursuant to which DWR has served as principal uderwriter of certain of the Funds have contained similar provisions. The term "assignment" is defined in Section 2(a)(4) of the Act to include any direct or indirect transfer or hypothecation of a contract or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

Applicants state that, although it was anticipated that the transactions pursuant to which Sears acquired control of DWRO would not as a practical matter result in a change of the actual management or operations of InterCapital or DWR, it was determined to be necessary to adopt new investment management agreements and distribution agreements for the Funds due to the fact that the Sears acquisition of DWRO Might be deemed to consitute an assignment having the effect of terminating the then effective investment management and distribution agreements. Applicants further state that such new agreements were approved by the Boards of Directors (or Trustees) of the Funds on October 26, 1981. It is asserted that the new investment management agreements are in all in material respects identical to the agreements they replaced and were approved by the shareholders of each of the Funds during the period December 17–21, 1981.

Applicants state that they believe that the terms of the transactions pursuant to which Sears acquired control of DWRO have been entirely consistent with the fiduciary responsibilities owed by InterCapital to the Funds and have not resulted in any improper benefit to InterCapital or DWRO, or caused any detriment to the Funds. Applicants maintain, however, that to remove any possible doubt concerning the propriety of any compensation or benefit which may have flowed to DWRO in connection with its acquisition by Sears, Applicants have each determined it to be prudent to seek to comply with the requirements of Section 15 of the Act.

Applicants state that, prior to the acquisition of DWRO by Sears and at present, the Boards of Directors (or Trustees) of each of the Funds have been comprised of the same five persons and that only one of such persons may be deemed to be an interested person of the Funds' investment adviser. According to the application, InterCapital has proposed to the Boards of Directors (or Trustees) of the Funds that Mr. Edward R. Telling, Chairman of the Board and Chief Executive Officer of Sears, be appointed to serve as a director or trustee of each of the Funds. Applicants believe that the addition of Mr. Telling to the Boards would be beneficial to the Funds and their shareholders. In their view, Mr. Telling would provide the Boards with a special expertise which would better enable the Funds to pursue and to develop services and programs made available by virture of Sears' relationships with DWRO and its subsidiaries.

Applicants state that because of Mr. Telling's position with Sears he is an "affiliated person" of Sears. Applicants further state that because Mr. Telling owns securities issued by Sears and because Sears controls DWRO and thereby controls its wholly owned subsidiary, InterCapital, Mr. Telling may be deemed to be an "interested person" of InterCapital. Accordingly, the addition of Mr. Telling to the Boards of Directors (Tustees) of the Funds would result in each of the funds having Boards comprised of six persons, two of whom may be deemed to be "interested persons" of InterCapital. This would mean that only 66⅔% of each Fund's Directors (Trustees) would not be interested persons of the Funds' investment adivser, rather than the 75% required by Section 15(f)(1)(A) of the Act. Applicants believe that it would be both appropriate and desirable to appoint Mr. Telling to serve as a Director (Trustee) of the Funds. However, at the same time, Applicants do not want to eliminate the availability of the "safe harbor" provided by Section 15(f) of the Act. Accordingly, they request an order, pursuant to Section 6(c) of the Act, exempting Mr. Telling from the definition of "interested person" of an investment adivser set forth in Section 2(a)(19) of the Act, solely for purposes of determining compliance with Section 15(f)(1)(A) of the Act.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act, or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and aprovisions of the Act.

In support of their request for an order, Applicants assert that it would be in the best interests of the Funds and their shareholders to add to the Board of Directors (Trustees) of the Funds an individual familiar with the business operations of Sears and its plans for the development of new financial services and products. Applicants submit that Mr. Telling is well qualified in this regard to serve as a member of the Boards.

Applicants note that Mr. Telling could be appointed to serve as a Director (Trustee) of the Funds, without running afoul of the 75% requirement of Section 15(f)(1)(A) of the Act, if two additional "disinterested" directors were appointed to the Boards of each of the Funds. According to the application, however, the Funds' present Directors (Trustees) believe that an increase in the size of each of the Boards to eight persons, as would be necessary, would result in unwieldy and possibly less effective Boards. Applicants further assert that expanded Boards would cause the Funds to incur increases in expenses since the Funds pay the fees and expenses of their "disinterested"

directors and would thus be required to bear the costs of the director fees and expenses that would be payable to the two additional "disinterested" directors.

Applicants contend that the interests of shareholders of the Funds would continue to be well protected if Mr. Telling were to become a member of the Boards of the Funds, since four of the six Directors (Trustees) of each of the Funds would not be "interested persons" of the Funds or Inter-Captial. Applicants assert that these four Directors are highly capable and qualified individuals, well recognized in their respective areas of expertise, who collectively exert a controlling influence over the decisions made by the Boards of the Funds. Applicants submit that these for directors would continue to be in a position to exert such a controlling influence once Mr. Telling was appointed to the Boards of the Funds because they would constitute a 66⅔% majority of each of the Boards. Under these circumstances, Applicants assert that the objective of the 75% requirement of Section 15(f)(1)(A) of the Act would not be frustrated if the requested exemption were granted and Mr. Telling appointed to the Boards.

In view of the foregoing, Applicants submit that the granting of the requested order would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 17, 1983 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communicaton should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such reqest shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contempraneously with the request. An order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George a. Fitzsimmons,

Secretary.

[FR Doc. 82-35262 Filed 12-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19358; File No. SR-MCC-82-18]

Midwest Clearing Corp.; Proposed Rule Change; Self-Regulatory Organizations

In the matter relating to proposed change in the minimum net capital requirements for participants of MCC.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 15, 1982, the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the proposed change to Rule 14, Section 2(a) of the Rules of the Midwest Clearing Corporation.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the amendment to the Midwest Clearing Corporation Rule is to increase the minimum net capital requirements for participants of MCC. With the proliferation of new products and investment strategies in the industry, increased assurance of financial integrity of security firms is needed to protect MCC, its participants, and, in general, public investors.

With the increased volatility of the markets, MCC believes that the requirement of a minimum of $50,000 in excess of the net capital requirement of a participant's designated examining authority is a more prudent standard to be used in evaluating new applicants as to their financial ability to meet their obligations to MCC and other participants. In addition, participants will be required to maintain such net capital level or be subject to limited usage of MCC services. For any Participants which do not currently meet such requirements, a period of 3 months will be given in which to come into compliance, with an additional 3 month extension for extenuating circumstances.

MCC believes that an increased capital requirement is a relatively small pat of our overall program to protect the Clearing Corporation from unanticipated exposure. For example, recently installed automated and manual procedures provide more timely review of participants' positions.

The proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934, in that it is the intention of the amendment to require MCC Participants to demonstrate increased financial responsibility, thereby helping to assure the safeguarding of securities and funds which are in the custody or control of MCC, or for which it is responsible, and providing for increased protection of investors and persons facilitating transactions by and on behalf of investors. Also, the rule is not designed to promote unfair discrimination in the admission of Participants or among Participants in the use of the clearing agency.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicted nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 21, 1982.

George A. Fitzsimmons,

Secretary.

Exhibit A—Participants and Participants' Fund

Rule 14

Approval of Applicants

Sec. 2. The Corporation shall approve the application to become a Participant of any applicant meeting the qualifications of Section 1 upon a determination by the Corporation that the applicant meets the following additional standards of qualification:

(a) The applicant has sufficient financial ability to pay its anticipated contribution to the Participants Fund and to meet its obligations to the Corporation on the basis of the value of the positions which the applicant proposes to maintain with, and the transactions which the applicant proposes to process through, the Corporation. *Broker/dealer applicants should have and must maintain upon acceptance as a Participant a minimum of $50,000 in excess net capital over the requirement imposed by the broker/dealer's designated examining authority. All other applicants shall be required to meet and maintain upon acceptance as a participant financial stability standards as are applicable to the industry in which the applicant is associated.*

(b) No change in text.

(c) No change in text.

No change in remainder of Section 2.

Note.—Additions italicized.

[FR Doc. 82-35266 Filed 12-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19360; File No. SR-MSTC-82-24]

Midwest Securities Trust Co.; Proposed Rule Change; Self-Regulatory Organizations

In the matter relating to proposed change in the minimum net capital requirements for participants of MSTC.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 19, 1982 the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the proposed change to Rule 8, Section 2(a) of the Rules of the Midwest Securities Trust Company.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the amendment to the Midwest Securities Trust Company Rule is to increase the minimum net capital requirements for participants of MSTC. With the proliferation of new products and investment strategies in the industry, increased assurance of financial integrity of security firms is needed to protect MSTC, its participants, and, in general, public interest.

With the increased volatility of the markets, MSTC believes that the requirement of a minimum of $50,000 in excess of the net capital requirement of a participant's designated examining authority is a more prudent standard to be used in evaluating new applicants as to their financial ability to meet their obligations to MSTC and other participants. In addition, Participants will be required to maintain such net capital level or be subject to a limited usage of MSTC services. For any Participants which do not currently meet such requirements, a period of 3 months will be given in which to come into compliance, with an additional 3 month extension for extenuating circumstances.

MSTC believes that an increased capital requirement is a relatively small part of our overall program to protect the Trust Company from unanticipated exposure. Recent automated and manual programs provide timely review of participants' positions, for example.

The proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934, in that it is the intention of the amendment to require MSTC participants to demonstrate increased financial responsibility thereby assuring the safeguarding of securities and funds which are in the custody or control of MSTC, or for which it is responsible, and providing for increased protection of investors and persons facilitating transactions by and on behalf of investors. Also, the rule is not designed to permit unfair discrimination in the admission of Participants or among Participants in the use of the clearing agency.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such period if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: December 21, 1982.

George A. Fitzsimmons,

Secretary.

Exhibit A—Participants and Participants' Fund

Note.—Additions italicized.

Rule 8

Approval of Applicants

Sec. 2. The Corporation shall approve the application to become a Participant of any applicant meeting the qualifications of Section 1 upon a determination by the Corporation that the applicant meets the following standards for qualification:

(a) The applicant has sufficient financial ability to pay its anticipated contribution to the Participants Fund (if any) and to meet its obligations to the Corporation on the basis of the value of the positions which the applicant proposes to maintain with, and the transactions which the applicant proposes to process through, the Corporation. *Broker/dealer applicants should have and must maintain upon acceptance as a Participant a minimum of $50,000 in excess net capital over the requirement imposed by the broker/dealer's designated examining authority. All other applicants shall be required to meet and maintain upon acceptance as a participant financial stability standards as are applicable to the industry in which the applicant is associated.*

(b) No change in text.

(c) No change in text.

No change in remainder of Section 2.

[FR Doc. 82-35287 Filed 12-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12914; 812-5355]

Tax-Free Instruments Trust; Filing of Application

December 21, 1982.

Notice is hereby given that Tax-Free Instruments Trust ("Applicant"), 421 Seventh Avenue, Pittsburgh, PA 15219, registered under the Investment Company Act of 1940 ("Act"), as an open-end, diversified, management investment company, filed an application on October 25, 1982, seeking an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit Applicant to acquire puts from brokers or dealers for the purpose of facilitating portfolio liquidity. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant's investment objective is to provide current income exempt from Federal income taxes consistent with stability of principal. Applicant asserts that it will pursue this objective by investing in a professionally managed diversified portfolio of municipal securities including Industrial Development Bonds with remaining maturities of one year or less at the time of purchase by Applicant. Applicant states in its prospectus that, from time to time on a temporary basis or for defensive purposes, Applicant may invest in "Temporary Investments" which mature in one year or less at the time of purchase, including: other obligations issued by or on behalf of municipal or corporate issuers; United States Treasury Bills; all other marketable obligations issued or guaranteed by the United States Government, its agencies or instrumentalities; instruments of banks and savings and loans which are members of the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation; and repurchase agreements. Finally, Applicant maintains that it will not seek profits through short-term trading, but intends to hold its portfolio securities to maturity.

Federated Research Corp. is Applicant's investment adviser and Federated Securities Corp. is Applicant's distributor. Both of these corporations are wholly-owned subsidiaries of Federated Investors, Inc. of Pittsburgh, Pennsylvania.

Applicant asserts that it will seek to maintain a constant $1.00 net asset value per share and a relatively stable daily dividend rate by keeping its average weighted portfolio maturity under 120 days. All of Applicant's portfolio securities will be valued at amortized cost.[1]

Applicant represents that, in addition to the desire for a constant net asset value per share, the investors for which it is designed require the ability to receive same-day redemption proceeds in Federal funds. According to the application, the maturities of short-term tax-exempt obligations are ordinarily not as frequent as other money market instruments and maturity dates are ordinarily not negotiable and are

[1] On February 26, 1982, Applicant applied to the Commission for an exemptive order permitting Applicant's assets to be valued at amortized cost. *See*, Investment Company Act Release No. 12846, November 24, 1982.

sufficiently infrequent that Applicant cannot rely on day-to-day scheduled maturities to meet net redemptions. Therefore, a portion of Applicant's assets will be retained in cash or very short-term instruments, thereby reducing the investor's yield. The application states that, in order to enable Applicant to assure same-day settlements on portfolio sales, and thereby facilitate the same-day payment of redemption proceeds in Federal funds, Applicant will adopt policies permitting the acquisition of "puts" from banks, brokers and dealers. Applicant states that when it purchases a municipal security from a bank, broker or dealer, it may also acquire the option to sell the same principal amount of such security back to the institution at a specified price. Such an option or right is sometimes referred to as an "optional delivery," or a "stand-by commitment," and is referred to herein as a "put." Applicant further represents that the intended purpose of utilizing puts is to facilitate portfolio liquidity.

The application states that puts may be exercisable by Applicant at any time prior to the maturity of the underlying security, and that Applicant's right to exercise the puts will be unconditional and unqualified. Applicant asserts that although the puts will not be transferable, municipal securities purchased subject to the puts could be sold at any time even though the put was outstanding. It is stated in the application that a put will not obligate Applicant to sell the underlying securities to the issuer of the put nor entitle the issuer to demand the return of the securities at its option. Applicant represents that a sale of the underlying securities to a third party would terminate its rights under the related put to sell the securities back to the issuer of the put. Applicant represents that puts it acquires will be in writing and will be physically held by its custodian, State Street Bank and Trust Company. According to the application, the exercise price of puts will be substantially as follows: (i) Applicant's acquisition costs of the municipal securities which are subject to the put (excluding any accrued interest that Applicant paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period the Fund owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by Applicant. Absent extraordinary circumstances, Applicant will value municipal securities on an amortized cost basis as referred to above. Accordingly, Applicant represents that the amount payable by the issuer of a put during the time the put is exercisable will be substantially the same as the value of the underlying securities. Applicant maintains that if necessary and advisable, it will pay for puts either separately in cash or by paying a higher price for the municipal securities which are acquired subject to the put (thus reducing the yield to maturity otherwise available for the same securities).

According to the application, the acquisition or exercisability of a put will not affect the valuation or assumed maturity of Applicant's underlying municipal securities, which will continue to be valued on the basis of the amortized cost method. During the term of a put, it will be very difficult if not impossible to evaluate the likelihood of eventual exercise of the put or to quantify the potential benefit to Applicant if that put were exercised. In light of such uncertainties, Applicant states that it will deem the put to have a "fair value" of zero, regardless of whether Applicant paid any direct or indirect consideration for the put. When Applicant pays for a put, its costs will be reflected as unrealized depreciation for the period during which the commitment is held by Applicant. Notwithstanding the foregoing, in calculating the dollar-weighted average maturity of its Portfolios, Applicant represents that puts will always be valued at zero, and the dollar-weighted average maturity will not be affected by the acquisition of the puts. Applicant states that it believes there to be little risk of an event occurring that would make amortized cost valuation of its portfolio securities inappropriate. However, in the unlikely event that the market or fair value of its portfolio securities is not substantially equivalent to their amortized cost value, Applicant maintains that its Trustees may determine that the instruments should be valued on the basis of available market quotations. Applicant expects that any puts covering such instruments would continue to be valued as described above because it expects that it would refrain from exercising the puts to avoid imposing a loss on the bank, broker, or dealer and jeopardizing the business relationship with that entity.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit its acquisition of puts from brokers or dealers. Applicant asserts that it believes the requested relief to be appropriate in the public interest, and consistent with the protection of investors. The application states that the proposed acquisition of puts is not expected to affect Applicant's net asset value per share for purposes of sales and redemptions, will not pose new investment risks, but will improve liquidity and its ability to pay redemption proceeds the same day in Federal funds.

Notice is further given that any interested person may, not later than January 17, 1983, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-35263 Filed 12-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22794; 70-6820]

West Texas Utilities Co.; Proposed Issuance and Sale of Long-Term Debt and Preferred Stock at Competitive Bidding

December 21, 1982.

West Texas Utilities Company ("West Texas"), 301 Cypress, Abilene, Texas 79601, an electric utility subsidiary of Central and South West Corporation ("CSW"), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 promulgated thereunder.

West Texas proposes to issue and sell at competitive bidding up to $25 million aggregate principal amount of long-term debt and up to 250,000 shares of authorized preferred stock, $100 par value per share, in one or more series and in one or more sales from time to time through December 31, 1983. The sale of debt securities will be accomplished through the issuance of first mortgage bonds unless West Texas is unable to meet certain charter or indenture requirements relating to minimum gross income, minimum net earnings and expenditures for bondable property, in which case, long-term, unsecured debentures may be substituted for, or combined with, the sale of bonds. In no event, however, will the sale of bonds and/or debentures exceed an aggregate principal amount of $25 million.

Each series of bonds will have a term of not less than five nor more than thirty years and will be sold at a price and annual interest rate determined by competitive bidding at the time of sale. The bonds will be issued under a mortgage indenture, dated August 1, 1943, as supplemented and amended, and as to be further amended by a proposed supplemental indenture. Each series of preferred stock will be sold at a price to West Texas of not less than $100 nor more than $102.75 per share, plus dividends accrued from date of issue. Depending upon market conditions, the offering of the preferred stock may provide for periodic redemption through the operation of a cash sinking fund. If West Texas is unable to issue bonds in an aggregate amount of $25 million, long-term, unsecured debentures will be issued for terms up to thirty years under an indenture dated June 1, 1982, as amended and supplemented by a proposed supplemental indenture.

West Texas may employ alternative competitive bidding procedures in accordance with the Commission's statement of policy pursuant to Rule 50(a)(5) under the Act (HCAR No. 22623, September 2, 1982). West Texas also indicates, however, that it may eventually request an exception from all competitive bidding requirements under Rule 50(a)(5) so that the debt instruments or preferred stock may be offered through a negotiated public offering or private placement. The net proceeds from the issuance and sale of the long-term debt and the preferred stock will be used, combined with common equity contributions from CSW, to finance portions of West Texas' construction program, and to retire certain amounts of outstanding short-term debt.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 17, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-35285 Filed 12-28-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 08/08-5058]

Mile Hi Small Business Investment Co.; Notice of Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)), under the name of Mile Hi Small Business Investment Company, 1385 South Colorado Avenue, Denver, Colorado 80222, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended) the Act), (5 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Mile Hi Cablevision Associates, Ltd.,[1] 1385 South Colorado Boulevard, Denver, Colorado 80222—100%

Timothy H. David, 2930 E. 3rd Avenue, Denver, Colorado 80203—Investment Advis. Manager

Lucius Ashby, 3861 S. Rosemary Way, Denver, Colorado 80203—Director

Richard J. Davies, Jr., 160 Inverness Drive West, Englewood, Colorado 80112—Director

Maria Garcia, 1330 Gaylord, Apt. 405, Denver, Colorado 80206—Director

Shelby F. Harper, 3108 S. Dallas Court, Denver, Colorado 80210—Director

Manuel Martinez, 732 Elati Street, Denver, Colorado 80210—Director

David E. O'Hayre, 160 Inverness Drive West, Englewood, Colorado 80112—Director/Treasurer

Jerry Presley, 2930 E. 3rd Avenue, Denver, Colorado 80203—Director/Vice President

Fred Vierra, 2930 E. 3rd Avenue, Denver, Colorado 80203—Director/President

Stanley B. William, 2990 So. Whiting Way, Denver, Colorado 80231—Director.

The applicant, a Colorado corporation with its principal place of business at 1385 South Colorado Boulevard, Denver, Colorado 80222, will begin operations with $550,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of Colorado.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than fifteen (15) days from the date of publication of this notice, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business

[1] Owned principally by: American Television & Communications Corporation, 160 Inverness Drive West, Englewood, Colorado 80112 (42.5%) Daniels & Associates Partners, Limited, 2930 E. 3rd Avenue, Denver, Colorado 80203 (42.5%).

Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation of Denver, Colorado.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: December 21, 1982.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 82-35176 Filed 12-28-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 840]

Eradication of Cannabis; Herbicide Paraquat

AGENCY: State Department.

ACTION: Notice of a Record of Decision regarding the Department of State's action on the proposal to support efforts of foreign Western Hemisphere nations to eradicate cannabis by aerially applying the herbicide paraquat. The environmental consequences in the U.S. of the proposed action and the reasonable alternatives to the proposal were evaluated in a Final Environmental Impact Statement (FEIS), which was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. 4332. The FEIS was filed with EPA on November 5, 1982. This Record of Decision is being issued pursuant to the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA of 1978 (40 CFR 1505.2) and Implementing Regulations of the Department of State (22 CFR 161.(h)).

Decision

The Department of State has decided to support the efforts of foreign Western Hemisphere nations to eradicate cannabis by aerially applying the herbicide paraquat. In implementing this decision, the Department now intends to engage in formal discussions with cannabis-producing Western Hemisphere nations.

Basis for Decision

The United States is party to the 1961 Single Convention on Narcotic Drugs and is therefore obligated to limit production, manufacture, export, import, distribution of, trade in, use and possession of drugs including marijuana to medical research and scientific purposes. Section 481 of the Foreign Assistance Act of 1961, as amended, states that "effective international cooperation is necessary to put an end to the illicit production, smuggling, trafficking in, and abuse of dangerous drugs" and authorizes the Department, on behalf of the President, to conclude agreements and develop international programs aimed at reducing the flow of foreign-origin illegal drugs into the U.S. Toward this end, the Department has negotiated numerous previous agreements for drug control with Western Hemisphere nations.

From 1978 to December 1981, the U.S. Government was, however, effectively precluded by domestic legislation from assisting any foreign government in a marijuana herbicidal eradication program using paraquat. The legislation was a result, in part, of health concerns regarding paraquat use on marijuana as expressed by the Department of Health, Education and Welfare (HEW), based on preliminary data. However, during that period the Government of Mexico engaged on its own in an eradication campaign against cannabis, using paraquat. The program was highly effective and that government states it has resulted in no significant environmental or health impacts. A decline in marijuana availability in Mexico led, however, to an increase in production in other countries.

Based on the preceding, and since subsequent tests and studies were completed which diminished concern about marijuana with paraquat residues as a potential health hazard, the Congress removed the herbicide restrictions from the Foreign Assistance Act in December 1981. It also stipulated that the Department notify the Department of Health and Human Services (HHS) of programs involving herbicide use for cannabis control and that HHS monitor the public health for possible adverse effects from any herbicide application, and required that work continue to identify a marking agent to be used in such herbicidal eradication programs.

Because in our view a U.S.-supported, large-scale aerial herbicidal eradication program represents a "major federal action" within the meaning of NEPA, the Department prepared a programmatic EIS. This EIS addressed the various alternatives available to the U.S. which could be utilized in a cannabis control program; namely, no action, alternative eradication techniques use of alternative herbicides the use of a marking agent in conjunction with a herbicide, when available increased enforcement efforts different land use programs legalization and aerial application of paraquat, the proposed action.

As the flourishing marijuana supply indicates, the no action alternative will not reduce the marijuana supply. While current interdiction levels could be increased, the United Nations Narcotics Laboratory concluded that illicit narcotics can only be effectively controlled in the source country at the stage of production. As noted in the EIS, legalization is not an option available to the Department. Congress, in its passage of the Foreign Assistance Act of 1961, as amended, and the U.S. Government in its ratification of the Single Convention, expressed the intent that the U.S. Government engage in international cooperation to control dangerous drugs including marijuana. Considering the health hazards associated with smoking marijuana as identified in the EIS, a significant reduction in the U.S. marijuana supply should also result in beneficial health impacts as well as a significant reduction of marijuana associated criminal activity and law enforcement costs.

Based on the information contained in the EIS, the use of the herbicide paraquat for cannabis eradication is the most effective alternative swiftly to eliminate marijuana production destined for the US. The following herbicides were compared for effectiveness and toxicity: 2,4-D, 2,4,5,-T, diquat, glyphosate, and paraquat. Based on this comparison paraquat is the most effective means of eradication. While its potential toxicity to personnel handling the herbicide is higher, the proposed monitoring program should adequately mitigate any adverse health impacts. Furthermore, available evidence indicates that it is not likely that significant adverse health effects would result from consuming marijuana with paraquat residues.

Other alternatives addressed by the EIS would not be cost-effective or successful for a program of this magnitude over the long-term. In order to mitigate any adverse impact, any spray operations are to be in accordance with generally accepted professional standards and appropriate training will be provided to the cooperating nation which, in turn, will be able to establish monitoring programs. This should minimize possible contamination of food crops. In addition, the Secretary of HHS, as authorized by the 1981 amendments to the Foreign Assistance Act, will monitor the impact on the health of persons who may consume marijuana with herbicide residues. The Government will continue to explore the feasibility of using in the program a marker, which would alert marijuana users to the presence of herbicides.

Based on the findings of the EIS, the decision was therefore made to support the efforts of foreign Western Hemisphere nations to eradicate cannabis by aerially applying the herbicide paraquat.

Dated: December 21, 1982.

Dominick DiCarlo,

Assistant Secretary for International Narcotics Matters.

[FR Doc. 82-35279 Filed 12-28-82; 8:45 am]

BILLING CODE 4710-03-M

[Public Notice 838]

Delegation of Authority No. 140-5; Atomic Energy and Nuclear Non-Proliferation

By virtue of the authority vested in me as Secretary of State, including section 4 of the Act of May 26, 1949 as amended (22 U.S.C. 2658), State Department Delegation of Authority No. 140 of March 23, 1978 (43 FR 13456), as amended on June 5, 1978 (43 FR 25212), October 9, 1980 (45 FR 67818) and November 21, 1981 (46 FR 59359), is hereby amended by striking out the words "the Under Secretary of State for Management," in the opening paragraph and by inserting the words "the Ambassador at Large and Special Adviser to the Secretary of State on Non-Proliferation Policy and Nuclear Energy Affairs," after "the Deputy Secretary of State," in the opening paragraph.

Dated: December 14, 1982.

Kenneth W. Dam,

Acting Secretary of State.

[FR Doc. 82-35167 Filed 12-28-82; 8:45 am]

BILLING CODE 4710-10-M

[Public Notice 837]

Delegation of Authority No. 150; Negotiation, Signature and Termination of Treaties and Other International Agreements; Delegation of Functions

By virtue of the authority vested in me by Section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658), and as Secretary of State, I hereby delegate to the officers specifically designated herein the authority under the Circular 175 Procedure of the Department of State (39 FR 29604, August 16, 1974), to negotiate, sign and terminate treaties and other international agreements, and to authorize the negotiation, signature, and termination of treaties and other international agreements by other United States Government officials.

The officers so designated are:

The Deputy Secretary of State;

The Under Secretary of State for Political Affairs;

The Under Secretary of State for Economic Affairs;

The Under Secretary of State for Security Assistance, Science and Technology;

The Under Secretary of State for Management;

The Ambassador at Large and Special Adviser to the Secretary of State on Non-Proliferation Policy and Nuclear Energy Affairs (only with respect to treaties and other international agreements in the field of nuclear non-proliferation and international peaceful nuclear cooperation).

Notwithstanding the provisions of this delegation of Authority, the Secretary of State or the Deputy Secretary of State may at any time exercise any function hereby delegated.

This delegation of authority shall be published in the **Federal Register.**

Dated: December 14, 1982.

Kenneth W. Dam,

Acting Secretary of State.

[FR Doc. 82-35166 Filed 12-28-82; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF THE TREASURY

[Supplement to Department Circular Public Debt Series—No. 36-82]

December 23, 1982.

The Secretary announced on December 22, 1982, that the interest rate on the bonds designated Bonds of 2003, described in Department Circular—Public Debt Series—No. 36-82, dated December 15, 1982, will be 10¾ percent. Interest on the bonds will be payable at the rate of 10¾ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-35257 Filed 12-28-82; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular Public Debt Series—No. 35-82]

Series C-1990 Notes; Interest Rate

December 22, 1982.

The Secretary announced on December 21, 1982, that the interest rate on the notes designated Series C-1990, described in Department Circular—Public Debt Series—No. 35-82 dated December 15, 1982, will be 10½ percent. Interest on the notes will be payable at the rate of 10½ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-35258 filed 12-28-82; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 250
Wednesday, December 29, 1982

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).

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1

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Items From December 22nd Open Meeting

December 21, 1982.

The following item has been deleted at the request of the Office of Commissioner Dawson from the list of agenda items scheduled for consideration at the December 22, 1982 Open Meeting and previously listed in the Commission's Notice of December 15, 1982.

Agenda, Item No., and Subject

General—2—*Title:* Notice of Proposed Rulemaking to allocate spectrum for the establishment of a nationwide public air-ground telephone system. *Summary:* The Commission will consider the merits of RM-3524, filed by Airfone, Inc. and RM-3885, filed by Aeronautical Radio, Inc. Each petitioner has requested the allocation of spectrum in the 900 MHz region to establish a nationwide public air-ground telephone system.

Common Carrier—2—*Title:* Petition for Reconsideration of GTE Satellite Corporation 90 FCC 2d 1009 (1982). *Summary:* The Commission will consider the petition of United States Satellite Broadcasting Company, Inc. requesting rescission of the grant, or in the alternative, conditioning the grant by prohibiting the offering of television service to individual residences.

Issued: December 21, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1864-82 Filed 12-27-82; 9:36 am]

BILLING CODE 6712-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Thursday, December 23, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following matters:

Application for Federal deposit insurance:

Dakota Bank of Wahpeton, Wahpeton, North Dakota, a proposed new bank to be located at 1005 Dakota Avenue, Wahpeton, North Dakota.

Application for Federal deposit insurance, for consent to acquire assets and assume liabilities, and for consent to establish a branch:

Alvarado Bank, Richmond, California, a proposed new bank in organization, to be located at 3000 Hilltop Mall Road, Richmond, California, for Federal deposit insurance; for consent to acquire the assets of and to assume the liability to pay deposits made in the Hilltop Branch, Richmond, California, of Union Bank, Los Angeles, California; and for consent to establish a de novo branch at 2160 Vale Road, San Pablo, California.

Application for consent to acquire assets and assume liabilities and establish two branches:

The North American Bank & Trust Company, Stratford, Connecticut, an insured State nonmember bank, for consent to acquire the assets of and assume the liability to pay deposits made in the Waterbury Branch and the Meadow Street Drive-in Branch of The Connecticut National Bank, Bridgeport, Connecticut, and to establish those two offices as branches of The North American Bank & Trust Company.

Application for consent to merge and establish four branches:

Andover Savings Bank, Andover, Massachusetts, an insured mutual savings bank, for consent to merge, under its charter and title, with Valley Cooperative Bank, Lawrence, Massachusetts, a nonfederally insured institution, and to establish the four offices of Valley Cooperative Bank as branches of the resultant bank.

Application for consent to merge and establish three branches and for consent to exercise limited trust powers:

Provident Savings Bank, Jersey City, New Jersey, an insured mutual savings bank, for consent to merge, under its charter and title, with Bloomfield Savings Bank, Bloomfield, New Jersey, to establish the three offices of Bloomfield Savings Bank as branches of the resultant bank, and for consent to exercise limited trust powers.

Application for consent to purchase assets and assume liabilities and to establish two branches:

Goldome Bank for Savings, Buffalo, New York, an insured mutual savings bank, for consent to purchase certain assets of and assume the liability to pay certain deposits made in the Dunkirk Branch and the Gowanda Branch of The Permanent Savings Bank, Niagara Falls, New York, and to establish those two branches as branches of Goldome Bank for Savings.

Application for consent to convert to membership in the Federal Savings and Loan Insurance Corporation:

The Long Island Savings Bank, Syosset, New York, an insured mutual savings bank.

Recommendation regarding the Corporation's assistance agreement with an insured bank pursuant to section 13(e) of the Federal Deposit Insurance Act.

Application for assistance pursuant to section 13(i) of the Federal Deposit Insurance Act and the FDIC's Capital Assistance Plan:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,534-L (Amended)—Metropolitan Bank and Trust Company, Tampa, Florida
Case No. 45,548-L—Metropolitan Bank and Trust Company, Tampa, Florida
Memorandum and Resolution re: Farmers and Mechanics Savings Bank, Minneapolis, Minnesota
Memorandum and Resolution re: Village Bank, Pueblo West, Colorado

Memorandum re: Cost allocation system for the regional offices of the Division of Liquidation.

Memorandum re: Classification of expenses charged to individual liquidations.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers,

directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Name of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: December 23, 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S-1866-82 Filed 12-27-82; 2:20 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in open session at 10:00 a.m. on Thursday, December 23, 1982, to consider the following matters:

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Morrison, Hecker, Curtis, Kuder & Parrish, Kansas City, Missouri, in connection with the liquidation of The Mission State Bank and Trust Company, Mission, Kansas.

Feldstein, Gelpi & Hernandez, Old San Juan, Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Report of the Director, Division of Liquidation:

Memorandum re: Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico (Case No. 45,540–L)

Memorandum re: Accounting and Capital Adequacy Concerns Regarding Intangible Assets Resulting from Bank Mergers and Acquisitions.

Memorandum re: Purchase of Office Space in the Ecker Square Condominium Office Building, San Francisco, California.

Memorandum re: Budget of Liquidation Expenses for Budget Year 1983.

Resolution re: Amended delegations of authority relating to FDIC's Capital Assistance Plan.

Memorandum and Resolution re: Final amendment to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," which eliminates the requirement that retail repurchase agreements of insured State nonmember banks be issued for 89 days or less.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Directory C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public and that no earlier notice of the meeting was practicable.

The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: December 23, 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[FR S-1867-82 Filed 12-27-82; 8:45 am]

BILLING CODE 6714-01-M

4

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 56596, December 17, 1982.

STATUS: Closed meeting.

PLACE: 450 5th Street, N.W., Washington, D. C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, December 14, 1982.

CHANGES IN THE MEETING: Additional/deletion items. The following additional items were considered at a closed meeting scheduled for Tuesday, December 21, 1982, following the 10:00 a.m. open meeting:

Settlement of injunctive action.
Formal order of investigation.

The following item was not considered at a closed meeting scheduled for Tuesday, December 21, 1982, following the 10:00 a.m. open meeting.

Freedom of Information Act appeal.

The following item will be considered at a closed meeting scheduled for Wednesday, December 22, 1982, at 2:00 p.m.

Access to investigative files by Federal, State, or Self-Regulatory authorities.

Chairman Shad and Commissioners Evans, Thomas, Longstreth and Treadway determined by vote that Commission Business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Bob Zutz at (202) 272–2091.

December 22, 1982.

S-1865-82 Filed 12-27-82; 12:15 pm]

BILLING CODE 8010-01-M

federal register

Wednesday
December 29, 1982

Part II

Department of Commerce

International Trade Administration

Commodity Control List; Revision of Format

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 21117-232]

15 CFR Parts 371, 372, 373, 374, 375, 378, 379, 385, and 399

Reformat of the Commodity Control List

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Export Administration maintains a listing of commodities subject to Department of Commerce export controls, the Commodity Control List (CCL). This rule, which neither expands not limits the provisions of the Export Administration Regulations, revises the CCL, Supplement No. 1 to § 399.1, by placing it in a new, simpler format that is easier to read and use. In addition, Supplement No. 1 to Part 385, Advisory Notes for Selected CCL Entries, is removed from the Regulations because its provisions are now included within the CCL itself. Section 399.1, The Commodity Control List and How to Use It, is also revised to reflect the new CCL format.

EFFECTIVE DATE: This rule is effective December 29, 1982. Comments must be received by the Department by February 28, 1983.

ADDRESS: Written comments (six copies) should be sent to: Richard J. Isadore, Director, Operations Division, Office of Export Administration, Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-4811).

SUPPLEMENTARY INFORMATION: The United States participates in an international security export control system. The Coordinating Committee (COCOM) of this system reviews proposals to ship strategic commodities and technical data to certain communist countries. The Office of Export Administration maintains the Commodity Control List (CCL), which includes all commodities multilaterally restricted for export by COCOM and those controlled unilaterally by the U.S. Department of Commerce.

This rule revises the format of the CCL (Supplement No. 1 to § 399.1) to make it easier for exporters to use in conjunction with the rest of the Export Administration Regulations (15 CFR Parts 368-399).

Major features of the new format include:

1. Removal of column headings. Information previously expressed in columns is now explained below the commodity description in a paragraph format.

2. Inclusion of the Advisory Notes (previously, Supplement No. 1 to Part 385) within the CCL itself. Each Note is shown with the particular CCL entry it affects.

3. Elimination of footnotes. Information previously contained in footnotes is now incorporated in the paragraph format.

4. Consolidation of export control-related information from other parts of the Regulations. It will be easier for exporters to determine the special limitations applicable to their particular commodities or technical data without consulting other parts of the Regulations.

This rule also removes Supplement No. 1 to Part 385, Advisory Notes for Selected CCL Entries, from the Export Administration Regulations. The information previously contained in the Advisory Notes is now incorporated in the body of the CCL. Also, § 399.1, The Commodity Control List and How to Use It, is rewritten to reflect the substitution of a paragraph format for the column headings of the CCL.

Various references to Supplement No. 1 to Part 385 are removed from the Regulations, and references to information located in *columns* of the CCL are amended to refer to the new *paragraph* format. Those commodity interpretations that are incorporated in the new CCL are removed from Supplement No. 1 to § 399.2.

The Office of Export Administration reminds exporters that this rule does not alter any of the regulatory provisions of the Commodity Control List, the Advisory Notes, or the Export Administration Regulations. This rule revises the format only; the regulatory substance is not affected.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

However, these regulations are issued in interim form and comments will be considered in developing final regulations. These regulations may be revised before the end of the comment period. Accordingly, interested persons who desire to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

The period for submission of comments will close February 28, 1983. All comments received before the close of the comment period will be considered by the Department in the development of final regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001-B, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, D.C. 20230. Records in this facility, including written public

comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

List of Subjects

15 CFR Parts 371 Through 375

Exports.

15 CFR Part 378

Exports, Nuclear energy.

15 CFR Part 379

Exports, Science and technology.

15 CFR Part 385

Communist countries, Exports.

15 CFR Part 399

Exports.

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

PART 371—[AMENDED]

§ 371.5 [Amended]

1. Section 371.5(a)(1) is amended by revising the phrase: "in the column headed 'GLV $ Value Limits T & V' " to read: "in the paragraph of that entry titled 'GLV $ Value Limits T & V' ".

2. Footnote 1 to § 371.5(a)(1) is revised to read as follows:

[1] Some commodities may not be shipped to Country Group T or V under General License *GLV*. However, another general license may apply. Check the appropriate CCL entry for special restrictions.

3. Section 371.5(a)(2) is revised to read as follows:

§ 371.5 General license GLV; shipments of limited value.

(a) * * *

(2) To a destination in Country Group P or Q, provided that the net value of the commodity included in a single entry on the Commodity Control List does not exceed the amount specified in the "GLV $ Value Limit" paragraph for that entry.

* * * * *

4. Footnote 2 to § 371.5(a)(2) is removed.

PART 372—[AMENDED]

§ 372.4 [Amended]

5. Paragraph (d) of § 372.4 is amended by revising the phrase: "in the column headed 'Processing Code' " to read: "in the paragraph titled 'Processing Code' ".

§ 372.9 [Amended]

6. Paragraph (c) of § 372.9 is amended by revising the phrase: "in the 'Unit' column of the Commodity Control List" to read: "in the 'Unit' paragraph of an entry on the Commodity Control List"; and by revising the phrase: "by a footnote in this column" to read: "as stated in the 'Unit' paragraph of the CCL entry".

Part 372, Supplement No. 1—[Amended]

7. In Supplement No. 1 to Part 372, "Instructions for preparing an application for a validated license," Item 9. (a) is revised to read as follows:

Supplement No. 1 to Part 372—Instructions for Preparing an Application for a Validated License

* * * * *

Item 9. (a). Give the quantity to be shipped, using units specified in the Commodity Control List (Supplement No. 1 to § 399.1) in the paragraph of the applicable CCL entry titled "Unit of Quantity."

PART 373—[AMENDED]

§ 373.4 [Amended]

8. § 373.4(b)(1) is amended by revising the phrase: "and is either described in the Advisory Notes in Supplement No. 1 to Part 385" to read: "and is either described in the Advisory Notes for that commodity in the CCL (Supplement No. 1 to § 399.1)".

§ 373.7 [Amended]

9. Section 373.7(d)(1)(iv)(B)(*5*) is amended by revising the phrase "see § 399.1(j)" to read "see § 399.1(b)".

PART 374—[AMENDED]

§ 374.3 [Amended]

10. Section 374.3(e)(1)(i)(B) is amended by revising the phrase "notes in Supplement No. 1 to Part 385" to read "Advisory Notes " for those commodities in the CCL (Supplement No. 1 to § 399.1)".

Part 374, Supplement No. 1—[Amended]

11. In Supplement No. 1 to Part 374, Item 8(a) is revised to read as follows:

Supplement No. 1 to Part 374—Instructions for Preparing Form ITA–699P, "Request To Dispose of Commodities or Technical Data Previously Exported"

* * * * *

Item 8(a). Show the quantity of each commodity, using units specified in the "Unit" paragraph of the applicable entry on the Commodity Control List (Supplement No. 1 to § 399.1).

* * * * *

PART 375—[AMENDED]

§ 375.7 [Amended]

12. Section 375.7(b)(1) is amended by revising the phrase: "in the column on the Commodity Control List titled 'Validated License Required' " to read: "to the paragraph in any entry on the Commodity Control List titled 'Validated License Required' ".

13. Section 375.7(b)(3) is amended by revising the phrase: "to the column on the Commodity Control List entitled 'Validated License Required' " to read: "to the paragraph in any entry on the Commodity Control List titled 'Validated License Required' ".

PART 378—[AMENDED]

§ 378.2 [Amended]

14. Section 378.2(a) is amended by revising the phrase: "that have the number 4 in the column titled 'Reason for Control' " to read: "with 'nuclear non-proliferation' included in the 'Reason for Control' paragraph of the applicable entry".

PART 379—[AMENDED]

§ 379.4 [Amended]

15. Section 379.4(f)(2)(i) (*a*) and (*b*), (ii) and (ii)(*b*) are amended by revising the phrase: "identified by the symbol 'W' in the column of the Commodity Control List titled 'Validated License Required' " to read: "identified by the symbol 'W' in the paragraph of any entry on the Commodity Control List titled 'Validated License Required' ".

§ 379.4 [Amended]

16. The paragraph numbered "2" in the "Note" following § 379.4(f)(2)(ii)(*c*) is amended by revising the phrase: "by the information set forth in the column titled 'Validated License Required' " to read: "by the information set forth in the applicable CCL entry in the paragraph titled 'Validated License Required' ".

§ 379.8 [Amended]

17. Section 379.8(b)(3)(i)(B) is amended by revising the phrase: "in the notes in Supplement No. 1 to Part 385" to read: "in the Advisory Notes in any entry on the Commodity Control List (Supplement No. 1 to §399.1)".

PART 385—[AMENDED]

§ 385.2 [Amended]

18. Section 385.2(a)(4) is amended by revising the phrase: "See Supplement No. 1 to this part" to read: "See the Advisory Notes for the applicable entry on the Commodity Control List (Supplement No. 1 to § 399.1)".

19. Section 385.3(c) is revised to read as follows:

§ 385.3 Country Group P: People's Republic of China

* * * * *

(c) Although each application will be considered individually, certain goods on the CCL are more likely to be approved than others. The "Advisory Notes" in the CCL describe goods likely to be approved for China, as well as certain other country groups. Those Notes in the CCL headed "Note for Country Group P only" provide guidance on equipment more likely to be approved for China than for Country Groups Q, W and Y.

* * * * *

§ 385.4 [Amended]

20. Section 385.4 (a)(2)(iii) and (a)(5)(i) are amended by revising the phrase: "*not* identified by a '1' in the 'Reason for Control' column of the Commodity Control List" to read: "*not* identified in the 'Reason for Control' paragraph of any entry on the Commodity Control List as being controlled for 'national security' ".

21. Section 385.4(d)(5)(iv) is amended by revising the phrase: "identified by a '1' in the 'Reason for Control' column of the Commodity Control List" to read: "identified in the 'Reason for Control' paragraph of any entry on the Commodity Control List as being controlled for 'national security' ".

Part 385, Supplement No. 1—[Reserved]

22. Supplement No. 1 to Part 385, Advisory Notes For Selected CCL Entries, is removed and reserved.

PART 399—[AMENDED]

§ 399.2 Supplement No. 1—[Amended]

23. Commodity Interpretations 30 and 32 are removed from Supplement No. 1 of § 399.2.

24. Section 399.1, The Commodity Control List and How to Use It, and Supplement No. 1 to § 399.1, the Commodity Control List, are revised to read as follows:

§ 399.1 The Commodity Control List and How to Use It

(a) Commodity Coverage. The Office of Export Administration (OEA) maintains the Commodity Control List (CCL), which includes all commodities subject to U.S. Department of Commerce export controls. The CCL does not include those commodities exclusively controlled for export by another department or agency of the U.S. Government. For example, arms, ammunition, and implements of war are controlled for export by the Office of Munitions Control, U.S. Department of State. See § 370.10 for a listing of exports controlled by other U.S. Government departments and agencies.

(b) Commodity Groups. The commodities under OEA jurisdiction are grouped on the CCL under 10 general categories. Each CCL entry is preceded by a four-digit Export Control Commodity Number (ECCN) and a code letter. The first digit relates to the strategic level of control; the second digit identifies the Group to which the commodity belongs; and the remaining two digits identify related commodities within a Group. Within each group, the entries are numbered consecutively by the third and fourth digits.

Commodity group No.	Commodity groups	Commodity control list page No.
0	Metal-Working Machinery	CCL
1	Chemical and Petroleum Equipment	CCL
2	Electrical and Power-Generating Equipment.	CCL
3	General Industrial Equipment	CCL
4	Transportation Equipment	CCL
5	Electronics and Precision Instruments	CCL
6	Metals, Minerals, and Their Manufactures.	CCL
7	Chemicals, Metalloids, Petroleum Products and Related Materials.	CCL
8	Rubber and Rubber Products	CCL
9	Miscellaneous	CCL

Within the ten general categories, specific CCL entries define the commodities controlled to the country groups and individual destinations specified in the paragraph titled "Validated License Required" under each ECCN. See Supplement No. 1 to Part 370 for a listing of the countries included in each country group.

(c) Embargo Destinations. Almost all CCL entries include Country Groups S and Z, embargo destinations, under the heading "Validated License Required." Generally, the last entry in each commodity category is a "basket" entry asserting control over exports to destinations in Country Groups S and Z of commodities that are not elsewhere specified in that commodity category. In a few instances, however, certain entries, or portions of entries, are excepted from the general embargo policy and are specifically identified. You may export the excepted commodities under General License *G–DEST*. Certain other General Licenses may also apply, *e.g.*, General License *GIFT*. With these exceptions, you may not export or reexport any commodity to a destination in Country Group S or Z—

(1) Unless you have filed an export license application (Form ITA–622P) or request to reexport (Form ITA–699P) with OEA, and

(2) Until OEA issues a validated export license or reexport approval covering your proposed transaction. See general policy statements regarding embargo destinations in § 385.1 (Country Group Z) and § 385.7 (Country Group S).

(d) All Other Destinations, Except Canada. (1) If you intend to export a commodity to a destination in Country Group P, Q, T, V, W or Y and that commodity is covered by a CCL entry that includes P, Q, T, V, W, or Y under the heading "Validated License Required," you must usually file an export license application or reexport request with OEA. OEA must then issue a validated export license or reexport authorization covering your proposed transaction before you make a shipment.

(2) If your commodity is covered by a CCL entry, but you intend to export it to a country that is *not* included in a country group for which there are controls, you may ship the commodity under General License *G–DEST*, provided that none of the parties involved is currently denied export privileges (see Supplement No. 1 to Part 388) and the export is not restricted by the special licensing requirements summarized in paragraph (f)(4) of this section.

(3) You should review the General License provisions in Part 371 before filing an export license application or reexport request to see whether your shipment requires a validated license or if it may be shipped under a general license. For example, you may be able to export a small value shipment of a commodity included in a CCL entry to a destination in Country Group Q, T or V under General License *GLV*. In addition, one of the other, more specialized, General Licenses explained in Part 371 may apply.

(e) Canada. Canada is not included in any of the Country Groups, and you may export most commodities to Canada for consumption or use in that country without an export license. In the few instances where a validated license is required, Canada is specifically named in the CCL entry. See § 385.6 for a general policy statement regarding exports to Canada. Note also the special licensing requirements summarized in (f)(4) below.

(f) How To Use the CCL. (1) *General categories.* First, identify which CCL entry covers the commodity you wish to export. Do this by reviewing the appropriate general category within which the commodity is most likely to be included. If you do not know, or cannot find, the proper CCL entry,

consult the Exporters' Service Staff, Office of Export Administration.

(2) *Export Control Commodity Number.* After you find the CCL entry, note the Export Control Commodity Number (ECCN). This is a four-digit number that must appear on your export license application or reexport request, if one is required. The four-digit number will be followed by a code letter. This code letter is a key to the documentation requirements of Part 375 of this title, and is used by many exporter as a data processing code to indicate the country group level of control for CCL entries. The letters used and the respective country groups are:

Code letters	Country groups for which validated license is required
A	PQSTVWYX (Multilaterally controlled to all destinations.) Only "A" commodities are subject to IC/DV procedure (see § 375.3).
B	PQSTVWYZ (Unilaterally controlled to all destinations.)
C	PQSWYZ and certain other countries.
D	PQSWYZ only.
E	PSWYZ.
F	SZ and certain other countries.
G	SZ only.
I	None.
M	Various (Country Group control level is governed by another entry on the CCL.)

(3) Country of destination and value of shipment. Once you locate the ECCN for a commodity you wish to export, you must determine if a validated export license is required for *the particular shipment.* Do this by referring to the paragraph titled "Validated License Required," and in some cases, to the paragraph titled "GLV $ Value Limit."

(i) If the code letter following the ECCN is A or B, and the country of destination is in Country Group T or V, you will need a validated export license if the value of the shipment exceds the value shown under the heading "GLV $ Value Limit." (See § 371.5 for restrictions on the use of General License *GLV.)*

(ii) If the code letter following the ECCN is A and the country of destination is in Country Group P, Q, S, W, Y or Z, you will need a validated export license *regardless of the value of the shipment.*

(iii) If the code letter following the ECCN is B, C, D or E, and the country of destination is in Country Group P, S, W, Y or Z (or is specifically named under the heading "Validated License Required" for that CCL entry), a validated export license *is* required, regardless of the value of the shipment.

(iv) If the country of destination is in Country Group Q, a validated export license is required *unless* the code letter is E, F, G or I, or the shipment does not exceed the GLV $ value for Group Q shown under the "GLV $ Value Limit" heading for that CCL entry. The GLV $ value limit for Country Group Q is "O" unless stated otherwise under "GLV $ Value Limit." See § 371.5 for restrictions on the use of General License *GLV.*

(v) If the code letter following the ECCN is F or G, and the country of destination is in Country Group S or Z (or is specifically named under "Validated License Required"), you *will* need a validated export license, regardless of the value of the shipment.

(4) Special licensing requirements. Under certain circumstances, you may *not* export a commodity under a General License even though, from an examination of the CCL, it appears to meet the requirements for export under a General License. (You should review, in particular, Parts 376, 378, and 385.) Some examples of special restrictions are described below—

(i) You will need an individual validated export license for a commodity which could otherwise be shipped under general license if you know or have reason to know that the commodity will be used with nuclear weapons, nuclear explosive devices, nuclear testing, the chemical processing of irradiated special nuclear or source material, the production of heavy water, the separation of isotopes of source and special nuclear material, or the fabrication of nuclear reactor fuel containing plutonium, as described in § 378.3.

(ii) You will need an individual validated export license for export or reexport to the U.S.S.R. if you know or have reason to know the commodity is for any use directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympic Games that began in Moscow on July 19, 1980. These commodities are subject to controls under the authority of the foreign policy provisions contained in section 6 of the Export Administration Act of 1979.

(iii) Many entries contain special instructions about additional validated license requirements that apply only to certain countries or consignees within country groups (*e.g.,* South African military and police, Soviet Kama River and ZIL truck plants). You are responsible for checking entries for these special controls before assuming that you can use General License G–DEST.

(g) Unit of Quantity. You must enter the quantity in the units given for each commodity under the "UNIT" heading on your export license application. If a unit of quantity other than the one specified in the CCL is commonly used in the trade, you may enter the quantity in terms of that unit in addition to the required unit on your application.

(h) Processing Code. For each ECCN on the Commodity Control List, a processing code, *i.e.,* CD, EE, MG or SS, appears after the heading "Processing Code." You must show a processing code on your application for export license or reexport request, since the Office of Export Administration uses the codes to facilitate the internal routing and processing of export license applications. These processing codes stand for Computer Division (CD), Electronic Equipment Division (EE), Capital Goods and Production Material Division (MG), and Short Supply (SS). You may enter only those ECCNs that have the same processing code on a single application for export license. (See § 372.4(d) for complete information on the inclusion of related commodities on a single application.)

(i) Reason for Control. The "Reason for Control" paragraph for each ECCN specifies the statutory basis under which that commodity is controlled. Reasons for control include:

National security
Short supply (resource assessment)
Foreign policy
Nuclear non-proliferation
Crime control (foreign policy)

In some cases, more than one reason for control is given for one entry. If commodities in a CCL entry are controlled for one reason to some countries, and for another reason to other countries, then the least comprehensive controls are explained. Also, all entries (except those showing "None" under "Validated License Required") are controlled for foreign policy reasons to Country Groups S and Z due to certain embargo programs. In addition, all entries having both a "V" under "Validated License Required" and "National security" under "Reason for Control" may be controlled for foreign policy reasons to Syria and the People's Democratic Republic of Yemen. You can determine if your proposed shipment to Syria or the People's Democratic Republic of Yemen will be reviewed for foreign policy purposes by referring to § 385.4(d) of the Regulations. Applications involving entries having "National security" but not "Nuclear non-proliferation" under "Reason for Control" are subject to nuclear non-proliferation controls if the end-use or end-user is nuclear related. (See § 378.2.) In some cases, different paragraphs in the "List" of sub-items of the CCL entry are controlled for different reasons. In these cases, the different controls are

explained. (For example, see ECCN 1110A.)

(j) The Abbreviation "n.e.s.". The abbreviation "n.e.s." appearing in various CCL entries means "not elsewhere specified." If a commodity you intend to export appears to be covered by a CCL entry and the commodity description carries the limitation "n.e.s." you should not use that CCL entry until you determine whether another CCL entry specifically covers that commodity.

(k) Commodity Description on Application or Reexport Requests. Various CCL entries include phrases such as "specify by name," "specify by name and model number," and "give full specification." OEA requires this information on export license applications or reexport requests in order to evaluate the proposed export. If you fail to provide the requested information, there may be a delay in processing, or OEA may return your application or reexport request without action.

(l) CCL Paragraph References Used on Applications or Reexport Requests. In item 9(c) of your export license application or reexport request, specify following the ECCN the paragraph letter ((a), (b), etc.) of the list of sub-items of that ECCN that corresponds to the commodity you wish to export or reexport.

(m) NATO Countries. The "Validated License Required" paragraph and other special notes in the CCL cite "NATO." The NATO countries are: Belgium, Canada, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom.

Note.—The foreign portion of this § 399.1 describes the CCL. For a more detailed explanation, refer to other parts of the Export Administration Regulations.

GROUP 0—METAL-WORKING MACHINERY

Note.—You need a validated export license to export or reexport technical data related to metal-working machinery to destinations in Country Groups P, Q, S, W, Y or Z. You may use General License GTDR for exports or reexports of technical data to destinations in Country Groups T & V *provided that*—

The technical data are not listed in paragraphs (c) or (d) of 379.4 of the Regulations, *and*

There are no special foreign policy controls on the technical data related to the commodities described in an individual CCL entry.

Note.—All Commodity Control List entries in this Group 0, Metal-Working Machinery, are subject to export controls on the basis of the following criteria:

You need a validated license to export or reexport to the U.S.S.R. if you know or have reason to know the commodity is for any use directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympic Games that began in Moscow on July 19, 1980. These commodities are subject to controls under the authority of the foreign policy provisions contained in section 6 of the Export Administration Act of 1979.

See § 370.10 for commodities that require export authorization from other U.S. Government Departments and Agencies.

2018A Specialized machinery, equipment, gear, and specially designed parts and accessories therefor, specially designed for the examination, manufacture, testing, and checking of arms, appliances, machines, and implements of war.

Controls for ECCN 2018A:

Unit: Report machines in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Australia, Japan, New Zealand, and members of NATO; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; foreign policy.

Special Licenses Available: None.

Special South Africa and Namibia Controls: Commodities defined in ECCN 2018A are subject to the Republic of South Africa and Namibia embargo policy, and no technical data relating to these commodities may be exported under General License *GTDR* to any consignee in the Republic of South Africa or Namibia.

Illustrative List of Specialized Machinery, Equipment, and Gear Controlled by ECCN 2018A

Machines and machine tools and implements or accessories, metal cutting and working, of the following description:

Armor plate drilling machines, other than radial drilling machines
Armor plate planing machines
Armor plate quenching presses
Centrifugal casting machines capable of casting tubes 6 feet (183 cm) or more in length, with a wall thickness of 2 inches (5 cm) and other
Gun barrel rifling and broaching machines, and tools therefor
Gun barrel rifling machines
Gun barrel trepanning machines
Gun boring and turning machines
Gun honing machines of 6 foot (183 cm) stroke or more
Gun jump screw lathes
Gun rifling machines
Gun straightening presses
Induction hardening machines for tank turret rings and sprockets
Jigs and fixtures and other metal-working implements or accessories of the kinds exclusively designed for use in the manufacture of firearms, ordnance, and other stores and appliances for land, sea, or aerial warfare
Small chambering machines
Small arms deep hole drilling machines and drills therefor
Small arms rifling machines
Small arms spill boring machines
Tank turret bearing grinding machines

Advisory Note: Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment used to determine the safety data of explosives, as required by the International Convention on the Transport of Dangerous Goods (C.I.M.), articles 3 and 4 in Annex 1 RID, provided that such equipment will be used only by the railway authorities of current C.I.M. members, or by Government-accredited testing facilities in those countries, for the testing of explosives to transport safety standards, of the following description:

(a) Equipment for determining the ignition and deflagration temperatures;

(b) Equipment for steel-shell tests;

(c) Drophammers not exceeding 20 kg in weight for determining the sensitivity of explosives to shock;

(d) Equipment for determining the friction sensitivity of explosives when exposed to charges not exceeding 36 kg in weight.

1075A Spin-forming and flow-forming machines, double support or three roller types as defined below, and specially designed parts and accessories therefor.

Controls for ECCN 1075A

Unit: Report machines in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: None.

List of Machines Controlled by ECCN 1075A

(a) Horizontal spindle type designed to have or having a drive motor of 80 hp (59 kW) or more; and

(b) Vertical spindle type designed to have or having a drive motor of 50 hp (37 kW) or more.

1080A Machines and equipment, including specialized tooling and fixtures, and specially designed parts and accessories therefor, specially designed for making or measuring gas turbine blades and/or vanes, including but not limited to those machines and equipment described in this ECCN.

Controls for ECCN 1080A

Unit: Report machines in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Illustrative List of Machines and Equipment Controlled by ECCN 1080A

(a) Blade and/or vane belt grinding machines;

(b) Blade and/or vane edge radiusing machines;

(c) Blade and/or vane aerofoil milling and/or grinding machines;

(d) Blade and/or vane blank pre-forming machines;

(e) Blade and/or vane rolling machines;

(f) Blade and/or vane aerofoil shaping machines, *except metal removing type;*

(g) Blade and/or vane root grinding machines;

(h) Blade and/or vane aerofoil scribing equipment;

(i) Blade and/or vane aerofoil and/or root automatic measuring equipment;

(j) Precision vacuum investment casting equipment;

(k) Small hole drilling equipment for producing holes less than 0.030 inch (0.76 mm) in diameter;

(l) Directional solidification casting equipment;

(m) Segmented cast blade and/or vane bonding equipment;

(n) Integral blade-and-disc casting equipment;

(o) Blade and/or vane casting equipment;

(p) Ceramic blade and/or vane molding and finishing machines; and

(q) Inertial blade and/or vane welding machines.

§ 1081A Machinery for use in the manufacture of aircraft as defined below, and specially designed parts and accessories therefor.

Controls for ECCN 1081A

Unit: Report machines in "number"; parts and components in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1000 for Country Groups T & V; $0 for all other destinations.

Processing code: MG.

Reason for control: National security.

Special Licenses Available: See Part 373.

List of Machinery Controlled by ECCN 1081A

(a) Machinery specially designed for the working or forming of aircraft sheet, plate, or extrusion; and

(b) Machinery specially designed for the milling of aircraft skin.

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY provided that the machinery does not present an improvement on machinery in production before the 1st of January of the year ten years preceding the year of the proposed export.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of skin mills for civil aircraft (*i.e.*, for non-strategic, non-nuclear use) covered by paragraph (b) of this ECCN.

1086A Machinery and equipment specially designed for the manufacture of aircraft or aircraft-derived gas turbine engines as defined below, and specially designed parts and accessories therefor.

Controls for ECCN 1086A

Unit: Report machines in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Machinery and Equipment Controlled by ECCN 1086A

(a) Compressor or turbine disc turning machines;

(b) Rotor grinders;

(c) Compressor or turbine disc broaching machines; and

(d) Compressor or turbine disc computerized inspection machines.

1088A Gear making and/or finishing machinery as defined below, and specially designed parts and accessories therefor.

Controls for ECCN 1088A

Unit: Report machines in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Gear Making and/or Finishing Machinery Controlled by ECCN 1088A

(a) Bevel gear making machinery:

(1) Gear grinding machinery (non-generating type);

(2) Other machinery capable of the production of bevel gears of module finer than 0.5 mm (diametral pitch finer than 48) and meeting a quality standard better than DIN 58405 Class 6 (if rated in AGMA or Admiralty standards and not rated in DIN 58405, AGMA 11 or Admiralty Class I shall be considered to be the equivalent of DIN 58405 (Class 6));

(b) Machinery capable of producing gears in excess of AGMA quality level 13 or equivalent (if not rated in AGMA standards, DIN 3963 Class 4 shall be considered equivalent to AGMA quality level 13).

Note.—"Diametral pitch" of a gear is the ratio of the number of teeth to the number of inches in the pitch diameter. It indicates the number of teeth in the gear for each inch of pitch diameter. ("Pitch diameter is the diameter" of the pitch circle which is the circle through the pitch point having its center at the axis of the gear.) "Module" (British or metric) is the ratio of the pitch diameter in millimeters to the number of teeth. The larger the proportion of teeth to pitch diameter, the finer the diametral pitch. Example of diametral pitch: If a gear has a 1-inch pitch diameter and has 48 teeth, the ratio would be 48:1, or a 48 diametral pitch gear. Additional teeth in the same pitch diameter gear, *i.e.*, 49, would result in a finer diametral pitch; fewer teeth, *i.e.*, 47, would result in a gear of coarser diametral pitch. Examination of a gear making or finishing machine may not disclose whether it is capable of producing a gear of finer than 48 diametral pitch. If the exporter has no information on the ability of the machine to be exported for making gears of finer than 48 diametral

pitch, he should obtain the information from the manufacturer or distributor.

Generating type geartooth grinding machines are those in which the grinding wheel and the gear are both power-driven for continuous circular motion while grinding, rather than an intermittent or indexing operation as with the non-generating type.

1091A Units for numerically controlling simultaneously coordinated (contouring and continuous path) movements of machine tools and dimensional inspection machines in two or more axes; machine tools and dimensional inspection machines; Direct Numerical Control (DNC) systems; Specially designed sub-assemblies; and specially designed parts and accessories therefor, as defined in the list below:

Controls for ECCN 1091A

Unit: Report machines in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation, except exports to those countries listed in Supp. Nos. 2 or 3 to Part 373.

Special Licenses Available: None for those dimensional inspection machines that, according to the manufacturer's technical specifications, can be equipped with controls defined in the LIST below of this ECCN 1091A. See Part 373 for special licenses that may be available for other commodities controlled by ECCN 1091A.

List of Commodities Controlled by ECCN 1091A

(a) Units for numerically controlling simultaneously coordinated (contouring and continuous path) movements of machine tools and dimensional inspection machines in two or more axes, *except units having all of the following characteristics:*

(1) *Hardwired (not softwired, i.e., not computerized Numerical Control (CNC));*

(2) *No more than two contouring interpolating axes can be simultaneously coordinated* (interpolating is understood to be any mathematical function including linear and circular; the units may have one or more positioning axes in addition to two contouring axes. The units may have more than one set of two contouring axes (*e.g.*, units controlling two independent railheads on a vertical turret lathe), provided a separate feedrate number is required for each set of two contouring axes, and a single feedrate number (standard or optional) does not control more than two contouring axes);

(3) *Minimum programmable increment equal to or greater (coarser) than 0.001 mm (0.00004 in.); and*

(4) *Without interface to allow direct computer input;*

(b) Machine tools and dimensional inspection machines which, according to the manufacturer's technical specifications, can be equipped with controls described in paragraph (a) above, *except:*

(1) *Boring mills, milling machines, and machining centers, having all of the following characteristics:*

(i) *Maximum slide travel in any axis equal to or less than 3,000 mm (10 ft.);*

(ii) *Positioning accuracy of any axis equal to or greater than +0.01 mm per 300 mm (0.0004 in./ft.) and 0.005 mm for each additional 300 mm (.0002 in./ additional ft.);*

(iii) *Spindle horsepower equal to or less than 20 kW (25 hp);*

(iv) *Single-working spindle;*

(v) *Axial and radial axis motion measured at the spindle axis in one revolution of the spindle equal to or greater than* $D \times 2 \times 10^{-5}$ *mm TIR (peak-to-peak) where D is the spindle diameter in millimeters; and*

(2) *Machines tools (other than the machines described in paragraph (1) above) and dimensional inspection machines having all of the following characteristics:*

(i) *Positioning accuracy of any axis equal to or greater than +0.01 mm per 300 mm (0.0004 in./ft.) and 0.005 mm for each additional 300 mm (0.0002 in./ additional ft.);*

(ii) *Radial axis motion measured at the spindle axis equal to or greater than 0.0008 mm (0.00003 in.) TIR (peak-to-peak) in one revolution of the spindle (for lathes and other turning machines); and*

(iii) *Not more than 3 axes capable of simultaneously coordinated contouring motion regardless of the NC unit connected to the machine:* (The machines in paragraph (b)(1)(*iv*) above may have multiple tool heads or turrets, but only one working spindle (standard or optional) may be operative at a time; the machines defined in paragraphs (b)(1)(*vi*) and (b)(2)(*iii*) above may have more than one work station, but each station shall be limited to 2-axis contouring (*e.g.*, vertical turret lathes with two independent railheads). The machines may have one or more discrete positioning mode axes (*e.g.*, discrete positioning rotary table) in addition to the three contouring axes. Secondary contouring axes parallel to primary contouring axes (*e.g.*, W-axis of a boring mill that has a primary Z-axis) are not to be considered when determining the number of contouring axes; the value of the positioning accuracy described in paragraphs (b)(1)(*ii*) and (b)(2)(*i*) above does not include the width of backlash. This value is determined by the usual statistical methods (random tests), *i.e.*, by approaching from only one direction a minimum of five measurement points up to a maximum of twenty-five measurement positions as random tests along one axis. National standards, *e.g.*, the German VDI–DGQ–3441 and/or the United States NMTBA standard ("Definition and Evaluation of Accuracy and Repeatability for Numerically-controlled Machine-Tools," August 1972), can be taken as binding standards for this measuring method);

(c) Direct Numerical Control (DNC) systems consisting of a dedicated stored program computer acting as a host computer and controlling, on-line or off-line, one or more numerically-controlled machine tools or inspection machines, as defined in paragraph (b) above, related software, and interface and communication equipment for data transfer between the host computer memory, the interpolation functions, and the numerically-controlled machine tools;

(d) Specially designed sub-assemblies that, according to the manufacturer's technical specifications, can upgrade the capabilities of numerical control units and machine tools to meet the specificatons described in paragraph (a), (b), or (c) above; and

(e) Specially designed parts and accessories therefor. (Also see ECCN 1093A.)

Note.—An application for a license to export or reexport machine tools and/or numerical controls controlled by ECCN 1091A to Country Groups P, Q, W, and Y shall include the following information as applicable:

(a) Machine Tools:

(1) Name and model number;

(2) Type;

(3) The number of continuous path controlled axes;

(4) The number of machine axes that can be simultaneously controlled in a contouring mode regardless of the number of axes that are simultaneously controlled by the control system;

(5) The number of positioning axes;

(6) The slide travel for each axis (X, Y, Z, U, V, W, R, or Other);

(7) The guaranteed no load positioning accuracy of each slide over total travel (X, Y, Z, U, V, W, R, or Other);
(8) The spindle horsepower;
(9) The maximum variable controlled feedrate;
(10) The rapid traverse rate; and
(11) The number of working spindles.
(b) Control Systems:
(1) Name and model number;
(2) Type (hardwired, firmwire, software);
(3) Word size;
(4) Size of internal memory;
(5) Number of simultaneously controlled contouring axes and types of interpolation (linear, circular, other);
(6) Number of simultaneously controlled contouring axes and types of interpolation (linear, circular, other) which may be optionally procured;
(7) The minimum programmable increment for each axis;
(8) Interface for direct computer input;
(9) Description of features being provided as part of transaction, (*e.g.*, cutter compensation, program edit, variable pitch threading, etc.);
(10) Description of optional accessories included in transaction;
(11) Description of software being supplied with unit; and
(12) Description of documentation being supplied with unit.

Note.—Numerical control systems for machine tools are systems in which actions are controlled by the direct insertion of numerical data at some point. The system must automatically interpret at least some portion of this data. Units defined in ECCN 1091A include:

(a) Units consisting of fixed and dedicated circuits of discrete logic elements and storage devices (referred to as hardwired units);

(b) Units consisting of and including stored instructions (routines and/or programs), defined as logic states of alterable and nondedicated logic elements which determine various control functions of the machine(s), such as slide movements, cutter compensation, readout, adaptive control, part program editing and tool offset (softwired or stored program units);

(c) Hardwired Unit—a numerical control system wherein fixed and dedicated circuit interconnections of discrete, decision elements are used for primary system control. These circuits may, but not necessarily, include freely programmable memory devices which would be limited to use for data files, part program storage, or output control of machine tool interfacing;

(d) Softwired Unit (Computer Numerical Control (CNC))—a numerical control system which includes:

(1) Computer—a dedicated stored program computer to perform some or all of the basic numerical control functions which include, but may not be limited to, velocity and path generation. A stored program computer is further defined as a computer processor controlled by stored instructions that can synthesize, store, and in some cases, alter instructions as though they were data and subsequently execute these instructions,

(2) Software—a control program (routines and/or programs) stored in the read/write memory of the computer which implements the basic numerical control functions,

(3) Interface—the means by which the data is transmitted between the stored program computer and the machine;

(e) Direct Numerical Control (DNC)—a system connecting a set of numerically controlled machines to a common memory within a computer for part program or machine program storage with provision for on demand distribution of data to the machines. Direct Numerical Control systems typically have additional provisions for collection, display, or editing or part programs, operator instructions, or data related to the numerical control process;

(f) Software—control programs used with CNC and DNC systems, which are stored in a read/write memory of a computer and implement numerical functions, including but not limited to, velocity and path generation, on-line adaptive control and special purpose data distribution, recall, and editing programs for DNC applications. Software used in part programming, *e.g.*, APT, EXAPT, IFAPT, post processor, and similar programs are not considered among these control programs used for CNC and DNC systems.

Note.—Where the system is shipped complete (machine and controls), it shall be reported as a complete machine under the appropriate Export Control Commodity Number (ECCN) for the machine. Where a control system for a machine tool is not shipped as part of the original installation of the machine it shall be reported under ECCN 1091A.

When preparing an *export license application* for a numerical control system, the machine and the control unit are classified separately. If either the machine or the control unit requires a validated license, then the entire system requires a license. If either a machine or a control unit is exported separately from the system, it is classified on the export license application without regard to the other parts of a possible system.

When preparing the *Shipper's Export Declaration* (SED), however, a system being shipped complete (*i.e.*, machine and control unit), should be reported under the Schedule B number for the machine. When either a control unit or a machine is shipped separately, it should be reported under the Schedule B number appropriate for the individual item being exported.

Note.—(a) Units for numerically controlling machine tools and dimension inspection machines defined in ECCN 1091A include those having *all* of the following characteristics:

(1) Hardwired (not softwired, *i.e.*, Computerized Numerical Control (CNC)),

(2) No more than 2 contouring interpolating axes that can be simultaneously coordinated,

(3) Minimum programmable increment equal to or greater (coarser) than 0.001 mm, and

(4) Without interface to enable direct computer input.

(b) Boring mills, milling machines, and machining centers defined in ECCN 1091A include those having *all* of the following characteristics:

(1) Maximum slide travel in any axis equal to or less than 3,000 mm,

(2) Positioning accuracy of any axis equal to or greater than plus or minus 0.01 mm per 300 mm and 0.005 mm for each additional 300 mm,

(3) Spindle power equal to or less than 20 kW,

(4) Single working spindle,

(5) Axial and radial axis motion measured at the spindle axis in one revolution of the spindle equal to or greater than $D \times 2 \times 10^{-5}$ mm TIR (peak-to-peak) where D is the spindle diameter in millimeters, *and*

(6) Not more than 3 axes capable of simultaneously coordinated contouring motion regardless of the NC unit connected to the machine.

(c) Machine tools, other than the machines described in paragraph (b) above, and dimensional inspection machines which, according to the manufacturer's technical specifications, can be equipped with controls covered by paragraph (a) above, are defined in ECCN 1091A if they have *all* of the following characteristics:

(1) Positioning accuracy of any axis equal to or greater than plus or minus 0.01 mm per 300 mm and 0.005 mm for each additional 300 mm,

(2) Radial axis motion measured at the spindle axis equal to or greater than

0.008 mm TIR (peak-to-peak) in one revolution of the spindle (for lathes and other turning machines), *and*

(3) Not more than 3 axes capable of simultaneously coordinated contouring motion regardless of the NC unit connected to the machine.

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of Computer Numerical Control (CNC) units for uses other than aerospace, provided that:

(a) At the time of export, the units are mounted on non-controlled machine tools or equipment;

(b) The CNC units are designed to have all of the following characteristics:

(1) No more than two contouring interpolating axes can be simultaneously coordinated ("Interpolating" is understood to be a mathematical function including linear and circular. Units may not have additional positioning axes.);

(2) The cabinet shall be designed for only 2-axes operation (*i.e.*, there shall be no additional card rack locations, wiring provisions for more than two servoloops, nor physical space for later additions of these types of items);

(3) Memory is limited to and not capable of being extended beyond that enabling a maximum of two-axes simultaneous velocity and path generation, plus 400 characters (8-bit) of part program storage;

(4) Power supply is limited to two-axes operation;

(5) Minimum programmable increment equal to or greater (coarser) than 0.001 mm; and

(6) Without interface to enable data exchange with another computer;

(c) The information exported with and pertaining to the control unit shall:

(1) Be limited to machine language, binary format, control software enabling a maximum of two-axes simultaneous velocity and path generation;

(2) Not include flow charts, logic diagrams, nor source program documentation for the control software;

(3) Reflect only two-axes parameters in all electrical/mechanical installation, operation, or maintenance documentation.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of computer numerical control units not exceeding four (4) axes capability, mounted on and exported with machine tools not exceeding four (4) axes, for aircraft and civil industries use.

1093A Components and specially designed parts for machine tools and dimensional inspection machines described by ECCN 1091A.

Controls for ECCN 1093A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; foreign policy (foreign policy controls are applicable only to commodities defined in paragraph (a) of the LIST below); and nuclear non-proliferation, except exports to countries listed in Supp. Nos. 2 or 3 to Part 373.

Special South Africa and Namibia Controls: Commodites defined in paragraph (a) of ECCN 1093 are subject to the Republic of South Africa and Namibia embargo policy, and no technical data relating to those commodities may be exported under General License *GTDR* to any consignee in the Republic of South Africa or Namibia.

Special Licenses Available: See Part 373.

List of Components and Specially Designed Parts for Machine Tools and Dimensional Inspection Machines Described by ECCN 1091A That Are Controlled by This ECCN 1093A

(a) Spindle assemblies, consisting of spindles and bearings as a minimal assembly, *except those assemblies with axial and radial axis motion measured along the spindle axis in one revolution of the spindle equal to or greater (coarser) than the following:*

(1) 0.0008 mm (0.00003 in.) TIR (peak-to-peak) for lathes and turning machines: or

(2) $D \times 2 \times 10^{-5}$ mm TIR (peak-to-peak) where D is the spindle diameter in millimeters for milling machines, boring mills, jig grinders, and machinery centers;

(b) Lead screws, including ball nut screws, *except those having all of the following characteristics:*

(1) *Accuracy equal to or greater (coarser) than 0.004 mm/300 mm (0.00016 in./ft.);*

(2) *Overall accuracy equal to or greater (coarser) than* $(0.0025 + 5 \times 10^{-6} \times L)$ *mm, where L is the effective length of the screw in millimeters and* $(0.0001 + 5 \times 10^{-6} \times L)$ *in. where L is the effective length of the screw in inches; and*

(3) *Concentricity of the center line of the journal bearing surface and the center line of the major diameter of the screw equal to or greater (coarser) than 0.005 mm (0.0002 in.) TIR (peak-to-peak) at a distance of 3 times the diameter of the screw or less from the journal bearing surface;*

(c) Linear and rotary position feedback units including inductive type devices, graduated scales, and laser systems, *except:*

(1) *Linear types having an accuracy equal to or greater (coarser) than* $(0.0004 + 13 \times 10^{-6} \times L)$ *mm, for L equal to or less than 100 mm and* $(0.0015 + 2 \times 10^{-6} \times L)$ *mm, for L greater than 100 mm, where L is the effective length of the linear measurement in millimeters and* $(0.000016 + 13 \times 10^{-6} \times L)$ *in. for L equal to or less than 4.0 in. and* $(0.00006 + 2 \times 10^{-6} \times L)$ *in., where L in the effective length of the linear measurement in inches; and*

(2) *Rotary types having an accuracy equal to or greater (coarser) than 2 seconds of arc;*

(d) linear induction motors used as drives for slides, having *all* of the following characteristics:

(1) Stroke greater than 200 mm;

(2) Nominal force rating greater than 45 N; and

(3) Minimum controlled incremental movement less than 0.001 mm; and

(e) Specially designed parts and accessories therefor.

4094B Mandrels and bellows forming dies.

Controls for ECCN 4094B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ, and Canada.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: None.

List of Mandrels and Bellows Forming Dies Controlled by ECCN 4094B

(a) Mandrels or forming dies, two piece cylindrical having a single indented circumferential convolution bisected by the two halves and having the following dimensions:

(1) 3 in. to 16 in. outside diameter;

(2) ½ in. or more in length; and

(3) Single convolution depth more than 2 mm.

6098F Metal cutting and metal forming machines and equipment (including tooling, dies, fixtures, and jigs) specially designed or modified for the production or manufacture of equipment described in entries 6191F, 6390F, and 6391F and specially designed parts, components, and accessories therefor.

Controls for ECCN 6098F

Unit: Report in "$ value."

Validated License Required: Country Groups SZ, Afghanistan, and the U.S.S.R. (including Estonia, Latvia, and Lithuania).

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.
Reason for Control: Foreign policy.
Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations, or for use in servicing equipment owned, controlled, or used by or for these entities. See §§ 371.2(c)(11) and 385.4(a).
Special licenses Available: None.

6099G Other metal-working machinery, n.e.s.; and parts and accessories, n.e.s.

Controls for ECCN 6099G

Unit: Report in "$ value."
Validated License Required: Country Groups SZ.
GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.
Processing Code: MG.
Reason for Control: Foreign policy.
Special Licenses Available: None.
Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See §§ 371.2(c)(11) and 385.4(a).

GROUP 1—CHEMICAL AND PETROLEUM EQUIPMENT

Note.—You need a validated export license to export or reexport technical data related to chemical and petroleum equipment to destinations in Country Groups P, Q, S, W, Y, or Z. You may use General License *GTDR* for exports or reexports of technical data to destination in Country Groups T & V *provided that*—

(a) The technical data are not listed in paragraph (c) or (d) of § 379.4 of the Regulations, *and*

(b) There are no special foreign policy controls on the technical data related to the commodities described in an individual CCL entry.

Note.—All Commodity Control List entries in this Group are subject to export controls on the basis of the following criteria:

A validated license is required for export or reexport to the U.S.S.R. if the exporter knows or has reason to know the commodity is for any use directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympic Games that began in Moscow on July 19, 1980. These commodities are subject to controls under the authority of the foreign policy provisions contained in section 6 of the Export Administration Act of 1979.

See § 370.10 for commodities that require export authorization from other U.S. Government Departments and Agencies.

1110A Gas liquefying equipment.

Controls for ECCN 1110A

Unit: Report equipment in "number"; parts and accessories in "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.
Processing code: MG.
Reason for Control: Commodities defined in paragraph (a) below are controlled for national security; (b) and (c) are controlled for national security and nuclear non-proliferation. There are no controls for nuclear non-proliferation reasons to those countries listed in Supp. No. 2 or 3 to Part 373.
Special Licenses Available: None for commodities defined in paragraph (b). See Part 373 for special licenses available for other commodities defined by ECCN 1110A.

List of Gas Liquefying Equipment Controlled by ECCN 1110A

(a) Equipment for the production of liquid hydrogen, *except plants with a capacity of less than 1½ tons per 24-hour day and not designed for, or capable of, the production of hydrogen slush;*

(b) Equipment for the production of liquid fluorine; and

(c) Specially designed parts and accessories therefor.

1118A Equipment for the production of military explosives and solid propellants.

Controls for ECCN 1118A

Unit: Report equipment in "number"; parts and accessories in "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Australia, Japan, New Zealand, and members of NATO (except that there is no limit on exports to Canada); $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security, foreign policy.
Special Licenses Available: None.
Special South Africa and Namibia Controls: Commodities defined in paragraphs (a) and (b) of ECCN 1118A are subject to the Republic of South Africa and Namibia embargo policy and no technical data relating to those commodities may be exported under General license *GTDR* to any consignee in the Republic of South Africa or Namibia.

List of Equipment Controlled by ECCN 1118A

(a) Complete installations;

(b) Specialized components (for example, dehydration presses; extrusion presses for the extrusion of small arms, cannon and rocket propellants; cutting machines for the sizing of extruded propellants; sweetie barrels (tumblers) 6 feet and over in diameter and having over 500 pounds product capacity; and continuous mixers for solid propellants); or

(c) Nitrators, continuous types; and

(d) Specially designed parts and accessories therefor.

2120A Cryogenic equipment.

Controls for ECCN 2120A

Unit: Report equipment in "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: Commodities defined in paragraphs (a), (b)(1) and (b)(2), and (b)(4) below are controlled for national security; (b)(3) and (c) are controlled for national security and nuclear non-proliferation. The countries to which commodities in (b)(3) are not controlled for nuclear reasons are those listed in Supp. Nos. 2 or 3 to Part 373.
Special Licenses Available: None for commodities defined in paragraph (b)(3). See Part 373 for special licenses available for other commodities defined by ECCN 2120A.

List of Cryogenic Equipment Controlled by ECCN 2120A

(a) Equipment designed for maintaining an ambient temperature below −274° F (−170° C):

(1) Designed for use in marine, airborne, or space applications, or

(2) Ruggedized for mobile ground use;

(b) Electrical, magnetic, and electronic equipment or components, and electrical conductors, specially designed for operation continuously or discontinuously at ambient temperatures below −274° F (−170° C), as follows:

(1) Superconductive metals, alloys, compounds, composites, and intercalate materials, *except:*

(i) Superconductive wire having a filament cross-sectional area of $4.42x10^{-3}$sq. mm. (or 75 micron diameter) or greater; or

(ii) *Superconductive niobium-titanium wire having a filament cross-sectional area of $1.26x10^{3}$ sq. mm. (or 40 microns diameter) or greater in a copper matrix;*

(2) Components, the following:

(i) Josephson effect devices;

(ii) Dayem bridges;

(iii) Proximity effect bridges;

(iv) Super-normal-super (SNS) proximity device;

(v) Memory and logic devices; and

(vi) Phase slip devices;

(3) Superconducting electromagnets (including superconducting solenoids) rated for producing peak magnetic inductions of 3 teslas (30 kilogauss) or greater at overall current densities of 10,000 amperes per square centimeter or greater and specialized components therefor, *except:*

(i) Those which can be fully charged/discharged in 1 minute or more, provided that they are not specially designed for gyrotron applications;

(ii) Those which are specially designed to be fully charged/discharged in less than 1 minute and have all of the following characteristics:

(a) Wound with wire, cable or tape consisting of niobium-titanium superconductive filaments in a copper matrix;

(b) Inner diameter less than 6 cm;

(c) Maximum energy delivered per pulse divided by the duration of that pulse not exceeding 500 kJ per minute; and

(4) Superconducting electrical equipment (rotating machines and transformers), and specialized components therefor; *except:*

(i) Superconducting electrical equipment for civil electrical power transmission and distribution;

(ii) Direct current hybrid homopolar generators that have a single-pole normal metal armature operating at ambient temperatures and rotating in a magnetic field produced by superconducting windings, provided these windings are the only superconducting component in the generator; and

(c) Specially designed accessories, sub-assemblies, parts, or components for paragraphs (a) and (b) above.

("Overall current density" is defined as the total number of ampere-turns in the coil (that is, the sum of the number of turns multiplied by the maximum current carried by each turn) divided by the total cross section of the coil (comprising the superconductive filaments, the metallic matrix in which the superconductive filament is embedded, the capsulating material, any cooling channels, etc.).)

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of individual shipments of niobium-titanium wire covered by paragraph (b)(1) above having a filament cross-sectional area of 9.5×10^{-5} sq. mm. (or 11 microns diameter) or greater in a copper matrix, in quantities not exceeding 10 kg.

4127B Pipe valves, having all of the characteristics listed in paragraphs (a), (b) and (c) of the list below; and parts, n.e.s.

Controls for ECCN 4127B

Unit: Report pumps, valves, cocks, and regulators in "number"; parts, controls and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: None.

List of Pipe Valves Controlled by ECCN 4127B

Pipe valves having all *of the following characteristics:*

(a) A pipe size connection of 8 inches or more inside diameter;

(b) All flow contact surfaces *made of or lined with* alloys of 10 percent or more nickel and/or chromium;

(c) Rated at 1,500 psi or more; and

(d) Parts, n.e.s.

4128B Pipes, valves, fittings, heat exchangers, or magnetic, electrostatic or other collectors made of graphite or stainless steel, or of other materials coated in graphite, yttrium or yttrium compounds resistant to the heat and corrosion of uranium vapor.

Controls for ECCN 4128B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: See Part 373.

1129A Vacuum pumps.

Controls for ECCN 1129A

Unit: Report pumps, valves, cocks, and regulators in "number"; parts, controls, and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Vacuum Pumps Controlled By ECCN 1129A

(a) Turbo-molecular pumps having a higher capacity than 2,000 liters of nitrogen per second;

(b) Diffusion pumps rated for unbaffled pumping speeds of more than 50,000 liters of nitrogen per second at pressures of 10^{-4} mm of mercury or less;

(c) Cryopump systems (*i.e.*, systems in which the circulation of liquefied gas is used to achieve a vacuum, static or dynamic, by lowering the temperature of the environment) designed to operate at temperatures of less than −328° F (−200° C) measured at atmospheric pressure; and

(d) Specially designed parts, controls and accessories for the above pumps.

1131A Pumps (except vacuum pumps listed under Entry 1129A) having any of the characteristics in paragraphs (a) and (b) of the list below, and specially designed parts and accessories therefor.

Controls for ECCN 1131A

Unit: Report pumps, valves, cocks, and regulators in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; national security and nuclear non-proliferation for commodities defined in paragraphs (a) and (c) of the List below.

Special Licenses Available: None for commodities defined in paragraph (a) below. See Part 373 for special licenses available for other commodities defined in ECCN 1131A.

List of Pumps Controlled by ECCN 1131A:

Pumps having any *of the following characteristics:*

(a) Pumps designed to move molten metals by electromagnetic forces; or

(b) Pumps having all flow contact surfaces made of 90 percent or more tantalum, titanium, or zirconium, either separately or combined, *except when such surfaces are made of materials containing more than 97 percent and less than 99.7 percent titanium:* and

(c) Specially designed parts and accessories therefor.

Advisory Note.—For paragraph (b) of this ECCN 1131A, licenses are likely to be approved for export of pumps to bona fide civil end-users in Country Groups PQSWY for non-aerospace end-uses.

3131A Valves, 0.5 cm or greater in diameter, with bellows seal, wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel, either manually or automatically operated; and specially designed parts and accessories therefor.

Controls for ECCN 3131A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ and Canada.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: National security and nuclear non-proliferation.

Special Licenses Available: None

1133A Valves, cocks and pressure regulators having all flow contact surfaces made of 90 percent or more tantalum, titanium, or zirconium, either separately or combined, except when such surfaces are made of materials containing more than 97 percent and less than 99.7 percent titanium; and specially designed parts and accessories therefor.

Controls for ECCN 1133A

Unit: Report pumps, valves, cocks, and regulators in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for County Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Advisory Note.—Licenses are likely to be approved for export of valves, cocks and pressure regulators to bona fide civil end-users in Country Groups PQSWY for non-aerospace end-uses.

1142A Tubing.

Controls for ECCN 1142A

Unit: Report tubing in "feet."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Tubing Controlled by ECCN 1142A

(a) Tubing made of, lined with, or covered with any of the fluorocarbon materials covered by paragraph 1754A(a)(2), unreinforced, heat shrinkable and having an inner diameter (before shrinkage) of less than 1⅛ inches (28.57 mm); and

(b) Reinforced tubing (including connectors and fittings for usage with such tubing) incorporating coagulated dispersion grades of polytetrafluoroethylene, copolymers of tetrafluoroethylene and hexafluoropropylene, or any of the fluorocarbon materials covered by paragraph 1754A(a)(2), and designed for operating (working) pressures of 3,000 psi (210.9 kg/cm^2) or greater, whether or not specially processed to make the flow surfaces electrically conductive.

1145A Containers, jacketed only, specially designed for the storage and/or transportation of liquid fluorine, and specially designed parts and accessories therefor.

Controls for ECCN 1145A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

6191F Other chemical and petroleum equipment specially designed or modified for the exploration or production of petroleum or natural gas; and specially designed parts, components, and accessories therefor.

Controls for ECCN 6191F

Unit: Report in "$ value."

Validated License Required: Country Groups S & Z, Afghanistan, and the U.S.S.R. (including Estonia, Latvia, and Lithuania).

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Special Licenses Available: Not applicable.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).

Illustrative List of Petroleum and Natural Gas Exploration and Production Equipment Subject to Validated License Control for Export to the U.S.S.R., Estonia, Latvia, Lithuania, and Afghanistan. This List is Illustrative Only; It does not Include all Commodities Controlled by CCL Entry 6191F:

(1) All equipment specially designed or modified for off-shore floating or bottom-supported drilling and producing structures, including all gathering equipment.

(2) Rotary type well drilling rigs and derricks.

(3) Parts, accessories, and equipment for well drilling machines, including, but not limited to, drill bits, box and pin tool joints, drill pipe, drill collars, rotary tables, and blow-out preventors.

(4) Petroleum gas-lift equipment.

(5) Oil well and oil field pumps, including, but not limited to, high performance types of submersible or conventional pumping units.

(6) Wireline and downhole equipment and accessories, including, but not limited to, collars, stabilizers, mandrels, packers, multi-completion equipment, gun perforators, and telemetry equipment.

(7) Optical, electrical or electronic geophysical and mineral prospecting instruments, including magnetic, gravimetric, seismic, bore-hole logging and high-resolution remote sensing equipment.

6199G Other chemical and petroleum equipment n.e.s.; and parts and accessories, n.e.s.

Controls for ECCN 6199G

Unit: Report in "$ value."

Validated License Required: Country Groups S & Z.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.
Processing Code: MG.
Reason For Control: Foreign policy.
Special South Africa and Namibia Controls: A validated license is also required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).
Special Licenses Available: None.

GROUP 2—ELECTRICAL AND POWER-GENERATING EQUIPMENT

Note.—You need a validated export license to export or reexport technical data related to electrical and power-generating equipment to destinations in Country Groups P, Q, W, Y, or Z. You may use General License GTDR for exports or reexports of technical data to destinations in Country Groups T & V *provided that*—

(a) The technical data are not listed in paragraph (c) or (d) of § 379.4 of the Regulations, *and*

(b) There are no special foreign policy controls on the technical data related to the commodities described in an individual CCL entry.

Note.—All Commodity Control List entries in this Group are subject to export controls on the basis of the following criteria:

You need a validated license to export or reexport to the U.S.S.R. if you know or have reason to know the commodity is for any use directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympic Games that began in Moscow on July 19, 1980. These commodities are subject to controls under the authority of the foreign policy provisions contained in section 6 of the Export Administration Act of 1979.

See § 370.10 for commodities that require export authorization from other U.S. Government Departments and Agencies.

120A Electric Vaccum Furnaces.

Controls for ECCN 1203A

Unit: Report "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: See Part 373.

List of Electric Vacuum Furnaces Controlled by ECCN 1203A

(a) Consumable electrode vacuum arc furnaces with a capacity in excess of 20 tons;

(b) Skull type vacuum arc furnaces; and

(c) Specialized parts and controls for the above furnaces.

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of electric vacuum furnaces with a capacity up to 499 tons.

4203B Electric furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites, whether as standing bodies, coatings, linings, or substrates; and parts, accessories and attachments, n.e.s. (Specify by name and characteristic).

Control for ECCN 4203B

Unit: Report in "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $1000 for Country Groups T, V and Q; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: See Part 373.

1205A Electromechanical, semiconductor, and radioactive devices for the direct conversion of chemical, solar, or nuclear energy to electrical energy.

Controls for ECCN 1205A

Unit: Report in "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.
Processing Code: EE.
Reason for Control: National security; paragraphs (c) and (d) of the LIST below are also controlled for nuclear non-proliferation. There are no controls for nuclear non-proliferation reasons on exports to those countries listed in Supp. Nos. 2 or 3 to Part 373.
Special Licenses Available: Distribution License is available for shipments of commodities defined in ECCN 1205A (a) and (c) to countries listed in Supp. No. 2 or 3 to Part 373. See Part 373 for special licenses that may be available for other commodities covered by ECCN 1205A (including those listed in paragraph (a)(2)(iii)).

List of Electromechanical, Semiconductor, and Radioactive Devices Controlled by ECCN 1205A

(a) Electrochemical devices, as follows:

(1) Fuel cells operating at temperatures of 392° F (200° C) or less, including regenerative cells, *i.e.*, cells for generating electric power, to which all the consumable components are supplied for outside the cell (the temperature of 392° F (200° C) or less is intended to refer to the fuel cell and not to the fuel conditioning equipment, which may be either an ancillary or an integral part of the fuel cell battery and which may operate at over 392° F (200° C));

(2) Primary cells and batteries having *any* of the following characteristics:

(i) Possessing a means of activation and having an open circuit storage life in the unactivated condition, at a temperature of 70° F (21° C), of 10 years or more;

(ii) Capable of operating at temperatures from below −13° F (−25° C) to above 131° F (55° C), including cells and cell assemblies (other then dry cells) possessing self-contained heaters; or

(iii) Utilizing a lithium anode with lithium salt solute in organic solvent (non-aqueous) electrolyte and having an energy density at the 24-hour discharge rate of greater than 100 Watt-hours per pound at −75° F (−24° C) and greater than 35 Watt-hours per pound at −20° F (−29° C) (Energy density is obtained by multiplying the average power in watts (average voltage times average current in amperes) by the duration of the discharge in hours to 90 percent of the initial load voltage and dividing by the total weight of the cell (or battery) in pounds. As regards secondary (rechargeable) batteries, energy density is measured after 500 charge/discharge cycles.);

(3) Mechanically rechargeable leak-proof batteries having cells with removable zinc plates with porous air electrodes and immersed in electolyte of potassium hydroxide; or

(4) Molten salt electrolyte cells and batteries which normally operate at temperature of 302° F (150° C) or below;

(b) Photo-voltaic cells, as follows:

(1) With a power output of 14 mW or more per sq. cm. under 100 mW per sq. cm. tungsten (2,800° K illumination);

(2) All gallium arsenide photo-voltaic cells excluding those having a power output of less than 4 mW measured by the above technique; or

(3) With a power output of 450 mW or more per sq. cm. under 10 Watts per sq.

cm. silicon carbide (1,750° K) illumination;

(c) Power sources other than nuclear reactors based on radioactive materials systems (see also paragraphs 1570A(c) and (d)), *except:*

(1) *Those having an output power of less than 0.5 Watt and a total weight of more than 200 lbs. (90.7 kg); or*

(2) *Those specially designed and developed for medical use within the human body;* and

(d) Specialized parts, components, and sub-assemblies of the above devices.

(Specify by name and type number.)

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of fuel cells covered by paragraph (a)(1) above, having a maximum output power level greater than 10kW using gaseous pure hydrogen and oxygen/air reactants, alkaline electrolytic, and a catalyst support by carbon either pressed on a metal mesh electrode, or attached to a conducting porous plastic.

2. licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of devices defined in paragraph (c) above, having an output power of 0.5 Watt or more and an overall efficiency of 6 percent or less. (The overall efficiency is obtained by dividing the electrical output, expressed in watts, by the thermal input, expressed in watts. It is understood that this efficiency is to be measured at the beginning of life.)

1206A Electric arc devices for generating a flow of ionized gas in which the arc column is constricted, except devices wherein the flow of gas is for isolation purposes only and devices of less than 100 kW for cutting, welding, melting, plating and/or spraying: equipment incorporating such devices; and specially designed parts, accessories, and control or test equipment for such devices.

Controls for Entry 1206A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T and V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security, nuclear-non-proliferation. There are no controls for nuclear non-proliferation reasons on exports to those countries listed in Supp. Nos. 2 or 3 to Part 373.

Special licenses Available: A Distribution License is available for shipments to countries listed in Supp. Nos. 2 or 3 to Part 373

(a) Peak boom power exceeding 500 MW;

(b) Output energy exceeding 500 kV; and

(c) An output beam intensity exceeding 2,000 amperes with a pulse width of 0.2 microseconds or less; and

(d) Specially designed parts and accessories therefor.

6299G Other electrical and power generating equipment, n.e.s.; and parts and accessories, n.e.s.

Controls for ECCN 6299G

Unit: Report in "$ value."

Validated License Required: Country Groups SZ.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Special South Africa and NAMBIA Controls: A validated license is required for export to the Republic of South Africa and Namibia of commodities defined in ECCN 6299G if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).

Special Licenses Available: None.

GROUP 3—GENERAL INDUSTRIAL EQUIPMENT

Note.—You need a validated export license to export or reexport technical data related to general industrial equipment to destinations in Country Groups P, Q, S, W, Y, or Z. You may use General License *GTDR* for exports or reexports of technical data to destinations in Country Groups T & V *provided that*—

(a) The technical data are not listed in paragraphs (c) or (d) of § 379.4 of the Regulations, *and*

(b) There are no special foreign policy controls on the technical data related to the commodities described in an individual CCL entry.

Note.—All Commodity Control List entries in this Group are subject to export controls on the basis of the following criteria:

You need a validated license to export or reexport to the U.S.S.R. if you know or have reason to know the commodity is for any use directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympics that began in Moscow on July 19, 1980. These commodities are subject to controls under the authority of the foreign policy provisions contained in section 6 of the Export Administration Act of 1979.

See § 370.10 for commodities that require export authorization from other U.S. Government Departments and Agencies.

For Mechanical Measuring Instruments, See ECCN No. 1532.

1305A Metal rolling mills.

Controls for ECCN 1305A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1000 for Country Groups T and V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Definitive List of Metal Rolling Mills Controlled by ECCN No. 1305A

(a) Mills specially designed or re-designed for the rolling of metal and alloys with a melting point exceeding 1,900° C; and

(b) Specialized controls, parts, and accessories for the above mills.

1312A Presses and specialized controls, accessories and parts.

Controls for ECCN 1312A

Unit: Report machines in "number," parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1000 for Country Groups T and V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; paragraphs (c) and (d) of the List below are also controlled for nuclear non-proliferation.

Special Licenses Available: No special license is available for commodities in paragraph (c) of the List below: Isostatic presses, and control equipment, accessories, and parts that are specially designed for the presses described in paragraph (c); see Part 373 for special licenses that may be available for other types of presses, specialized controls, parts and accessories controlled by this entry.

List of Presses and Specialized Controls, Accessories and Parts Controlled by ECCN 1312A

(a) Presses specially designed or re-designed for the working or forming of metals, alloys, or other materials with a melting point exceeding 3,452° F (1,900° C);

(b) Hydraulic presses, as follows:
(1) Vertical presses having a total rated force of over 10,000 tons; or
(2) Horizontal presses having a total rated force of over 5,000 tons;
(c) Isostatic presses, as follows (isostatic presses are those capable of pressurizing a closed cavity through various media (gas, liquid, solid particles, etc.) to create equal force in all directions within the cavity upon a workpiece or material):
(1) Capable of achieving a maximum working pressure of 20,000 psi (1,406 kg/cm ^{2}) or greater and possessing a chamber cavity with an inside diameter in excess of 16 inches (40.6 cm); or
(2) Capable of achieving maximum working pressure of 5,000 psi (351 kg/cm ^{2}) or greater and having a controlled thermal environment within the closed cavity, except those possessing a chamber cavity with an inside diameter of less than 5 inches (127 mm) and which are also capable of achieving and maintaining a controlled thermal environment only between +176° F (+80° C) and −31° F (−35° C); and
(d) Control equipment, accessories, and parts which are specially designed for the above presses.

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of hydraulic presses defined in paragraph (b) above, provided that:
(i) The total rated force is less than 30,000 tons for cervical presses, and 10,000 tons or less for horizontal presses;
(ii) The presses are not specially designed for use in forming aircraft, missile or space vehicle parts, in powder metallurgy or in ceramics production; and
(iii) The presses could not reasonably be used for strategic purposes.
2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of isostatic presses defined in paragraph (c) above, provided that:
(i) Isostatic presses having a controlled thermal environment within the closed cavity are limited as follows:
(a) Maximum working pressure not exceeding 20,000 psi (1,406 kg/cm ^{2});
(b) Chamber cavity with an inside diameter not exceeding 10 inches (25.4 cm);
(c) Capable of achieving and maintaining a controlled thermal environment within the closed cavity of no greater than 1,200° C;
(ii) Isostatic presses, other than those defined in sub-paragraph (i) above, are limited as follows:
(a) Maximum working pressure not exceeding 30,000 psi (2,109 kg/cm ^{2});
(b) Chamber cavity with an inside diameter not exceeding 20 inches (50.8 cm); and provided the equipment will be used for specific non-strategic applications and will not be used for any nuclear aerospace applications.
3. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of normal amounts of equipment defined in paragraph (d) above to service pressses licenses for export under Advisory Note 1 above.

2317A Miscellaneous equipment and materials.

Controls for ECCN 2317A

Unit: Report in "$ value."
GLV $ Value Limit: $1000 for Country Groups PQSTVWYZ; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security; paragraphs (d) and (e) of the Illustrative List are also controlled for foreign policy reasons.
Special South Africa and Namibia Controls: Commodities defined in paragraph (d) of ECCN 2317A, and specially designed parts and accessories, are subject to the Republic of South Africa and Namibia embargo policy, and no technical data relating to those commodities may be exported under General License *GTDR* to any consignee in the Republic of South Africa or Namibia.
Special Licenses Available: See Part 373.

Illustrative List of Miscellaneous Equipment and Materials Controlled by ECCN No. 2317A

(a) Closed and semi-closed circuit (rebreathing) apparatus for diving and underwater swimming;
(b) Specially designed components for use in the conversion of open-circuit apparatus to military use;
(c) Power controlled searchlights and control units therefor, designed for military use, and equipment mounting such units;
(d) Construction equipment built to military specifications, specially designed for airborne transport; and
(e) Specially designed parts and accessories therefor.

2319A Environmental chambers capable of pressures below 10^{-4} Torr, and specialized parts, components, and ancillary equipment therefor.

Controls for ECCN 2319A

Unit: Report by "$ value."
Validated License Required: Country groups PQSTVWYZ.
GLV $ Value Limit: $1000 for Country Groups PQSTVWYZ; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: See Part 373.

3336A Plants specially designed for the production of uranium hexafluoride (UF_6) and specially designed or prepared equipment (including UF_6 purification equipment), and specially designed parts and accessories therefor.

Controls for ECCN 3336A

Unit: Report by "$ value."
Validated License Required: Country Groups PQSTVWYZ and Canada.
GLV $ Value Limit: $0 for all destinations.
Processing Code: MG.
Reason for Control: National security and nuclear non-proliferation.
Special Licenses Available: None.
Technical Data: No technical data (including operating and maintenance instructional material) related to the commodities defined in ECCN 3336A may be exported under General License *GTDR;* a validated license is required for all destinations, *including Canada.*

4337B Compressors and blowers especially designed or prepared to be corrosion resistant to hydrogen sulfide, and having all of the characteristics as described in this entry.

Controls for ECCN 4337B

Unit: Report by "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value: $0 for all destinations.
Processing Code: MG.
Reason for Control: Nuclear non-proliferation.
Special License Available: None.

Definitive List of Characteristics Describing Compressors and Blowers Controlled by Entry No. 4337B

(a) Capable of sustaining a pressure in hydrogen sulfide in excess of 15 atmospheres;
(b) Having an intake-to-discharge pressure ratio between 0.3 and 3.0; and
(c) Having a capacity equal to or equivalent to or requiring at least 500 hp.

1352A Machinery specially designed for the extrusion of materials covered by ECCN No. 1754, paragraph (a)(2); and specially designed parts, components and accessories therefor.

Controls for ECCN 1352A

Unit: Report by "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T and V; $0 for all other destinations.

Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: See Part 373.

1353A Equipment specially designed for the manufacture of communication cable described in ECCN 1526; and specially designed parts and accessories therefor.

Controls for ECCN 1353A

Unit: Report by "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value: $500 for Country Groups T and V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: See Part 373.

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment specially designed for the maunfacture of cable defined in ECCN 1526A, sub-paragraph II(b).

1355A Machinery and equipment for the manufacture of electronic equipment, components and materials; related test gear; parts and components and specialized controls and accessories thereof.

Controls for ECCN 1355A

Unit: Report photographic plates in "sq. ft." when applicable, and machinery and equipment in "number."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $100 for commodities defined in paragraphs (b)(2) (i) and (ii) of the Definitive List to Country Groups T and V; $500 for other commodities for Country Groups T and V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security.
Special License Available: See Part 373.

Definitive List of Machinery and Equipment Controlled by ECCN 1355A

(a) Equipment specially designed for the manufacture of embargoed vacuum and gas-filled tubes, and of parts and sub-assemblies thereof;

(b) Equipment for the manufacture of semi-conductor, acoustic wave and film memory devices, of electronic equipment and components defined by paragraphs II (b) and (c) of the illustrative list in ECCN and of parts, materials and sub-assemblies thereof, as follows (See Technical Notes 1 through 4 at the end of ECCN 1355):

(1) Equipment for the processing of semi-conductor materials for the manufacture of devices, equipment and components specified in paragraph (b) as follows:

(i) Equipment for the deposition of electronic grade polycrystalline silicon in the form of rods (ingots, boules), pellets, sheets or small particles, from silane (SiH_4), silicon tetrachloride ($SiCl_4$), trichlorosilane ($SiHCl_3$), dichlorosilane (SiH_2Cl_2) or monochlorosilane (SiH_3Cl);

Note.—For the definition of electronic grade polycrystalline silicon, see ECCN No. 1757A.

(ii) Equipment specially designed for purifying or processing III–VI and II–VI semi-conductor materials covered by ECCN No. 1757A, except crystal pullers, for which see sub-paragraph (iii) below;

(iii) Crystal pullers, furnaces, and gas systems, as follows:

(a) Types with digitally controlled temperature, power input or gas flow;

(b) Diffusion, oxidation and annealing furnaces for operation at pressures above 1 atmosphere (nominal);

(c) Plasma-enhanced or photo-enhanced chemical reactor equipment;

(d) Equipment for automatic control of crystal taper and diameter, *except taper and diameter control mechanisms using any of the following equipment techniques:*

(1) *Radiation pyrometers;*

(2) *Thermocouples;*

(3) *RF power sensors;*

(4) *Mass weighing (without digital or anomally control permitting the growth of semiconductors);*

(e) Crystal pullers having any of the following characteristics:

(1) Rechargeable without replacing the crucible container;

(2) Capable of operation at pressures above 10^5 pascals (1 atmosphere absolute);

(3) Capable of pulling crystals of a diameter greater than 76.2 mm (3 inches);

(f) Vacuum induction-heated zone-refining equipment for operation at a pressure of 0.01 pascal or less;

(iv) Equipment for the expitaxial growth of semi-conductor materials having either of the following characteristics:

(a) Operation at pressures below 10^5 pascals (1 atmosphere absolute);

(b) Digitally controlled;

(v) Molecular beam epitaxial growth equipment;

(vi) Magnetically enhanced sputtering equipment (Note.—"Magnetically enhanced" refers to equipment incorporating a cathode assembly having an integral magnetic structure for enhancing the plasma intensity.);

(vii) Equipment designed for ion implantation, or for ion-enhanced or photo-enhanced diffusion;

(viii) Equipment for selective or non-selective removal by dry methods of passivation layers, dielectrics, semi-conductor materials, resists or metals; *except vacuum sputtering equipment designed to operate in the sputter-etch mode:*

(ix) Equipment for semi-conductor device fabrication operating below 10^5 pascals (1 atmosphere absolute) for the chemical vapor deposition of oxides, nitrides, metals and polysillicon; *except re-active-sputtering equipment:*

(x) Electron beam systems, *except electron beam deposition systems,* (including all scanning electron microscopes), capable of mask making or semi-conductor device processing and having any of the following characteristics;

(a) Electrostatic beam deflection;

(b) Shaped, non-Gaussian beam profile;

(c) Beam blanking capability *except those equipped for Auger analysis;*

(d) Digital-to-analog conversion rate greater than 3 MHz;

(e) Digital-to-analog conversion accuracy greater than 12 bits;

(f) Target-to-beam position feedback control precision of 1 micrometer or finer;

(xi) Automatic sawing equipment, specially designed for the processing of semi-conductor wafers and capable of slicing ingots of 3 inches (76.2 mm.) or greater in diameter;

(xii) Surface finishing equipment, specially designed for the processing of semi-conductor wafers and having any of the following characteristics:

(a) Waxless or non-adhesive mounting;

(b) Double-sided simultaneous polishing;

(c) Capable of polishing wafers greater than 2 inches (50.8 mm.) in diameter.

(2) Masks, mask substrates, mask-making equipment and image transfer equipment for the manufacture of devices, equipment and components specified in paragraph (b) as follows:

(The term "masks" refers to those used in electron beam lithography, X-ray lithography, and for ultraviolet lithography, as well as the usual ultraviolet and visible photo-lithography.)

(i) Finished masks and mask artwork;

(ii) Hard surface (e.g., chromium, silicon, iron oxide) costed substrates (e.g., glass, quartz, sapphire) for the preparation of masks having dimensions

greater than 76.2 x 76.2 mm (3 x 3 inches);

(iii) Computer-aided design (CAD) equipment, for transforming schematic of logic diagrams into artwork for producing semi-conductor devices or microcircuits, having any of the following functions:

(a) Storage of pattern cells for subdivision of integrated circuits;

(b) Scaling, positioning, or rotation of pattern cells;

(c) Interactive graphic capabilities;

(d) Design rule and circuit checking;

(e) Circuit layout modification of the arrangement of the elements;

(iv) Computer programs which perform any of the functions in sub-paragraph (iii) above; or which can be used for integrated circuit transient analysis, or for integrated circuit logic analysis or logic checking, or for automatic routing or cell placement for integrated circuits;

(v) Mask fabrication machines using photo-optical methods as follows:

(a) Step and repeat cameras capable of producing arrays larger than 63.5 mm (2.5 x 2.5 inches), or capable of producing a single exposure larger than 3.75 x 3.75 mm (0.15 x 0.15 inches) in the focal plane, or capable of producing useful line widths of 3.5 micrometers or less;

(b) Pattern generators specially designed for the generation and/or manufacture of masks or the creation of patterns in photosensitive layers and with placement precision finer than 10 micrometers;

(c) Mask fabrication equipment containing automatic adjustment of focus or adjustment of the mask material into the focal plane;

(d) Equipment for altering masks to remove defects;

(For electron-beam systems, see sub-paragraph (b)(1)(x) of ECCN 1355.)

(vi) Mask inspection equipment as follows:

(a) For comparison with a precision of 0.75 micrometer or finer over an area of 63.5 x 63.5 mm (2.5 x 2.5 inches) or greater;

(b) Digitally controlled equipment with a resolution of 0.25 micrometer or finer and with a precision of 0.75 micrometer or finer over a distance in one or two coordinates of 63.5 mm (2.5 inches) or greater;

(c) Digitally controlled defect inspection equipment (conventional scanning electron microscopes, except when specially designed and instrumented for automatic pattern inspection, are not covered by sub-paragraph (vi)(c)).

(vii) Align and expose equipment using photo-optical methods, including projection image transfer equipment, capable of performing any of the following functions:

(a) Production of a useful pattern size of less than 5 micrometers;

(b) Alignment with a precision finer than 1 micrometer;

(c) Field coverage greater than 76.2 x 76.2 mm (3 x 3 inches);

(d) Wafer backside alignment;

(e) Automatic alignment by the sensing of patterns or index marks on the substrate;

(f) Projection image transfer for processing slices (wafers) of 50.8 mm (2 inches) or greater in diameter;

(Non-contracting (proximity) image transfer equipment is covered only by sub-paragraph (b)(2)(vii) (a) to (vii)(e) of ECCN 1355A.)

(viii) Electron beam, ion beam, or X-ray equipment for projection image transfer;

(For laser equipment, see Technical Note 3 below);

(ix) Photo-optical or non-photo-optical step and repeat or partial field equipment for the transfer of the image onto the wafer;

(x) Mask contact image transfer equipment for imaging a field greater than 76.2 x 76.2 mm (3 x 3 inches).

(3) Digitally controlled inspection equipment for the detection of defects in processed wafers or chips using optical pattern comparison or other machine scanning techniques.

(Conventional scanning electron microscopes, except when specially designed and instrumented for automatic pattern inspection, are not defined by this paragraph.);

(4) Equipment for the assembly of microcircuits as specified in the heading of paragraph (b) as follows:

(i) digitally controlled die (chip) mounters;

(ii) digitally controlled wire bonders and welders for performing consecutive bonding operations;

(iii) Equipment for producing multiple bonds in a single operation (e.g., beam lead bonders, chip carrier bonders, tape bonders);

(5) Digitally controlled wafer probing equipment having any of the following characteristics:

(i) Positioning accuracy finer than 50 micrometers, or incremental steps finer than 6.4 micrometers;

(ii) Individual die location read-out (X–Y position information) during testing;

(iii) Capability of testing devices having more than a total of 24 terminals;

(iv) Automatic slice (wafer) alignment;

(6) Test equipment as follows (for standard test instruments, see ECCN No. 1529):

(i) Computer-controlled equipment specially designed for testing discrete semi-conductor devices and unencapsulated dice, capable of performing any of the following functions:

(a) Measurement of time intervals of less than 10 nanoseconds;

(b) Measurement of parameters (*e.g.*, f*T*, S-parameters, noise figure) at frequencies greater than 250 MHz;

(c) Resolution of currents of less than 100 picoamperes;

(d) Measurement of spectral response at wavelengths outside the range from 450 to 950 nanometers;

(Discrete semi-conductor devices include, for example, diodes, transistors, thyristors, photocells, and solar cells)

(ii) Digitally controlled equipment specially designed for testing microcircuits, and assemblies thereof, capable of performing any of the following functions:

(a) Functional (truth table) testing at a pattern rate greater than 2 MHz;

(b) Resolution of currents of less than 1 nanoampere;

(c) Testing of integrated circuits (not mounted on circuit boards) in packages having more than a total of 24 terminals;

(This sub-entry does not cover equipment specially designed for and dedicated to the testing of circuits not covered by ECCN No. 1564A)

(d) Measurement of rise times, fall times and edge placement times with a resolution of less than 20 nanoseconds.

Technical Notes: 1. The terms "microcircuit" and "assembly" are defined in ECCN 1564A.

2. Test equipment that is not of a general-purpose nature and that is specially designed for, and dedicated to, testing assemblies or a class of assemblies for home and entertainment applications is not controlled by sub-paragraph (b)(6) of ECCN 1355A.

3. Equipment that is used in the manufacture and processing of semi-conductors and semi-conductor materials and that is specially designed to employ lasers and/or laser technology is controlled by ECCN No. 1522A.

4. The term "digitally controlled" refers to automated equipment whose functions are partially or entirely controlled by stored, digitally coded, electrical signals. This does not include equipment with controls using the following:

(a) Cams and other purely mechanical means;

(b) Switches including thumbwheel switches;
(c) Plugboards;
(d) On-off and analog controllers;
(e) Diode matrices;
(f) Punched paper tape controls without internal memory.

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of crystal pullers controlled by sub-paragraph (b)(1)(ii)(e)(2) which can be operated at pressures up to 2.5×10^5 pascals (2.5 atmospheres absolute).

2. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of conventional optical (not including projection equipment) equipment used for mask fabrication and processing provided that the equipment was introduced into industry prior to 1977. For example, photolithographic contact mask align and exposure systems with resolution in the 3 to 4 micrometer range may be approved.

1356A Machinery for the working of synthetic film used as magnetic recording tape: equipment, components, and parts specially designed for the continuous coating of polyester base magnetic tape subject to embargo under paragraph (d) of ECCN 1572A or free from embargo under Exception 3 to ECCN No. 1572A.

Controls for ECCN 1356A

Unit: Report in "$ value."
Validated License required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T and V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: See Part 373.

1357A Filament winding, tape-laying and interlacing machines using materials described in ECCN 1763A.

Controls for ECCN 1357A

Unit: Report in "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T and V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security and nuclear non-proliferation.
Special Licenses Available: None.

Definitive List of Filament Winding, Tape-laying and Interlacing Machines as Controlled by ECCN 1357A

(a) Machines of which the motions for positioning, wrapping, and winding of fibers are coordinated and programed in three or more axes, specially designed to fabricate composite structures or laminates from fibrous and filamentary materials, and the mechanical parts of the machines, coordinating, and programing controls; or

(b) Machines of which the motions for positioning and laying of tapes and sheets are coordinated and programed in two or more axes, especially designed for the manufacture of composite airframe and missile structures; or

(c) Machines, including specialized parts, components, adapters and modification list, for weaving, interlacing or braiding fibers to fabricate composite structures, except textile machinery which has not been modified for the above end-uses; and

(d) Specialized parts, components, and accessories therefor.

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups POSWY of filament winding, tape-laying and interlacing machines using materials defined in ECCN 1763A, controlled by paragraph (a) of ECCN 1357A.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of machines capable of positioning, wrapping and winding fibers, programmable up to three (3) axes, non-strategic, non-nuclear related applications.

1358A Machinery and equipment specially designed for the manufacture of devices and assemblies embargoed by paragraph (b), (c), (d), or (e) of ECCN 1588A and for magnetic recording media, other than tape, embargoed by paragraph (d) of ECCN 1572A or free from embargo under Exception 3(c) (4) to ECCN No. 1572A (for magnetic tape production equipment, see ECCN No. 1356A)

Controls for ECCN 1358A

Unit: Report in "$ value."
Validated License Required: Country Group PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T and V, $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: See Part 373.

Definitive List of Machinery and Equipment Covered by Entry 1358A

(a) Equipment for the manufacture of single and multi-aperture forms described in paragraphs (b), (c), and (d) of ECCN 1588 as follows:

(1) Automatic presses to produce types described in (a) above;

(2) Press dies to produce types described in (a) above; and

(3) Automatic equipment for monitoring, grading, sorting, exercising and/or testing of types described in (a) above;

(b) Equipment for the manufacture of thin film memory storage or switching devices having square hysteresis loops and automatic equipment for monitoring, grading, sorting, exercising and/or testing of devices described in paragraph (a) above;

(c) Automatic equipment for monitoring, exercising, and/or testing assemblies of devices described in paragraphs (b), (c), (d), and (e) of ECCN 1588;

(d) Equipment for the application of magnetic coatings to recording media embargoed by paragraph (d) of ECCN 1572A or free from embargo under Exception 3(c)(4) to ECCN No. 1572A;

(e) Automatic and semi-automatic equipment for monitoring, grading, exercising, and/or testing recording media embargoed by paragraph (d) of ECCN 1572A or free from embargo under Exception 3(c)(4) to ECCN No. 1572A;

(f) Specialized test equipment, parts, and controls for the above.

(The term "automatic" refers to machinery not requiring the assistance of a human operator to complete its function or functions during each complete cycle of operations. The term "semi-automatic" refers to machinery requiring the assistance of a human operator to complete part but not all of its functions during each complete cycle of operations. The term "functions" does not include the initial loading or final unloading of material from the machine.)

Technical Note.—For this entry, single aperture forms described in paragraph (d) of ECCN 1588A with a maximum dimension less than 0.76mm (30 mils) are considered embargoed types.

4360B Centrifugal balancing machines, fixed or portable, horizontal or vertical having all of the characteristics described in this entry.

Controls for ECCN 4360B

Unit: Report in "$ value."
Validated License Required: Country Groups PQSTVWYZ and Canada.
GLV $ Value Limit: $0 for all destinations.
Processing Code: MG.
Reason for Control: Nuclear non-proliferation.
Special Licenses Available: None.

Definitive List of Centrifugal Balancing Machine Characteristics Controlled by ECCN 4360A

(a) Suitable for balancing flexible rotors having a diameter of from 3 inches to 16 inches, and a length of 24 inches or more; and

(b) Mass capability of from 2 to 50 lbs.; and

(c) Capable of balancing to a residual imbalance of 09.001 in.-lb./lb. per plane or greater; and

(d) Capable of balancing in three or more planes.

1361A Wind tunnels.

Controls for ECCN 1361A

UNIT: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1000 for Country Groups T and V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Wind Tunnels Controlled by ECCN 1361A

(a) Supersonic (Mach 1.4 to Mach 5), hypersonic (Mach 5 to Mach 15) and hypervelocity (above Mach 15) wind tunnels, *except wind tunnels specially designed for educational purposes and having a test section size (measured internally) of less than 10 inc. (25 cm).* (By "test section size" is understood the diameter of the circle, or the side of the square, or the longest side of the rectangle constituting possible shapes of the test section.);

(b) Devices for simulating flow-environments at Mach 5 and above, regardless of the actual Mach number at which the devices operate, including hot shot tunnels, plasma arc tunnels, shock tubes, shock tunnels, gas tunnels and light gas guns;

(c) Wind tunnels and devices, other than two dimensional (2–D) sections, that have unique capabilities for simulating Reynolds number flow in excess of 25×10^6, at transonic velocities; and

(d) Specially designed parts and accessories for the above.

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of wind tunnels as described in paragraph (a) and for wind tunnels with Mach velocities of 1.4 or more but less than 5, not specially designed for or fitted wind means of preheating the air.

2. Licenses are also likely to be approved for export to satisfactory end-users in Country Groups PQSWY of specialized parts and assemblies covered by paragraph (d) for wind tunnels previously exported under NOTE 1, provided that such parts and assemblies will not upgrade the performance of the wind tunnel and, for normally-consumable replacement parts, will not exceed a 6-month supply.

1362A Vibration test equipment.

Controls for ECCN 1362A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for T and V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National Security and nuclear non-proliferation.

Special Licenses Available: None.

Definitive List of Vibration Test Equipment as Controlled by ECCN 1362A

(a) Vibration test equipment using digital control techniques and specially designed ancillary equipment and software therefor, *except*:

(i) Individual exciters (thrusters) with a maximum thrust of less than 100kN (22,500 lb.);

(ii) Analog equipment;

(iii) Mechanical and pneumatic exciters (thrusters);

(iv) Vibrometers;

(v) Digital ancillary equipment not covered by ECCN Nos. 1529A, 1531A, 1565A or 1568A;

(b) High intensity acoustic test equipment capable of producing an overall sound pressure level of 140 dB or greater referenced to $2 \times 10^{-5} N$) or with a rated output of 4kW or greater and specially designed ancillary equipment and software therefor, except:

(i) Analog equipment;

(ii) Digital ancillary equipment not covered by ECCN Nos. 1529A, 1531A, 1565A or 1568A

(c) Ground vibration (including modal survey) test equipment that uses digital control techniques and specially designed ancillary equipment and software therefor, except:

(i) Analog equipment.

(ii) Digital ancillary equipment not covered by ECCN Nos. 1529A, 1531A, 1565A or 1568A;

3362A Power generating and/or propulsion equipment specially designed for use with military nuclear reactors. (This ECCN does not modify Office of Munitions Control coverage, as indicated in Category VI, Part e, of the U.S. Munitions List. See Supp. No. 2 to Part 370.)

Controls for ECCN 4362A

Unit: Report generators and sets, turbines, exchangers, and exchange type condensers in "number."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $100 for Country Groups T and V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security and nuclear non-proliferation.

Special Licenses Available: A Distribution License is available for shipment of commodities defined by ECCN 3362A to countries listed in Supp. Nos. 2 and 3 to Part 373.

3363A Electrolytic cells for the production of flourine with a production capacity greater than 250 grams of flourine per hour; and specially designed parts and accessories thereof.

Controls for ECCN 3363A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ; exports to Spain and countries listed in Supp. Nos. 2 and 3 to Part 373 are exempt from validated license requirements.

GLV $ Value Limit: $500 for Country Groups T and V.

Processing Code: MG.

Reason for Control: National security and nuclear non-proliferation.

Special Licenses Available: None.

4363B Nuclear reactor and nuclear power plant related equipment.

Controls for ECCN 4363B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ; exports to Spain and to countries listed in Supp. Nos. 2 and 3 to Part 373 are exempt from validated license requirements.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: None.

List of Commodities Controlled by ECCN 4363B

(a) Reactor and power plant simulators, models or mock-ups;
(b) Process control systems intended for use with nuclear reactors;
(c) Generators, turbine-generator sets, steam turbines, heat exchangers, and heat exchanger type condensers designed or intended for use in a nuclear reactor; and
(d) Commodities, parts and accessories specially designed or prepared for use with nuclear plants (*e.g.*, snubbers, airlocks, reactor inspection equipment) *except* items licensed by the NRC pursuant to 10 CFR 110.

1370A Turning machines for generating optical quality surfaces using a single point cutting tool, and components and accessories therefor.

Controls for ECCN 1370A

Unit: Report in "number."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T and V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security and nuclear non-proliferation.
Special Licenses Available: See Part 373.

Definitive List of Commodities Controlled by ECCN 1370A

(a) Turning machines having all of the following characteristics:
(1) Slide positioning accuracy less (finer) than 0.0005 mm per 300 mm of travel, TIR (peak-to-peak) ;
(2) Slide positioning repeatability less (finer) than 0.00025 mm per 300 mm of travel, TIR (peak-to-peak) ;
(3) Spindle runout (radial and axial) less than 0.0004 mm TIR (peak-to-peak) ;
(4) Angular deviation of the slide movement (yaw, pitch and roll) less (finer) than 2 seconds of are (peak-to-peak) over full travel;
(5) Slide perpendicularity less than 0.001 mm per 300 mm of travel, TIR (peak-to-peak) ; (Turning machines will be evaluated under the conditions yielding the most accurate values, including but not limited to the incorporation of control systems which permit mechanical, electronic and software compensation.)
(b) Components, as follows:
(1) Spindle assemblies, consisting of spindles and bearings as a minimal assembly, except those assemblies with axial and radial axis motion measured along the spindle axis in one revolution of the spindle equal to or greater (coarser) than 0.0008 mm TIR (peak-to-peak);
(2) Linear induction motors used as drives for slides, having all of the following characteristics:
(i) Stroke greater than 200 mm;
(ii) Nominal force rating greater than 45 N; and
(iii) Minimum controlled incremental movement less than 0.001 mm; or
(c) Accessories, *i.e.*, single diamond cutting tool inserts having all of the following characteristic;
(1) Flawless and chip-free cutting edge when magnified 400 times in any direction;
(2) Cutting radius between 0.1 and 5 mm, and
(3) Cutting radius out-of-roundness unless then 0.002 mm TIR (peak-to-peak);
(d) Specially designed parts and components thereof.

1371A Anti-friction bearings.

Controls for ECCN 1371A

Unit: Report in "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T and V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: See Part 373.

Definitive List of Commodities Controlled by ECCN 1317A

(a) Ball and roller bearings having an inner bore diameter of 10 mm or less and tolerances of ABEC 5, RBEC 5 (or national equivalents) or better and either of the following characteristics:
(1) Made of special materials, i.e., with rings, balls or rollers made from any steel alloy or other material including, but not limited to high-speed tool steels, Monel metal, beryllium, metaloids, ceramic, and sintered metal composites *except the following: low-carbon steel; SAE–52100 high-carbon chromium steel; SAE–4615 nickel molybdenum steel; AISI–440C (SAE–5144C) stainless steel; or national equivalents;* and/or
(2) Manufactured for use at normal operating temperatures over 302° F (150° C) either by use of special materials or by special heat treatment;
(b) Ball and roller bearings *except separable ball bearings and thrust ball bearings*, having an inner bore diameter exceeding 10 mm and having tolerances of ABEC 7, RBEC 7 (or national equivalents) or better (ABEC 5 in the case of hollow bearings) and either of the following characteristics:
(1) Made of special materials, *i.e.*, with rings, balls, or rollers made from any steel alloy or other material including, but not limited to, high-speed tool steels, Monel metal, beryllium, metaloids, ceramics, and sintered metal composites *except the following: low-carbon steel; SAE–52100 high-carbon chromium steel; SAE–4615 nickel molybdenum steel; AISI–440C (SAE–5144C) stainless steel; or national equivalents;* and/or
(2) Manufactured for use in normal operating temperatures over 302° F (150° C) either by use of special materials or by special heat treatment;
(c) Ball and roller bearings having tolerances better than ABEC 7 (or national equivalents); and
(d) Bearing parts usable only for bearings controlled by this entry, as follows: outer rings, inner rings, retainers, balls, rollers, and sub-assemblies.

Commodity Interpretation: Ball and roller bearings and specially designed parts.

(a) A ball or roller bearing physically incorporated in a segment of a machine or in a complete machine prior to shipment loses its identity as a bearing and the machine or segment of machinery *containing the bearing* is the item subject to export license requirements.

(b) A ball or roller bearing not incorporated in a segment of a machine prior to shipment but shipped as a component of a complete unassembled (knocked-down) machine is considered a component of the machine, and the *complete machine* is the item subject to export license requirements.

(c) Ball or roller bearings shipped as spares or replacements are classified under this ECCN 1371 and under ECCN 6699 (ball, roller, or needle-roller bearings and parts). This applies to separate shipments of ball or roller bearings and ball or roller bearings shipped with machinery or equipment for which they are intended to be used as spares or replacement parts.

Advisory Note.—Licenses are likely to be approved for export to Country Groups

PQSWY of reasonable quantities of bearings as defined in ECCN 1371A to satisfactory civil end-users that have furnished assurances that the bearings will be incorporated in equipment previously imported from the U.S., Canada or countries in Country Groups T or V.

6390F Oil and gas pipeline equipment specially designed or modified for pipelaying, pipecoating, or pipewrapping; and specially designed parts, components, and accessories therefor.

Controls for ECCN 6390F

Unit: Report in "$ value."

Validated License Required: Country Groups S & Z, Afghanistan and the U.S.S.R. (including Estonia, Latvia and Lithuania).

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may be applicable.

Processing Code: MG.

Reason for Control: Foreign policy.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia of commodities defined in ECCN 6390F if intended for delivery to, or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities. See § 385.4(a).

Special Licenses Available: None.

6391F Other industrial equipment specially designed or modified for the exploration or production of petroleum or natural gas; and specially designed parts, components, and accessories therefor.

Controls for ECCN 6391F

Unit: Report in "$ value."

Validated License Required: Country Groups S & Z, Afghanistan and the U.S.S.R. (including Estonia, Latvia and Lithuania.)

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may be applicable.

Processing Code: MG.

Reason for Control: Foreign policy.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia of commodities defined in ECCN 6391F if intended for delivery to, or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities. See § 385.4(a).

Special Licenses Available: None.

Illustrative List of Petroleum and Natural Gas Exploration and Production Equipment Subject to Validated License Control for Export to the U.S.S.R., Estonia, Latvia, Lithuania, and Afghanistan. This List is Illustrative only; it does not include all Commodities Controlled by CCL entry 6391F

(1) All equipment specially designed or modified for off-shore floating or bottom-supported drilling and producing structures, including all gathering equipment.

(2) Rotary type well drilling rigs and derricks.

(3) Parts, accessories, and equipment for well drilling machines, including, but not limited to, drill bits, box and pin tool joints, drill pipe, drill collars, rotary tables, and blow-out preventors.

(4) Petroleum gas-lift equipment.

(5) Oil well and oil field pumps, including, but not limited to, high performance types of submersible or conventional pumping units.

(6) Wire line and downhole equipment and accessories, including, but not limited to, collars, stabilizers, mandrels, packers, multi-completion equipment, gun perforators, and telemetry equipment.

(7) Optical, electrical or electronic geophysical and mineral prospecting instruments, including magnetic, gravimetric, seismic, bore-hole logging and high-resolution remote sensing equipment.

6392F Other industrial equipment and machinery (including tooling, dies, fixtures and jigs) specially designed or modified for the production, manufacture or assembly of the equipment described in ECCNs 6191F, 6390F and 6391F; and specially designed parts, components, and accessories therefor.

Controls for ECCN 6392F

Unit: Report in "$ value."

Validated License Required: Country Groups SZ, Afghanistan and the U.S.S.R. (including Estonia, Latvia and Lithuania).

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia of commodities defined in ECCN 6392F if intended for delivery to, or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities.

Special Licenses Available: None.

6398G Machinery and equipment (including tools, fixtures, and jigs) specially designed or modified for the manufacture of automotive trucks and truck engines; and specially designed parts, components and accessories therefor. (See Supp. No. 1 to § 399.2, interpretation 32, for illustrative list of commodities included in this entry.)

Controls for ECCN 6398G

Unit: Report in "$ value."

Validated License Required: Country Groups S and Z.

GLV $ Value Limit: General License GLV is not applicable; however, another general license may be applicable.

Processing Code: MG.

Reason for Control: Foreign policy.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia of commodities defined in ECCN 6398G if intended for delivery to, or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities. See § 385.4(a).

Special Foreign Policy Controls: A validated license is also required for export to the U.S.S.R. of commodities defined in ECCN 6398G for the KAMA River Truck (Kam AZ) or ZIL truck plants. See § 385.2(e).

Special Licenses Available: None.

Illustrative List of Automotive, Truck and Truck Engine Manufacturing Machinery and Equipment Subject to Validated License Control for Export to the U.S.S.R. for Either the Kama River or ZIL Truck Complexes. This List is Illustrative Only; it does not Include all Commodities Controlled by CCL Entry 6398G

(1) All truck chassis and truck engine manufacturing process lines, including conveying and assembly equipment.

(2) Truck engine and truck power train transfer lines.

(3) Automatic control systems for the supervision and monitoring of truck manufacturing processes.

(4) Specialized vehicle and vehicle component test and checking equipment including, but not limited to:

(a) Vehicle and component shock and vibration test equipment;

(b) Vehicle dynamometric test systems; and

(c) Specially designed truck suspension component test machinery.

(5) Truck tire manufacturing equipment and machinery.

5399D Other general industrial equipment n.e.s., except those listed in Supp. No. 1 to § 399.2, Interpretation 29; and parts and accessories therefor.

Controls for ECCN 5399D

Unit: Report in "$ value."

Validated License Required: Country Groups PQSWYZ and Afghanistan.

GLV $ Value Limit: $1000 for Country Group Q; A General License *GLV* is not applicable to other destinations; however, other general licenses may be applicable.

Processing Code: MG.

Reason for Control: National security.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia of commodities defined in ECCN 5399D if intended for delivery to, or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities. See § 385.2(e).

Special Licenses Available: See Part 373.

6399G General industrial equipment listed in Supp. No. 1 to §399.2, Interpretation 29; and parts and accessories, n.e.s.

Controls for ECCN 6399G

Unit: Report in "$ value."

Validated License Required: Country Groups S and Z.

GLV $ Value Limit: General License *GLV* is not applicable; however, other general licenses may be applicable.

Processing Code: MG.

Reason for Control: Foreign policy.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia of commodities defined in ECCN 6399G if intended for delivery to, or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities. See § 385.4(a)

Special Licenses Available: None.

GROUP 4—TRANSPORTATION EQUIPMENT

Notes.—You need a validated export license to export or reexport technical data related to transportation equipment to destinations in Country Groups P, Q, S, W, Y, or Z. You may use General License *GTDR* for exports or reexports of technical data to destinations in Country Groups T & V *provided that*—

(a) The technical data are not listed in paragraphs (c) or (d) of § 379.4 of the Regulations, *and*

(b) There are no special foreign policy controls on the technical data related to the commodities described in an individual CCL entry.

Note.—All Commodity Control List entries in this Group are subject to export controls on the basis of the following criteria:

You need a validated license to export or reexport to the U.S.S.R. if you know or have reason to know the commodity is for any use directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympic Games that began in Moscow on July 19, 1980. These commodities are subject to controls under the authority of the foreign policy provisions contained in section 6 of the Export Administration Act of 1979.

See § 370.10 for commodities that require export authorization from other U.S. Government Departments and Agencies.

2404A Rockets and missiles, guided or unguided.

Controls for ECCN 2404A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing code: MG.

Reason for Control: National security.

(See Supp. No. 2 to Part 370 for a listing of arms, ammunition and implements of war controlled by the Office of Munitions Control, Department of State.)

Special licenses Available: See Part 373.

List of Rockets and Missiles Controlled by ECCN 2404A

(a) Meteorological sounding rockets;

(b) Non-irritant smoke flares, canisters, grenades, and charges;

(c) Other pyrotechnic articles having dual military and commercial use;

(d) Rocket launching ramps, towers, and associated equipment for meteorological rockets; and

(e) Specially designed parts for the above.

2406A Vehicles specially designed for military purposes.

Controls for ECCN 2406A

Unit: Report vehicles and engines in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: National security; foreign policy.

Special South Africa and Namibia Controls: Commodities defined in ECCN 2406A are subject to the Republic of South Africa and Namibia embargo policy, and no technical data relating to those commodities may be exported under General License *GTDR* to any consignee in the Republic of South Africa and Namibia.

Special Regional Stability Controls: 1. A validated export license is required for foreign policy purposes to export military vehicles and certain commodities (specially designed) used to manufacture military equipment defined in this ECCN to any destination except Australia, Japan, New Zealand, and members of NATO. Applications for validated licenses will generally be considered favorably on a case-by-case basis unless there is evidence that the exports would contribute significantly to the destabilization of the region to which the equipment is destined.

2. A validated export license is required for foreign policy purposes for the export to People's Democratic Republic of Yemen, Libya, and Syria (countries that have repeatedly provided support for acts of international terrorism) of military vehicles and items specially designed to produce military equipment as defined in this ECCN.

Special Licenses Available: None.

List of Vehicles Controlled by ECCN 2406A

(a) Specially designed military vehicles, *excluding vehicles listed in Supp. No. 2 to Part 370;*

(b) Pneumatic tire casings *(excluding tractor and farm implement types),* of a kind specially constructed to be bullet-proof or to run when deflated;

(c) Engines for the propulsion of the vehicles enumerated above, specially designed or essentially modified for military use; and

(d) Specially designed components and parts therefor.

Commodity Interpretation:

(a) Military automotive vehicles:

(1) For purposes of U.S. export controls, military automotive vehicles "possessing or built to current military specifications differing materially from normal commercial specifications" may include, but are not limited to, the following characteristics:

(i) Special fitting for mounting ordnance or military equipment,

(ii) Bulletproof glass,

(iii) Armor plate,

(iv) Fungus preventive treatment,

(v) Twenty-four volt electrical systems,

(vi) Shielded electrical systems (electronic emission suppression), or

(vii) Puncture-proof or run-flat tires.

(2) These automotive vehicles fall into two categories:

(i) Military automotive vehicles on the Munitions List, new and used. Automotive vehicles in this category are primarily combat (fighting) vehicles, with or without armor and/or armament, "designed for specific fighting function." These automotive vehicles are licensed by the U.S. Department of State. See list with descriptions, Supp. No. 2 to Part 370, Category VII.

(ii) Military automotive vehicles not on the U.S. Munitions List, new and used. Automotive vehicles in this category are primarily transport vehicles designed for non-combat military purposes (transporting cargo, personnel and/or equipment, and/or for towing other vehicles and equipment over land and roads in close support of fighting vehicles and troops). These automotive vehicles are licensed by the U.S. Department of Commerce.

(b) Parts for military automotive vehicles:

Functional parts are defined as those parts making up the power train of the vehicles, including the electrical system, the cooling system, the fuel system, and the control system (brake and steering mechanism), the front and rear axle assemblies including the wheels, the chassis frame, springs and shock absorbers.

Parts specifically designed for military automotive vehicles on the Munitions List are licensed for export by the U.S. Department of State.

(c) General instructions:

Manufacturers of non-Munitions List automotive vehicles and/or parts will know whether their products meet the conditions described above. Merchant exporters and other parties who are not sure whether their products (automotive vehicles and/or parts) meet these conditions should check with their suppliers for the required information before making a shipment under general license or submitting an application to the Office of Export Administration for an export license.

5406D Diesel engines, nonmagentic, 50 brake horsepower and over, having a nonmagnetic content exceeding 50 percent, up to but not exceeding 75 percent of total weight; and parts and accessories, n.e.s. (Specify brake hp at rated rpm.)

Controls for ECCN 5406D

Unit: Report engines in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSWYZ and Afghanistan.

GLV $ Value Limit: $100 for Country Group Q. General License *GLV* is not applicable to other destinations; however, another general license may apply.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).

2409A Naval equipment.

Controls for ECCN 2409A

Unit: Report engines and motors in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Naval Equipment Controlled by ECCN 2409A

(a) Diesel engines of 1,500 hp and over with rotary speed of 700 rpm or over specially designed for submarines;

(b) Electric motors specially designed for submarines, *i.e.*, over 1,000 hp, quick reversing type, liquid cooled, and totally enclosed;

(c) Nonmagnetic diesel engines, 50 hp and over, specially designed for military purposes (An engine shall be presumed to be specially designed for military purposes if it has nonmagnetic parts other than crankcase, block, head, pistons, covers, end plates, valve facings, gaskets, and fuel, lubrication and other supply lines, or its nonmagnetic content exceeds 75 percent of total weight.);

(d) Other magnetic, pressure, and acoustic underwater detection devices specially designed for military purposes; and controls and components thereof;

(e) Marine boilers designed to have *any* of the following characteristics:

(1) Heat release rate (at maximum rating) equal to or in excess of 190,000 BTU per hour per cubic foot of furnace volume; or

(2) Ratio of steam generated in pounds per hour (at maximum rating) to the dry weight of the boiler in pounds equal to or in excess of 0.83; and

(f) Components, parts, accessories, and attachments for the above.

4409B Water tube boilers, marine type, designed to have a heat release rate (at maximum rating) equal to 180,000 BTU, up to but not including 190,000 BTU per hour per cubic foot of furnace volume; boiler superheaters, feedwater heaters, and economizers therefor; and parts and accessories therefor.

Controls for ECCN 4409B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

2410A Pressure refuellers, pressure refuelling equipment, and equipment specially designed to facilitate operations in confined areas; and ground equipment, not elsewhere specified, developed specially for aircraft and helicopters, and specially designed parts and accessories, n.e.s.

Controls for ECCN 2410A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; foreign policy.

Special Licenses Available: See Part 373.

Special South Africa and Namibia Controls: Commodities defined in ECCN 2410A are subject to the Republic of South Africa and Namibia embargo policy, and no technical data relating to those commodities may be exported under General License *GTDR* to any

consignee in the Republic of South Africa and Namibia.

1416A Vessels.

Controls for ECCN 1416A

Unit: Report vessels or vehicles in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Vessels Controlled by ECCN 1416A

(a) Hydrofoil vessels with automatically controlled foil systems which are capable of speeds of above 40 knots in rough water (Sea State Five);

(b) Vessels incorporating any item included in an ECCN beginning with the numeral 2 or listed in Supp. No. 2 to Part 370, any commodity defined in ECCNs 1485A, 1501A, 1502A, and 1510A *(except all types of fish-finding or whale finding equipment)*, or incorporating degaussing facilities; and

(c) Specially designed parts and accessories for the above. (Also see § 370.10(a) and (f).)

1418A Deep submergence vehicles, manned or unmanned, tethered or utethered, capable of operating at depths exceeding 1,000 meters, and specially designed equipment, components and materials therefor, including but not limited to pressure housings or pressure hulls specially designed for normal operating pressures of more than 101 bars. (For syntactic foam, see ECCN 1759A.)

Controls for ECCN 1418A

Unit: Report vessels or vehicles in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

1431A Gas turbine engines for marine propulsion of 3,500 rated shaft hp and above, whether originally designed as such or adapted for such use from aero-engines; and specially designed parts, n.e.s.

Controls for ECCN 1431A

Unit: Report engines in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

4431B Other marine propulsion steam turbines specially designed for naval use; and parts and accessories, n.e.s. (Specify hp or kW.)

Controls for ECCN 4431B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

5431D Compressors, fans, and blowers, any type, specially designed or modified for military or naval shipboard use; and parts and attachments. n.e.s. (Specify by name.)

Controls for ECCN 5431D

Unit: Report in "$ value."

Validated License Required: Country Groups PQSWYZ and Afghanistan.

GLV $ Value Limit: $500 for Country Group Q. General License *GLV* is not applicable to other destinations; however, another general license may apply.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations, or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).

1460A Nonmilitary aircraft and helicopters, aero-engines, and aircraft and helicopter equipment.

Controls for ECCN 1460A

Unit: Report aircraft, helicopters, and engines in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; foreign policy.

Technical Data: Exports of certain related technical data require a validated license to all destinations except Canada (see § 379.4(d)).

No technical data relating to civil aircraft, civil aircraft equipment, and parts, accessories, or components thereof may be exported under General License *GTDR*, and exports of these technical data to all destinations, *except Canada*, require a validated export license.

Special Foreign Policy Controls: 1. For commodities defined in paragraph (a) of the List below, foreign policy controls apply to helicopters over 10,000 lbs. empty weight for Libya, Syria, the People's Democratic Republic of Yemen, the Republic of South Africa, and Namibia.

2. For commodities defined in paragraph (b) of the List below, foreign policy controls apply to Libya, the Republic of South Africa, and Namibia for both aircraft and helicopters regardless of value, and to Syria and the People's Democratic Republic of Yemen for fixed-wing aircraft valued at $3,000,000 or more.

3. For commodities defined in paragraph (c) of the List below, foreign policy controls apply only to Libya.

Special Licenses Available: None for commodities defined in paragraphs (a) and (b) of the List below. See Part 373 for special licenses available for export of commodities defined in paragraph (c).

Note.—Nonmilitary aircraft designed to carry up to a maximum of 25 persons, including crew, may be exported under the Distribution License to all normally eligible countries, except Iraq, Libya, Syria, the People's Democratic Republic of Yemen, the Republic of South Africa, and Namibia.

Note.—Bulk licenses may not be used to provide aircraft parts and accessories to aircraft owned, operated, or controlled by, or under charter or lease to Libya or any of its nationals.

List of Nonmilitary Equipment Controlled by ECCN 1460A

(a) Helicopters over 10,000 lbs. (4,530 kg) empty weight, and power transmission systems therefor (empty weight is understood to include normal installation and normal minimum crew, but does not include fuel or payload);

(b) Other nonmilitary aircraft and helicopters, *except those which do not contain equipment listed in Supp. No. 2 to Part 370 or ECCN Nos. 1485A or 1501A and which are of types which are in a bona fide normal civil use;* (specify make and model of aircraft and type of avionic equipment on aircraft) and

(c) Aero-engines and specially designed parts and accessories, n.e.s., *except:*

(1) Piston engines;

(2) Jet engines of less than 5,000 lbs. (2,265 kg) thrust; or

(3) Turbo-prop or turbo-shaft engines of less than 2,500 hp or with a residual thrust of less than 1,000 lbs. (453 kg). (Specify make, model, and pound thrust or horsepower.) Also see Supp. No. 1 to § 399.2, Interpretation 20.

4460B Nonmilitary aircraft and helicopters, aero-engines, and aircraft and helicopter equipment.

Controls for ECCN 4460B

Unit: Report aircraft, helicopter and engines in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Technical Data: Exports of certain related technical data require a validated license to all destinations except Canada (see § 379.4(d)).

No technical data relating to civil aircraft, civil aircraft equipment, and parts, accessories, or components thereof may be exported under General License *GTDR*, and exports of these technical data to all destinations, *except Canada*, require a validated export license.

Processing Code: MG.

Reason for Control: National security; foreign policy controls apply to Libya only.

Special Licenses Available: See Part 373.

Note.—Bulk license may not be used to provide aircraft parts and accessories to aircraft owned, operated, or controlled by, or under charter or lease to Libya or any of its nationals.

List of Nonmilitary Equipment Controlled by ECCN 4460B

(a) Other jet, turbo-prop, turbo-shaft, and gas turbine aircraft engines, of the following description:

(1) Under development for nonmilitary use, experimental or non-certified; or

(2) Certified engines which have been in civil use for 3 years or less; and

(3) Parts and accessories, n.e.s., therefor (Specify make, model and pound thrust or horsepower); and

(b) Parts and accessories, n.e.s., specially designed for nonmilitary:

(1) Helicopters over 10,000 pounds weight; or

(2) Helicopters 10,000 pounds or less empty weight or fixed-wing aircraft, of types that have been in normal civil use and containing one or more of the items listed in ECCNs 1485A or 1501A, or Supp. No. 2 to Part 370.

(Specify make and model of aircraft, and type of avionic equipment on aircraft.) Also see Supp. No. 1 to § 399.2, Interpretation 20.

Special Foreign Policy Controls: A validated license is required for foreign policy purposes for the export or reexport to Libya of any aircraft (including helicopters) and any parts and accessories defined in ECCN 4460B.

5460F Other nonmilitary aircraft and demilitarized military aircraft valued at $3,000,000 each or more.

Controls for ECCN 5460F

Unit: Report in "$ value."

Validated License Required: Country Groups SZ, Syria, the People's Democratic Republic of Yemen, the Republic of South Africa and Namibia.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Special Licenses Available: None.

Note.—Nonmilitary aircraft designed to carry up to a maximum of 25 persons, including crew, may be exported under the Distribution License to all normally eligible countries, except Iraq, Libya, Syria, the People's Democratic Republic of Yemen, the Republic of South Africa and Namibia.

Technical Data: Exports of certain related technical data require a validated license to all destinations except Canda (see § 379.4(d)).

No technical data relating to civil aircraft, civil aircraft equipment, and parts, accessories, or components thereof may be exported under General License *GTDR*, and exports of these technical data to all destinations, *except Canada*, require a validated export license.

Special Foreign Policy Controls: 1. Foreign policy export controls apply to the export to Syria and the People's Democratic Republic of Yemen of aircraft valued at $3,000,000 each or more as defined in ECCN 5460F, except aircraft and helicopters for use by regularly scheduled airlines based in Syria or the People's Democratic Republic of Yemen for which assurances against military use have been submitted to the Office of Export Administration.

2. A validated license is required for foreign policy purposes for the export or reexport to Libya of any aircraft (including helicopters) and any parts and accessories defined in ECCN 5460F.

6460F Other aircraft and helicopters.

Controls for ECCN 6460F

Unit: Report aircraft, helicopters and engines in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups SZ, The Republic of South Africa and Namibra.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Technical Data: Exports of certain related technical data require a validated license to all destinations except Canada (see § 379.4(d)).

No technical data relating to civil aircraft, civil aircraft equipment, and parts, accessories, or components thereof may be exported under General License *GTDR*, and exports of these technical data to all destinations, except *Canada*, require a validated export license.

Special Foreign Policy Controls: A validated license is required for foreign policy purposes for the export or reexport to Libya of any aircraft (including helicopters) and any parts and accessories controlled under ECCN 6460F.

Special Licenses Available: None.

List of Aircraft and Helicopters Controlled by ECCN 6460F

(a) Military aircraft, demilitarized (not specifically equipped or modified for military operations), *of the following description only:*

(1) Cargo, "C–45 through C–118" inclusive, and "C–121,"

(2) Trainers, bearing a "T" designation and using piston engines,

(3) Utility, bearing a "U" designation and using piston engines,

(4) Liaison, bearing an "L" designation, and

(5) Observation, bearing an "O" designation and using piston engines; and

(b) Other nonmilitary helicopters and aircraft.

(Specify make and model of aircraft and type of avionic equipment on aircraft. See Supp. No. 1 to § 399.2, Interpretation 20. Also see Supp. No. 2 to Part 370 or ECCNs 1485A or 1501A for aircraft which are not covered under this ECCN.)

5480B Nonmilitary mobile crime science laboratories; and parts and accessories, n.e.s.

Controls for ECCN 5480B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ; however, a validated license in *not* required for export to Australia, Japan, New Zealand, and members of NATO.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: Crime control (foreign policy).

Special Licenses Available: None.

Technical Data: Exports of related technical data require a validated license to all destinations except Australia, Japan, New Zealand, and members of NATO.

Special Foreign Policy Controls: An individual validated export license is required for foreign policy purposes to export crime control and detection instruments and equipment and related technical data (except that authorized under General License *GTDA*) defined in this ECCN, except to Australia, Japan, New Zealand, and members of NATO.

Advisory Note.—Applications for validated export licenses generally will be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern of such violations or in distancing the United States from such violations.

1485A Compasses, gyroscopes, accelerometers, and inertial equipment.

Controls for ECCN 1485A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; foreign policy controls apply to Libya only.

Special Foreign Policy Controls: A validated license is required for foreign policy purposes for the export or reexport to Libya of any aircraft (including helicopters) parts and accessories defined in ECCN 1485A.

Special Licenses Available: None for commodities defined in paragraphs (f), (g), (h), and (i) in the illustrative list below. See Part 373 for special licenses available for export of other commodities.

Note.—Bulk licenses may not be used to provide aircraft parts and accessories to aircraft owned, operated, or controlled by, or under charter or lease to Libya or any of its nationals.

List of Compasses, Gyroscopes, Accelerometers, and Inertial Equipment Controlled by ECCN 1485A

(a) Gyro compasses with provision for determining and transmitting ship's level reference data (roll, pitch) in addition to own ship's course data;

(b) Integrated flight instrument systems for aircraft which include gyrostabilizers and/or automatic pilots (An integrated flight instrument system is a primary instrument display system of attitude and azimuth with facilities for giving maneuver guidance information to the pilot and often integrated with an auto-pilot to the extent of embodying a common unit for setting up the required demands.);

(c) Gyro-astro compasses and other devices which derive position and/or orientation by means of automatically tracking celestial bodies;

(d) Gyrostabilizers used for other purposes than aircraft control, *except those for stabilizing an entire surface vessel;*

(e) Automatic pilots used for other purposes than aircraft control *except marine types for surface vessels;*

(f) Accelerometers with a threshold of 0.005 g or less, or a linearity error within 0.25 percent of full scale output or both, which are designed for use in inertial navigation systems or in guidance systems of all types;

(g) Gyros with a rated free directional drift rate (rated free precession) of less than 0.5 degree (1 Sigma or r.m.s.) per hour in a l g environment;

(h) Inertial or other equipment using accelerometers described in paragraph (f) above and/or gyros described in paragraph (g) above, and systems incorporating such equipment; and

(i) Specially designed parts and components, and test, calibration, and alignment equipment for the above.

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment of the following description:

(a) Types and series covered by paragraph (b) above, provided the equipment has been in normal civil use for more than two years, is standard equipment of aircraft excluded from control under ECCN 1460A, and is, or is to be, installed in civilian aircraft.

(b) Types and series covered by paragraph (d) above, provided the equipment has been in normal civil use for more than two years and is intended for a clearly civil application in the importing country.

(c) Parts, components and equipment covered by paragraph(i) above, provided they are not also covered by paragraphs (f) and (g) above, and are intended for use with exports meeting the conditions of paragraphs (a) and (b) of this Advisory Note.

6490F Off-Highway wheel tractors of carriage capacity 10 tons or more; and parts and accessories, n.e.s.

Controls for ECCN 6490F

Unit: Report tractors in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups SZ.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Special Licenses Available: None.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).

Advisory Note.—Applications for validated licenses will generally be considered favorably on a case-by-case basis for the export to Libya (Country Group S) of tractors in reasonable quantities if for civil use.

6499G Other transportation equipment, n.e.s.; and parts and accessories, n.e.s.

Controls for ECCN 6499G

Unit: Report in "$ value."

Validated License Required: Country Groups SZ.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Technical Data: No technical data relating to civil aircraft, civil aircraft equipment, and parts, accessories, or components thereof may be exported under General License *GTDR*, and exports of these technical data to all destinations, *except Canada*, require a validated export license.

Special Licenses Available: See Part 373.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities. See § 385.4 (a).

9499M Vehicles mounted with telecommunications equipment (including radar). (See Group 5—Electronics and Precision Instruments.) (Specify mounted equipment.) (Report telecommunications equipment, including radar, exported as replacements or accessories under appropriate Export Control Commodity Number.)

Controls for ECCN 9499M

Unit: Report in "number."

Validated License Required: Validated licenses applicable to vehicles controlled by this ECCN are those that apply to the equipment mounted on the vehicle.

GLV $ Value Limit: Limits applicable to vehicles controlled by this ECCN are those that apply to the equipment mounted on the vehicle.

Processing Code: MG.

Reason for Control: Reasons for control applicable to vehicles controlled by this ECCN are those that apply to the equipment mounted on the vehicle.

Special Licenses Available: Licenses applicable to vehicles controlled by this ECCN are those that apply to the equipment mounted on the vehicle.

Technical Data: Controls on technical data related to vehicles controlled by this ECCN are those that apply to the equipment mounted on the vehicle.

GROUP 5—ELECTRONICS AND PRECISION INSTRUMENTS

Note.—You need a validated export license to export or reexport technical data related to electronics and precision instruments to destinations in Country Groups P, Q, S, W, Y, or Z. You may use General License *GTDR* for exports or reexports of technical data to destinations in Country Groups T & V *provided that*—

(a) The technical data are not listed in paragraphs (c) or (d) of § 379.4 of the Regulations, *and*

(b) There are no special; foreign policy controls on the technical data related to the commodities described in an individual CCL entry.

Note.— All Commodity Control List entries in this group are subject to export controls on the basis of the following criteria:

You need a validated license to export or reexport to the U.S.S.R. if you know or have reason to know the commodity is for any use directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympic Games that began in Moscow on July 19, 1980. These commodities are subject to controls under the authority of the foreign policy provisions contained in section 6 of the Export Administration Act of 1979

See § 370.10 for commodities that require export authorization from other U.S. Government Departments and Agencies.

1501A Navigation, direction finding, radar and airborne communication equipment.

Controls for ECCN 1501A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security; foreign policy. The entire entry is controlled for national security reasons. Foreign policy controls apply to paragraphs (a), (b)(1), and (c)(1) for Libya only.

Special Foreign Policy Controls: A validated license is required for foreign policy purposes for the export or report to Libya of parts and accessories for any aircraft (including helicopters) defined in paragraphs (a), (b)(1) and (c)(1) of the LIST in this ECCN.

Special Licenses Available: See Part 373.

Note.—Bulk licenses may not be used to provide aircraft parts and accessories defined in paragraphs (a), (b)(1) and (c)(1) of the LIST below to aircraft owned, operated, or controlled by, or under charter or lease to Libya or any of its nationals.

List of Navigation, Direction Finding, Radar and Airborne Communication Equipment Controlled by ECCN 1501A

(a) Airborne communication equipment and specialized parts and components therefor, having *any* of the following characteristics:

(1) Designed to operate at frequencies greater than 156 MHz;

(2) Incorporated facilities for:

(i) The rapid selection of more than 200 channels per equipment; or

(ii) Equipment using frequency synthesis techniques (see also ECCN 1531A), *except equipment operating in the frequency range of 108 to 136 MHz with 720 channels or fewer at not less than 25 KHz spacing, and which has been in normal civil use for at least one year;*

(3) Pressurized throughout;

(4) Rated for continuous operation over a range of ambient temperatures extending from below −55° C to above +55° C; or

(5) Designed for modulating methods employing any form of digital modulation using time and frequency redundancy such as "Quantized Frequency Modulation" (QFM);

(b) Navigation and direction finding equipment (and specialized parts and accessories, specialized testing or calibrating equipment and training or simulating equipment therefor) having the following characteristics:

(1) Airborne navigation and direction finding equipment having the following characteristics:

(i) Designed to make use of "Doppler" frequency phenomena;

(ii) Utilizing the constant velocity and/or rectilinear propagation characteristics of electromagnetic waves having frequency less than 4×10^{14} Hz (0.75 micron);

(iii) Radio altimeters having the following characteristics:

(a) Pulse modulated;

(b) Frequency modulated having a displayed electrical output accuracy better than ±3 feet (±0.914 m) over the range between 0 and 100 feet (30.4 m) or better than ±3 percent above 100 feet (30.4m); or

(c) Frequency modulated which have been in normal civil use for less than one year;

(iv) Direction finding equipment operating at frequencies greater than 5 MHz, *except equipment designed for search and rescue purposes, provided that the receiver operates on a crystal controlled fixed frequency of 121.5 MHz or on alternating frequencies of 121.5 MHz and 243 MHz;*

(v) Pressurized throughout; or

(vi) Rated for continuous operation over a range of ambient temperatures extending from below −55° C to above +55° C;

(2) Ground and marine equipment for use with airborne navigation equipment

utilizing the constant velocity and/or the rectilinear propagation characteristics of electromagnetic waves having frequency less than 4×10^{14} Hz (0.75 micron); or

(3) Ground and marine direction finding equipment operating at frequencies greater than 30 MNz; and

(c) Radar equipment and specialized parts and accessories, specialized testing or calibrating equipment and training or simulating equipment therefor having the following characteristics (for lidar equipment, see ECCN 1522A):

(1) Airborne radar equipment; or

(2) Ground and marine radar equipment having one or more of the following features:

(i) Operating at a frequency not in normal civil use or at a frequency of more than 10.5 GHz;

(ii) Operating at a frequency of less than 1.5 GHz and having a peak output power from the transmitter greater than 2.5 MW; or operating at a frequency within the range or 1.5 to 3.5 GHz and having a peak output power from the transmitter greater than 1.5 MW; or operating at a frequency within the range of 3.5 to 6 GHz and having a peak output power from the transmitter greater than 1 MW; or operating at a frequency within the range of 6 to 10.5 GHz and having a peak output power from the transmitter greater than 500 kW;

(iii) Operating at a frequency of less than 3.5 GHz and having an 80 percent or better probability of detection for a 10 sq. meter target at a free space range of 250 nautical miles; or operating at a frequency within the range of 3.5 to 10.5 GHz and having an 80 percent or better probability of detection for a 10 sq. meter target at a free space range of 100 nautical miles;

(Cumulative probability of detection is determined on the principle on which it is based, according to the following parameters:

(a) Radial closing velocity of the target: 2,000 feet per second (6y10 meters per second);

(b) Probability of false alarm: 10^{-8};

(c) Operator factor: 3 dB; and

(d) Fluctuation of the target in accordance with Rayleigh distribution.

(iv) Utilizing other than pulse modulation with a constant and/or staggered pulse repetition frequency, in which the carrier frequency of the transmitter signal is not changed deliberately between groups of pulses, from pulse to pulse or within a single pulse, *except civil commercial airport radars using a carrier frequency that may change from pulse to pulse between two fixed frequencies separated in time and in frequency by constant magnitudes;*

(v) Utilizing a Doppler technique for any purpose, other than M.T.I. systems using a conventional double or triple pulse delay line cancellation technique, *except those utilized for surveillance and control radars for aerial navigation in civil airports;*

(vi) Including any digital signal processing techniques used for automatic target tracking, or having a facility for electronic tracking;

(vii) Including signal processing techinques other than those covered by paragraph (c)(2)(vi) above, which have been in normal civil use for a period of less than two years; or

(viii) In the case of ground radar, having been in commercial use for a period of less than one year.

(Specify by name and model number.)

(See also paragraphs (b) and (h) of the LIST in ECCN 1485A and paragraphs (b) and (c) of the LIST in ECCN 2120A.)

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of commercial airborne equipment needed to equip civil aircraft, or as normal standard equipment incorporated in civil aircraft being exported for civil commercial use, and not containing characteristics in paragraph (a)(5) above.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of navigation equipment covered by paragraph (b)(1)(i) above, provided that it is to be installed in civil aircraft or helicopters, and is normal standard equipment of a type installed in civil aircraft or helicopters in TV Country Groups.

3. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of standard commercial airborne equipment listed in paragraphs (b)(1) (ii) and (iii) above, needed to equip civil aircraft, or as normal standard equipment incorporated in civil aircraft being exported for civil commercial use, provided that such equipment is equivalent in all characteristics and performance to standard equipment of aircraft not subject to control, and which:

(a) For equipment covered by paragraph (b)(1)(ii) above, is in conformity with ICAO standards and assures no function exceeding those resulting from such standards, and is not designed to make use of hyperbolic grids at frequencies greater than 3 MHz. (Standard commercial airborne equipment designed to make use of hyperbolic grids at frequencies of less than 3 MHz may be exported if coordinate conversion equipment, which has been in normal civil use for less than one year, or which could not be shipped under the provisions of ECCN 1565A, is not included and is not separately supplied), and

(b) For equipment covered by paragraph (b)(1)(iii) above, are frequency modulated radio altimeters which have been in normal civil use for a period of more than one year.

4. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of ground equipment for use at civil airports or for civil use in association with airborne equipment which meets the criterion of ADVISORY NOTE 3 to paragraph (b)(1)(ii) above, and approved for export, provided that such equipment:

(a) Is in conformity with ICAO standards and assures no function exceeding those resulting from such standards;

(b) Is not designed to make use of hyperbolic grids at frequencies greater than 3 MHz.

5. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment covered by paragraph (b)(3) above, provided:

(a) The equipment is to be installed at civil airports or for use on civil air routes;

(b) The equipment is designed to operate at frequencies between 30 MHz and 157 MHz, excluding single side band equipment;

(c) The equipment employs a loop system or a system employing a number of spaced vertical aerials uniformly disposed around the circumference of a circle, excluding electronically commutated types.

6. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment covered by paragraph (c) above, when it is to be installed in civil aircraft, provided that this equipment:

(a) Has been in normal commercial service for at least one year;

(b) Is specially designed for use as a commercial weather radar;

(c) Is a normal and reasonable equipment for such civil aircraft; and

(d) Does not contain significant advanced technology of strategic value for other applications.

7. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of secondary radar equipment covered by paragraph (c) above, designed specifically for civil air traffic identification and control purposes.

8. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of the following equipment:

(a) Radar equipment covered only by paragraphs (c)(2)(i), (ii) and/or (iii) above, provided that both of the following conditions are met:

(1) It is specially designed for the surveillance and coordination of airfield surface traffic; and

(2) It is to be installed at airports operating scheduled commercial flights.

(b) Radar equipment covered only by paragraphs (c)(2)(ii) or (iii) above, or by both, provided that all the following conditions are met:

(1) It operates at a frequency of not more than 1.5 GHz and having a peak output power from the transmitter not greater than 5 MW; or operating at a frequency within the range of 1.5 to 3.5 GHz and having a peak output power not greater than 2.5 MW;

(2) It has an 80 percent or better probability of detection for a 10 sq.m. target at a free space range of 270 nautical miles;

(3) It has a pulse repetition frequency exceeding 300 pulses per second; and

(4) It is to be installed for air traffic control of scheduled international commercial flights;

(c) Radar equipment covered only by paragraphs (c)(2)(iv) and/or (v) above, provided it is to be installed for air traffic control purposes in international airports and has been in normal civil use for a period of not less than three years;

(d) Radar equipment covered by paragraph (c)(2)(vi) above, provided it is specially designed for marine, harbor or meteorological use, or has been in normal civil use for not less than three years;

(e) Radar equipment covered only by paragraph (c)(2)(vii) above, provided it is specially designed for marine (or harbor) use, or radar equipment covered only by paragraphs (c)(2)(vii) or (viii) above, or both, provided it is specially designed for meteorological observation.

1502A Communication, detection or tracking equipment of a kind using ultra-violet radiation, infrared radiation or ultrasonic waves.

Controls for ECCN 1502A

Unit: Report equipment in "number"; parts and accessories in "$ value."

Validated License required: Country groups PQSTVWYZ.

GLV $ Value Limit: $500 for all destinations, except that the $ value limit for police-model infrared viewers is $500 only to Australia, Japan, New Zealand, and members of NATO, and $0 to all other destinations.

Processing Code: EE.

Reason for Control: National security; crime control (foreign policy). Foreign policy controls apply only to police-model infrared viewers.

Special Foreign Policy Controls: An individual validated license is required for foreign policy purposes to export police-model infrared viewers controlled by this ECCN to any destination except Australia, Japan, New Zealand, and members of NATO.

Technical Data: Exports of technical data related to police-model infrared viewers require a validated license to all destinations except Australia, Japan, New Zealand, and members of NATO.

Special Licenses Available: None.

List of equipment controlled by ECCN 1502A

Communication, detection or tracking equipment of a kind using ultra-violet radiation, infrared radiation or ultrasonic waves; *except ultrasonic devices which operate in contact with a controlled material to be inspected, or which are used for industrial cleaning, sorting or materials handling, industrial and civilian intrusion alarm, traffic and industrial movement control and counting systems, medical applications, emulsification, homogenization, or simple educational or entertainment devices; underwater ultrasonic communications equipment designed for operation with amplitude modulation and having a communications range of 500 m or less (Sea State 1), a carrier frequency of 40 to 60 kHz and a carrier power supplied to the transducer of 1 W or less; industrial equipment employing cells not described in ECCN 1548A; industrial and civilian intrusion alarm, traffic and industrial movement control and counting systems; medical equipment; industrial equipment used for inspection, sorting or analysis of the properties of materials; simple educational or entertainment devices which employ photo cells; flame detectors for industrial furnaces; equipment for non-contact temperature measurement for laboratory or industrial purposes utilizing a single detector cell with no scanning of the detector; or instruments capable of measuring radiated power or energy having a response time constant exceeding 10 milliseconds; and specialized parts therefor. (Specify by name and model number.)*

(For communications equipment employing fiber optics, see ECCN 1519A.)

Note.—Airborne detection and tracking equipment using infrared radiation and other infrared imaging equipment have significant military as well as commercial uses. Before submitting applications, exporters should determine whether the item is under the licensing jurisdiction of the Office of Munitions Control (Department of State) or the Department of Commerce.

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of infrared geodetic equipment covered by this ECCN provided that the equipment uses a lighting source other than a laser and is manually operated, or that it uses a lighting source (other than a laser or a light-emitting diode) remote from the measuring equipment.

1505A Television cameras incorporating electron tubes defined in ECCN 1555A.

Controls for ECCN 1505A

Unit: Report in "number."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for all destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

1510A Acoustic and/or ultrasonic systems or equipment specially designed for detecting or locating underwater or subterranean objects or features, and specially designed components of such systems or equipment (including but not limited to hydrophones and transducers, towed hydrophone arrays, software therefor, and beamformers).

Controls for ECCN 1510A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).

Special Licenses Available: See Part 373.

List of Systems and Equipment Controlled by ECCN 1510A

Acoustic and/or ultrasonic systems or equipment specially designed for detecting or locating underwater or subterranean objects or features, and specially designed components of such systems or equipment (including but not limited to hydrophones and transducers, towed hydrophone arrays, software therefor, and beamformers) *except:*

(a) Marine systems or equipment, of the following description:

(1) Active (transmitting, or transmitting and receiving) systems or equipment, including but not limited to depth sounders and fish-finders and their associated beamformers, with the following characteristics:

(i) Depth sounders used solely for measuring the depth of water or the distance of submerged and/or buried objects or fish and/or whales vertically below the apparatus;

(ii) Horizontally-operated fish, whale or object detection and/or location systems, having all of the following characteristics:

(A) Transmitting frequency of 15 kHz or greater;

(B) Sound pressure level less than 250 dB (reference 1 micropascal at 1 meter) for equipment with operating frequency between 15 and 40 kHz, with no decibel limitation for equipment operating at frequencies of 30 kHz or higher;

(C) Transmission capability limited to ±10 percent of the design center frequency;

(D) Not designed to withstand pressure during normal operation at depths greater than 1,000 meters;

(E) Displaying a range of 5,000 meters or less;

(iii) Electronic noise sources for vertically directional use only, or mechanical (e.g., air gun or vapor-shock gun) or chemical (e.g., explosive) noise sources;

(2) Passive (receiving, whether or not related in normal application to separate active equipment) acoustic hydrophones and/or transducers having all of the following characteristics:

(i) Incorporating sensitive elements made of peizoelectric ceramics or crystal, and with a sensitivity no greater than −192 dB (reference 1 volt per micropascal);

(ii) Not designed for operation at depths greater than 100 meters;

(iii) Independently mounted or configured and not reasonably capable of assembly by the user into a towed hydrophone array;

(b) Terrestrial systems or equipment not reasonably capable of conversion by the user to underwater or marine applications as embargoed above.

(Passive hydrophone sensitivities in this ECCN are based on sensitivity being defined as 20 times the logarithm to the base 10 of the ratio of rms output voltage to a 1 volt reference, when the hydrophone sensor is placed in a plane wave acoustic field having an rms pressure of 1 micropascal. For example, a hydrophone of −160 db (reference 1 volt per micropascal) would yield an output voltage of 10^{-8} volts in such a field, while one of −180 dB sensitivity would yield only 10^{-9} volts output.)

Advisory Notes: 1. Licenses are likely to be approved for export for civil end-use by civil end-users in Coutry Group PQSWY of acoustic hydrophones and transducers which have all of the other characteristics of paragraph(a)(2) above, but which either:

(a) Have a sensitivity no greater than −204 dB (reference 1 volt per micropascal), and are designed for operation at greater than 100 meters depth but not greater than 1,000 meters depth; or

(b) Are not acceleration compensated, have a sensitivity no greater than −190 db (reference 1 volt per micropascal) and are not designed for operation at depths greater than 100 meters.

2. Licenses are likely to be approved for export for civil end-user by civil end-users in Country Groups PQSWY of towed acoustic hydrophone arrays having all of the following characteristics:

(a) Not specially designed for operation at greater than 100 meters depth or at tow speeds in excess of 8 knots;

(b) Not incorporating temperature or heading sensors;

(c) Having hydrophone groups uniformly spaced at not less than 25 meters amd not more than 60 meters;

(d) Having an assembled diameter of 40 mm or greater and using metallic strength members only;

(e) Not having multiplexed hydrophone group signals;

(f) Not having a configuration for multiple or overlapping acoustic aperture operation;

(g) Not having characteristics better than those specified in paragraphs(a)(2) (i) and (ii) above;

(h) Not having associated processing equipment which provides any of the following features:

(1) Electronically-steerable beamforming capabilities;

(2) Side-lobe suppression techniques such as shading coefficients;

(3) On-line real-time processing or off-line batch pre-processing capabilities exceeding the limits specified in ECCNs 1529A and 1565A.

5510D Doppler sonar navigation equipment; and parts and accessories therefor.

Controls for ECCN 5510D

Unit: Report in "$ value."

Validated License Required: Country Groups PQSWYZ and Afghanistan.

GLV $ Value Limit: $500 for Country Groups Q; General License *GLV* not applicable for other destinations; however, another general license may apply.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).

1514A Pulse modulators capable of providing electric impulses of peak power exceeding 6 MW or of a duration of less than 0.1 microsecond, or with a duty cycle in excess of 0.002; and pulse transformer, pulse-forming equipment or delay lines being specialized parts of such modulators; and specially designed parts and accessories therefor. (Specify by name and type number.)

Controls for ECCN 1514A

Unit: Report modulators in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

1516A Receivers, and specialized parts and accessories therefor.

Controls for ECCN 1516A

Unit: Report receivers in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Australia, Japan, New Zealand, and members of NATO; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security; crime control (foreign policy).

Special Foreign Policy Controls: An individual validated export license is required for foreign policy purposes to export crime control and detection instruments and equipment and related technical data (except that authorized under General License *GTDA*) to any destination except Australia, Japan, New Zealand, and members of NATO.

Special Licenses Available: None.

List of Receivers and Specialized Parts and Accessories Controlled by ECCN 1516A

(a) Panoramic radio receivers (which search or scan automatically a part of the electromagnetic spectrum and indicate or identify the received signals); *except ancillary equipment for commercial receivers with which the frequency spectrum searched does not exceed either ±20 percent of the intermediate frequency of the receiver or ±2 MHz;*

(b) Digitally-controlled radio receivers, whether or not computer controlled, which search or scan automatically a part of the electromagnetic spectrum, in which the switching operation takes less than 10 milliseconds, and which indicate or identify the received signals, *except non-ruggedized digitally-controlled pre-set type radio receivers designed for use in civil communications which have 200 selective channels or fewer* (For digitally-controlled radio receivers using frequency synthesizers, also see ECCN 1531A; or

(c) Receivers for spread spectrum and frequency agile systems having a total transmitted bandwidth which is:

(1) 100 or more times greater than the bandwidth of any one information channel; and

(2) In excess of 50 kHz.

("Spread spectrum" is defined as the technique whereby energy in a relatively narrow-band communications channel is spread over a much wider energy spectrum under the control of a random or pseudo-random bit stream. On receipt, the signal is correlated with the same bit stream to achieve the reverse process of reducing the bandwidth to its original form. By allocating different bit streams to different subscribers transmitting simultaneously, significantly greater use can be made of available bandwidth.) ("Frequency agility" (or frequency hopping) is another form of spread spectrum in which the transmission frequency of a single communications channel is made to change by discrete steps under the control of a similar bit stream.) (Also see ECCN 1517A(c).)

Advisory Note.–Applications for validated export licenses generally will be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern of such violations or in distancing the United States from such violations.

4516B Communications countermeasures equipment (electronic, mechanical, optical, or other) capable of detecting, monitoring, locating, or jamming surreptitious intercepting devices, including but not limited to special purpose broadband monitoring receivers with detection capabilities; optical and video detectors; microphone detectors; non-linear junction detectors; telephone analyzers; and special purpose spectrum analyzers; and parts and accessories, n.e.s. (Specify by name.)

Controls for ECCN 4516B

Units: Report modulators in "number"; parts and accessories In "$ value."

Validated License Required: Country Groups PQSTVWYZ and Canada.

GLV $ Value Limit: $0 for all destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: None.

1517A Radio transmitters and components.

Controls for ECCN 1517A

Units: Report equipment and transmitters in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Radio Transmitters and Components Controlled by ECCN 1517A

(a) Transmitters or transmitter-amplifiers designed to operate at output frequencies greater than 960 MHz;

(b) Transmitters or transmitter-amplifiers designed to provide any of the following features:

(1) Any system of pulse modulation, *except amplitude, frequency or phase modulated television or telegraphic transmitters:* or

(2) Rated for operation over a range of ambient temperatures extending from below −40° C to above +60° C;

(c) Transmitters for spread spectrum and frequency agile systems having a total transmitted bandwidth which is:

(1) 100 or more times greater than the bandwidth of any one information channel; and

(2) In excess of 50 kHz; and

(d) Components, accessories, and sub-assemblies specially designed for the above equipment (for quartz crystals see ECCN 1587A; *except the following transmitters or transmitter amplifiers, or systems containing such equipment, accessories and sub-assemblies therefor:*

(1) Specially designed for medical applications and operating at I.S.M. frequencies;

(2) Having an output power of not more than 10 Watts, which are especially designed for:

(i) Industrial or civil intrusion detection and alarm,

(ii) Industrial and traffic detection, counting, speed measurement, identification, and movement control, or

(iii) Carrying the information from the equipment above, or the information of environmental, air or water pollution detection and/or measurement systems;

(3) Transmitters using wideband amplifiers designed for non-frequency agile civil applications, such as television and mobile service.

(Specify by name and model number.)

Note.—For radio transmitters incorporating transmitter drive units, exciters, and master oscillators using frequency synthesis; see ECCN 1531A. For radio relay communications equipment, see ECCN 1520A.

4517B Communications intercepting devices; and parts and accessories therefor. (Specify by name.) (Also see § 376.13.)

Controls for ECCN 4517B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ and Canada.

GLV $ Value Limit: $0 for all destinations.

Processing Code: EE.

Reason for Control: Controls on this equipment are maintained in accordance with the Omnibus Crime Control and Safe Streets Act of 1968 (Pub. L. 90–351).

Special Licenses Available: None.

1518A Telemetering and telecontrol equipment suitable for use with aircraft (piloted or pilotless) or space vehicles, and test equipment specially designed for such equipment, except equipment specially designed to be used for remote control of toys such as model planes and boats and having electric field strength of not more than 200 microvolts per meter at a distance of 500 meters; and specially designed parts and accessories therefor. (Specify by name and model number.)

Controls for ECCN 1518A

Unit: Report equipment and transmitters in "number"; parts and accessories in "$ value."

Validated License required: Country Groups PQSTVWYZ.

GLV $ Value limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

1519A Single- and multi-channel communications transmission equipment, including terminal, intermediate amplifier or repeater equipment and multiplex busses and multiplex equipment used for communications within or between communications or other equipment and systems by line, cable, optical fiber or radio means, and associated modems and multiplex equipment, except telemetering, telecommand and telesignalling equipment designed for industrial purposes, together

with data transmission equipment not intended for the transmission of written or printed text and specialized parts, accessories and test equipment therefor; facsimile equipment other than that employing cipher, cryptographic and/or coding devices and equipment that are designed to ensure the secrecy of communications and thus prevent clear reception by anyone other than the intended receiver (see Supp. No. 2 to Part 370); equipment employing exclusively the direct current transmission technique, and electronic measuring equipment, suitable for use with PCM transmission equipment defined in CCITT recommendation series G 700 (ITU Geneva).

Note.—By "telemetering, telecommand and telesignalling equipment" is meant: sensing heads for the conversion of information into electrical information, the systems used for its long-distance transmission, the processes used to translate electrical information into coded data (telemetering), into control signals (telecommand), and into display signals (telesignalling).

Controls for ECCN 1519A

Unit: Report equipment and transmitters in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National Security.

Special Licenses Available: See Part 373.

List of Equipment Controlled by ECCN 1519A

(a) Employing analog transmission techniques with analog input and output, designed to deliver, carry or receive baseband frequencies higher than 19 MHz into, or in, a communications system, but only higher than 300 kHz for equipment suitable for use with submarine cable (analog transmission techniques include, inter alia, frequency division multiplex (FDM));

(b) Employing digital transmission techniques designed for operation at a data signalling rate exceeding 2.1 Megabits per second, with analog input and output, designed for use in communications circuits (digital transmission techniques include, inter alia, pulse code modulation (PCM));

(c) Data communications equipment employing digital transmission with digital input and output, including telegraphic and data transmission, having any of the following characteristics:

(1) Designed for operation at a data signalling rate in bits per second, excluding servicing and administrative channels, numerically exceeding either:

(i) 4,800; or

(ii) 160 percent of the channel (or sub-channel) bandwidth in Hertz;

(2) Employing an automatic error detection and correction system having both of the following characteristics:

(i) Retransmission not required for correction; and

(ii) A data signalling rate exceeding 300 bits per second; and

(d) Components, accessories, and sub-assemblies specially designed for the above equipment, and test equipment specially designed for the equipment covered by paragraph (b) above, except connections for use with optical fibers or cable with a repeatable coupling loss of 0.5 dB or more.

(Specify by name and model number.)

Note.—("Data signalling rate" is as defined in ITU Recommendation 53–36, taking into account that for non-binary modulation, "bauds" and "bits per second" are not equal. Bits for coding, checking and synchronization functions are to be included; and data communications equipment designed to operate in one voice channel, "bandwidth" will normally be as defined in CCITT Recommendation G.151, namely 3,100 Hz. In the case of CCITT of CCIR voice frequency telegraph systems, "bandwidth" may be considered as the number of channels times the channel spacing.)

Note.—See § 379.4(f)(1)(i)(*g*) for written assurance requirement for exports of technical data related to equipment described in paragraph (b) or (d) of the LIST of this ECCN, but having a data signalling rate of 2.1 megabits per second or less.

Advisory Notes.— 1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment defined in paragraph (a) above, and components, accessories and sub-assemblies thereof, of the following description:

(a) Equipment specially designed for the transmission of television signals by cable between camera and studio or between studio and television transmitter not exceeding 50 miles (80 km) for a link with respect to any one installation. (For radio relay links see ECCN 1520A.)

(b) Equipment to be used for closed circuit television or television distribution (community aerial systems and cable television systems) with an upper frequency limit of 960 MHz.

(c) Equipment designed to deliver, carry or receive baseband frequencies up to and including 62 MHz.

2. Licenses are likely to be approved for the export to satisfactory end-users in Country Groups PQSWY and Y of equipment defined in paragraph (b) above, and components, accessories and sub-assemblies and cable therefor, provided that it is for other than submarine use, is to be permanently installed in a circuit operated by the civilian authorities of the importing country, and is to be used for general commercial traffic, of the following description:

(a) A total digital bit rate at the highest level multiplex point of 8.5 million bits per second or less; and either

(b) A total number of voice channels per each physical bearer (wire or radio) of 120 or less; or

(c) A monochrome or color television channel with a maximum nominal bandwidth of 6 MHz, and associated sound channels.

3. Licenses are likely to be approved for the export to satisfactory end-users in Country Groups, PQSWY of the data modems defined in paragraph (c)(1) above, conforming to CCITT recommendations and/or specially designed for civil end-use, and operating at speeds up to 9,600 bits per second or 320% of the channel (or sub-channel) bandwidth in Hertz, provided they are to be permanently installed in a circuit operated by the civilian authorities of the importing countries for general commercial traffic.

4. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of data communications equipment, including fiber optics systems, using digital input and output and which are designed for a data signalling rate not exceeding 9,600 bits per second, regardless of the end-use.

1520A Radio relay communications equipment designed for use at frequencies exceeing 960 MHz, and components, accessories and sub-assemblies therefor.

Controls for ECCN 1520A

Unit: Report equipment in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $ 0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment defined in this ECCN, and components, accessories and sub-assemblies therefor, specially designed for the transmission of television signals between camera and studio or between studio and television transmitter, and not exceeding a line of sight distance with respect to any one installation.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment defined in this ECCN, and components, accessories and sub-assemblies therefor, of the following description:

(a) Ground communication radio equipment for use with temporary fixed services operated by the civilian authorities of the importing country and designed to be used at fixed frequencies not exceeding 13.5

GHz with a power output of not more than 5 watts;

(b) Equipment to be permanently installed in a circuit operated by the civilian authorities of the importing country for civil television transmission or for general commercial traffic, provided that:

(1) Associated multiplex equipment is considered separately under the provisions of ECCN 1519A; and

(2) No equipment with a base bandwidth exceeding the limits set forth in Advisory Note 3 to ECCN 1519A is included.

3. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment defined in this ECCN, for communications satellite earth station provided that it is to be installed for operation in the framework of an INTELSAT, MARISAT or INMARSAT satellite communications system.

4. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment with a maximum capacity of 300 voice channels of 4 kHz each, components accessories, sub-assemblies and specialized test equipment for industrial use, *e.g.*, remote supervision, control and metering of oil and gas pipelines, public utility services (*e.g.*, electricity networks) including telephone channels for the operation of such networks and the engineering service circuits required for the maintenance of telecommunications links.

5. Licenses are likely to be approved for the export to satisfactory end-users in Country Group PQSWY of tropospheric scatter communication equipment, and components, accessories and sub-assemblies therefor, defined in this ECCN, provided that it will be permanently installed at specific sites for civil communication purposes and has all of the following characteristics:

(a) Fixed frequency of 2.7 GHz or less;

(b) Frequency modulation;

(c) Power amplifier output of 10 kW or less.

1521A Amplifiers and related equipment.

Controls for ECCN 1521A

Unit: Report lasers and systems in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Amplifiers and Related Equipment Controlled By ECCN 1521A

(a) Tuned amplifiers having a bandwidth which exceeds 50 MHz or 10 percent of the mean frequency, whichever is less, *except those specially designed for use with civil television receivers (aerial amplifiers), for use in community television distribution systems or for use in radio communications equipment for frequencies not exceeding 32 MHz;*

(b) Untuned amplifiers having a bandwidth which exceeds 10 MHz, *except*

(i) Those having a bandwidth up to 50 MHz provided the power output does not exceed 20 watts;

(ii) Those having a bandwidth between 50 MHz and 100 MHz provided the power output does not exceed 1 watt;

(iii) Those operating in the range of 380 to 512 MHz and designed for civil communications equipment provided the power output does not exceed 20 watts; and

(iv) Those specially designed for use with civil television receivers (aerial amplifiers), for use in community television distribution systems or for use in radio communications equipment for frequencies not exceeding 32 MHz; and

(c) Specially designed parts and accessories therefor.

(Specify by name and model number.)

Note.—(The bandwidth is defined as the band of frequencies over which the power amplification does not drop to less than one-half of its maximum value. The mean frequency is defined as the arithmetic mean between the frequencies at which the power amplification is one-half of its maximum value.) For amplifiers designed to operate at frequencies above 1 GHz, see ECCN 1537A. For parametric amplifiers, etc., see ECCN 1537A; for amplifiers specially designed for and intended to work with oscilloscopes, see ECCN 1584A.

522A Lasers and laser systems including equipment containing them.

Controls for ECCN 1522A

Unit: Report lasers and systems in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: Special licenses may be available for equipment of the following description: machine tools containing or designed to contain lasers described in this ECCN 1522A; single aperture lasers with an output greater than one thousand joules per nanoseconds; and tunable diode lasers.

List of Lasers and Laser Systems Controlled by ECCN 1522A

(a) Lasers and specially designed components and parts therefor, including amplification stages, active and passive components in semi-fabricated forms as well as in fabricated forms, *except the following when not contained in equipment:*

1. Argon, krypton and non-tunable dye lasers with both of the following characteristics:

(1) An output wavelength shorter than 0.8 micrometer; and

(2) A pulsed output not exceeding 0.5 Joule per pulse and an average or continuous wave maximum rated single- or multi-mode output power not exceeding 20 watts;

2. Helium-cadmium, nitrogen and multigas lasers not otherwise specified in this item with both of the following characteristics:

(1) An output wavelength shorter than 0.8 micrometer; and

(2) A pulse output not exceeding 0.5 Joule per pulse and an average or continuous wave maximum rated single- or multi-mode output power not exceeding 120 watts;

3. Helium-neon lasers with an output wavelength shorter than 0.8 micrometer;

4. Ruby-lasers with both of the following characteristics:

(1) An output wavelength shorter than 0.8 micrometer; and

(2) An energy output not exceeding 20 Joules per pulse;

5. CO_2, CO or CO/CO_2 lasers having either or both of the following characteristics:

(1) An output wavelength in the range of 9 to 11 micrometers, and a pulsed output not exceeding 2.0 Joules per pulse and a maximum rated average single- or multi-mode output power not exceeding 1,200 watts or a continuous wave maximum rated single- or multi-mode output power not exceeding 2,500 watts;

(2) An output wavelength in the range of 5 to 7 micrometers and having a continuous wave maximum rated single- or multi-mode ouptut power not exceeding 50 watts;

6. Nd:YAG lasers having an output wavelength of 1.06 micrometers with either of the following characteristics:

(1) a pulsed output not exceeding 0.5 Joule per pulse and maximum rated average single-or multi-mode output power not exceeding 10 watts or a continuous wave maximum rated single- or multi-mode output power not exceeding 50 watts; or

(2) A pulsed output not exceeding 10 Joules per pulse with a pulse width not less than 50 microseconds and

maximum rated average single- or multi-mode output power not exceeding 50 watts;

7. Nd: Glass lasers with both of the following characteristics:

(1) An output wavelength of 1.06 micrometers; and

(2) a pulsed output not exceeding 0.5 Joule per pulse;

8. Tunable CW dye lasers, with both of the following characteristics:

(1) An output wavelength shorter than 0.8 micrometer; and

(2) An output not exceeding an average or continuous wave maximum rated singel- or multi-mode output power of 1 watt;

9. Tunable pulsed laser (for argon and krypton lasers, see paragraph (a) (1) above), including dye and N^{a}, with all of the following characteristics:

(i) An output wavelength shorter than 0.8 micrometer;

(ii) A pulse duration not exceeding 100 nanoseconds; and

(iii) A peak power output not exceeding 1 MW;

10. Single-element semi-conductor lasers with a wavelength shorter than 1 micrometer designed for, and used in, equipment as defined under paragraphs (b) (13) and (14) below;

(b) Equipment containing lasers and laser systems, *except equipment listed below containing lasers listed in (a) above as exceptions:*

(1) Specially designed for industrial and civilian instrusion detection and alarm systems;

(2) Specially designed for medical applications;

(3) Equipment for educational and laboratory purposes;

(4) Specially designed for traffic and industrial movement control and counting systems;

(5) Specially designed for detection of environmental pollution;

(6) Optical spectrometers and densitometers;

(7) Equipment containing continuous wave helium-neon gas lasers (but see paragraphs (c) and (d) below);

(8) Textile-cutting and textile bonding equipment;

(9) Paper cutting equipment;

(10) Equipment containing lasers for drilling diamond dies for the wire drawing industry;

(11) Electronic scanning equipment with auxiliary electronic screening unit specially designed for printing processes, including such equipment when used for the production of color separations;

(12) Laser-radar (lidar) equipment specially designed for surveying and meteorological observation;

(13) Consumer disc-type video and audio recorders and reproducers;

(14) Price scanners (point of sales);

(15) Systems designed for surveying purposes, provided there is no capability of measuring range;

(c) Laser measuring systems that maintain over the full scale a resolution equal to or less (finer) than 0.0001 mm and an accuracy equal to or less (finer) than 1.0 ppm for a 48-hour period over a temperature range of ±110°C around a standard temperature and at a standard pressure (Standard temperature and pressure as indicated in IEC Publication No. 160.);

(d) Laser feedback systems and laser interferometers used in equipment covered by ECCN 1093A.

Advisory Note.— Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment listed in paragraph (b) containing lasers described in (a)(6)(i) and (a)(7) provided the lasers have a maximum pulsed output not exceeding 2 Joules per pulse. The shipment of spare laser rods for equipment exported under this Advisory Note will be restricted to rods having no greater output power and/or energy capability than those originally exported with the equipment.

1526A Cable.

Controls for ECCN 1526A

Unit: Report cable in "feet."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Cable Controlled by ECCN 1526A

(a) Non-communications coaxial cable with the outer conductor electro-plated directly on spirally-grooved cable dielectric;

(b) Communications cable, of the following description:

(1) Submarine cable, having the following characteristics:

(i) Reversed-twist, double-armored cable used for towing or suspending and communicating with submerged devices;

(ii) Unarmored or single-armored ocean cable having an attenuation of 1.8 dB per nautical mile (0.97 dB/km) or less, measured at a frequency of 600 kHz;

(2) Coaxial cable using a dielectric aired by discs, beads, spiral, screw, or any other means, with an inner diameter of the outer conductor of the cores greater than 14 mm (0.551 in.);

(3) Graded index or single-mode step index optical fiber communications cable and optical fibers therefor, having either of the following characteristics:

(i) An attenuation at any operating wavelength of 5 dB/km or less; or

(ii) A tensile strength greater than $7\times10^{9}N/m^{2}$;

(4) Secure communications cable, being either coaxial or multi-conductor communications cable protected by mechanical and/or electrical means from physical damage and/or intrusion in such a manner that communications security is maintained between terminals without the necessity for encryption, *except cable that is armored by only a tough outer sheath or that is electromagnetically screened only.*

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of cable defined in paragraph (b)(1)(i) when used for civil applications in oceanographic research or in natural resources exploration.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of cable defined in paragraphs (b)(1)(ii), (b)(2) and (b)(3), provided that:

(a) The cable is for a specific civil end-use;

(b) The quantities of cable required are normal for the purpose; and

(c) (for cable controlled by paragraph (b)(3) only) The cable is not specially designed for underwater use.

1527A Cryptographic equipment and ancillary equipment, their specialized components, and software controlling or performing the function of such cryptographic equipment; video systems; and digital computers and differential analyzers.

Controls for ECCN 1527A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $0 for all destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Equipment Controlled by ECCN 1527A

Cryptographic equipment and ancillary equipment (such as teleprinters, perforators, vocoders, visual display units) designed to ensure secrecy of communications (such as telegraphy, telephony, facsimile, video, data) or of

stored information, their specialized components; and software controlling or performing the function of such cryptographic equipment. Also video systems which, for secrecy purposes, use digital techniques (conversion of an analog, *i.e.*, video or facsimile, signal into a digital signal). (This ECCN also covers digital computers and differential analyzers (incremental computers) designed or modified for, or combined with, any cipher machines, cryptographic equipment, devices or techniques including software, microprogram control (firmware) and/or specialized logic control (hardware), associated equipment therefor, and equipment or systems incorporating such computers or analyzers), *except simple cryptographic devices or equipment only ensuring the privacy of communications, of the following description:*

(a) Equipment for voice transmission making use of fixed frequency inversions and/or fixed band scrambling techniques in which the transposition changes occur not more frequently than once every 10 seconds;

(b) Standard civil facsimile and video equipment designed to ensure the privacy of communications by an analog transmission using nonstandard practices for intended receivers only (video system equipment effecting the transposition of analog data);

(c) Video systems for pay television and similar restricted audience television, including industrial and commercial television equipment using other than standard commercial sweep systems.

Note.—*Exporters requesting a validated license from the Department of Commerce must provide a statement from the Department of State, Office of Munitions Control, verifying that the equipment intended for export is under the licensing jurisdiction of the Department of Commerce.*

1529A Electronic measuring, calibrating counting, testing, and/or time interval measuring equipment, whether or not incorporating frequency standards.

Control for ECCN 1529A

Unit: Report in "number," parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V: $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security; paragraphs (g) and (h) of the List below are also controlled for nuclear non-proliferation reasons.

Special Licenses Available: See Part 373.

List of Equipment Controlled by ECCN 1529A

(a) Equipment of the following description:

(1) Designed as reference frequency standards for laboratory use, with a stability over 24 hours or more of 1 part in 10^{10} or better;

(2) Designed for fixed ground use and containing frequency standard(s), with a stability over 24 hours of 1 part in 10^{9} or better; or

(3) Designed for portable or mobile use and containing frequency standard(s), with a stability over 24 hours of 1 part in 10^{8} or better;

(b) Instruments of the following description:

(1) Designed for use at frequencies exceeding 18 GHz;

(2) Designed and rated for use at frequencies exceeding 12.5 GHz of the following description:

(i) Comb frequency generators;

(ii) Transfer oscillators; or

(iii) Frequency converters;

(3) Designed for use at frequencies exceeding 1 GHz, of the following description:

(i) Network analyzers (for automatic measurement of equivalent circuit parameters over a range of frequencies);

(ii) Specially calibrated microwave instrumentation receivers capable of measuring amplitude and phase simultaneously;

(iii) Instruments for the direct measurement of impedance; or

(iv) Instruments in which the functions can be controlled by the injection of digitally coded electrical signals from an external source;

(4) Spectrum analyzers employing time compression of the input signal or FFT (Fast Fourier Transform) techniques;

(5) Incorporating computing facilities with user accessible reprogramming capability and an alterable memory of more than 8,192 bits;

("User accessible reprogramming capability" as used in this ECCN means:

(i) The instrument contains a computing facility *e.g.*, a microprocessor; and

(ii) The user has the ability to alter the computing program through external controls, *e.g.*, switches, keyboards, digital buses, etc.)

(6) Digital instruments incorporating computing facilities, of the following description:

(i) Digital test instruments with user accessible reprogramming capability (including digital circuit testers, logic (state and/or timing) analyzers, bus analyzers, serial data analyzers, digital work generators) specially designed for examining and/or comparing the absolute or relative information content (*e.g.*, logic states, mnemonics, etc.), or the timing of one or more digital bit streams, *except:*

(a) Logic probes, logic pulsers, digital current tracers (or current "sniffers"), signature analyzers and other digital circuit testers capable of observing single events and/or providing stimulus at single test points;

(b) Logic clips and logic comparators;

(c) Logic (state and/or timing) analyzers with not more than eight (not including qualifier channel) data channels and a maximum clock rate capability of 2 MHz or less;

(d) Digital word generators capable of operating at a maximum clock rate of 2 MHz or less with word lengths of 8 bits or less;

(ii) Microprocessor and microcomputer development instruments and systems, specially designed for use in debugging, diagnosing, emulating, simulating, designing, evaluating, programming or reprogramming firmware/software of signal processor-, computer- or memory-based devices, systems or microsystems *(e.g.*, emulators, simulators, memory programmers, etc.) *except those which are used only with microprocessor and microcomputers not covered by ECCN 1564A;*

(c) Digital counters of the following description:

(1) Capable of counting successive input signals with less than 5 nanoseconds time difference without prescaling (digital division) of the input signal (for counter/timers having a time interval measurement mode, see also paragraph (d) below);

(2) Employing prescaling of the input signal, in which the prescaler is capable of resolving successive input signals with less than 1 nanosecond time difference; or

(3) Capable of measuring burst frequencies exceeding 100 MHz for a burst duration of less than 5 milliseconds;

(d) Time interval measuring equipment employing digital techniques, capable of measuring time intervals of less than 5 nanoseconds on a single shot basis;

(e) Testing equipment rated to maintain specified operating data when operating over a range of ambient temperatures from below −25° C to above +55° C;

(f) Digital voltage measuring apparatus, with or without electrical

outputs, irrespective of the physical units in which calibrated, with a reading speed (from zero to the measured value but not including changes in range or polarity) faster than 25 accesses per second and having *any* of the following characteristics:

(1) A digital resolution at all points on the scale greater than one part in 200,000;

(2) An accuracy better than 1 part in 50,000 (0.002 percent) of reading over an ambient temperature range of ±5° C or more; or a stability better than 10^{-6} of reading over a period of 24 hours or more;

(3) Capable of more than 500 independent measurements per second; *except visual quantization apparatus capable of providing an average value, displayed or not, of the results of the measurement; and Multi-channel analyzers of all types used in nuclear experimentation;*

(g) Transient recorders, utilizing analog-to-digital conversion techniques, capable of storing transients by sequentially sampling single input signals at successive intervals of less than 50 nanoseconds; and

(h) Specially designed parts and accessories therefor.

(Specify by name and model number.)

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of items defined only in paragraph (a)(2), provided that:

(a) The stability over 24 hours is not better than 5 parts in 10^{10}; and

(b) The equipment is a reasonable requirement for the stated legitimate civil end-use.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of items defined in paragraph (b)(4), having either of the following characteristics:

(a) Capable of computing 512 complex spectral lines in 200 milliseconds or more;

(b) Capable of computing 512 real spectral lines in 100 milliseconds or more.

3. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of instruments defined in paragraph (b)(5), provided that:

(a) The instruments have been designed for non-strategic use and by nature of design, software, microprogram control (firmware), specialized logic control (hardware) or performance are substantially restricted to the particular application for which they have been designed.

(b) The instruments are not covered by any other part of this ECCN and do not exceed the limits of Advisory Note 4 to ECCN 1565A.

4. Licenses are likely to be approved for export to National Bureau of Standards type end-users in Country Group P (People's Republic of China) of limited quantities of Cesium atomic standards covered by paragraph (a).

5. Licenses are likely to be approved for exports to satisfactory end-users in Country Group P (People's Republic of China) of network analyzers designed for use at frequencies up to 18 GHz covered by paragraph (b)(3)(i).

6. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of microprocessor software development systems and microprocessor software training system covered by paragraph (b)(6) for microprocessors which are also approvable under the Advisory Notes to ECCN 1564A.

7. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of in-circuit emulators covered by paragraph (b)(6) and required for use with equipment released by Advisory Note 6 above. PROM and EPROM programmers are specifically excluded from approval with the above systems. (Also see ECCN 1564A.)

8. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of non-programmable microwave counters covered by paragraph (c) designed for use at frequencies up to 18 GHz provided that they are not capable of pulsed RF Measurements.

4529B Other instruments, n.e.s., for measuring, indicating, recording, testing, or controlling electronic, electric, or nonelectric quantities that incorporate digital computers defined in ECCN 1565A, paragraphs (d) and (e); and parts and accessories, n.e.s. (Specify by name and model number.)

Controls for ECCN 4529B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V: $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

4530B UF_6 Mass spectrometers.

Controls for ECCN 4530B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ and Canada.

GLV $ Value Limits: $1,000 for Country Groups T & V: $0 for all other destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: None.

List of spectrometers controlled by ECCN 4530B

(a) Mass spectrometers, magnetic or quadrupole:

(1) Instruments having all of the following characteristics:

(i) Unit resolution greater than mass 320; and

(iii) Electron-bombardment ionization source; and

(2) Having any of the following characteristics:

(i) Molecular beam ion sources;

(ii) Ion source chambers constructed of or lined with nichrome or monel, or nickel plated;

(iii) A collector system suitable for simultaneous collection of two or more isotopic species; or

(b) Sources for mass spectrometers:

(1) Molecular beam source; or

(2) Ion source chambers constructed of or lined with nichrome or monel, or nickel plated; or

(3) Sources for mass spectrometers designed especially for use with UF_6.

Technical Data: Exports of related technical data require a validated license to all destinations, including Canada.

1531A Frequency synthesizers.

Controls for ECCN 1531A

Unit: Report synthesizers and equipment in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Illustrative List of Frequency Synthesizers controlled by ECCN 1531A

Frequency synthesizers (and equipment containing such frequency synthesizers) having the following characteristics (Frequency synthesizer means any kind of frequency source or signal generator, regardless of the actual technique used, providing a multiplicity of simultaneous or alternative output frequencies, from one or more outputs, controlled by, derived from or disciplined by a lesser number of standard (or master) frequencies):

(a) Containing frequency standards described in paragraph (a) of ECCN 1529A or temperature compensated

crystal oscillators covered by paragraph (c) of ECCN 1587A.

(b) Instrument frequency synthesizers and synthesized signal generators designed for ground laboratory use, producing output frequencies whose accuracy and short and long term stability are controlled by, derived from or disciplined by the input frequency or internal master standard frequency, and having any of the following characteristics:

(1) A maximum output frequency in excess of 550 MHz;

(2) Having a phase noise to signal ratio better than −60 dB or an AM noise to signal ratio better than −70 dB referred to the 30 kHz band centered on the carrier, excluding the 1 Hz band centered on the carrier;

(3) Electrically programmable (in that the output frequency can be controlled or selected by the injection of digitally coded electrical signals from an external control source) with a switching speed from one selected output frequency to another selected output frequency less than 10 milliseconds;

(4) Having a level of spurious components in the output better than −80 dB non-harmonic and/or −60 dB harmonic component measured relative to the selected output frequency;

(5) Having more than 3 different selected synthesized output frequencies available simultaneously from one or more outputs;

(6) With facilities for pulse modulation of the output frequency; and

(7) Parts, components, accessories, and sub-assemblies, specially designed for the above equipment.

(c) Airborne communications equipment using frequency synthesizers, having the following characteristics (also see paragraph (a) of ECCN 1501A):

(1) Designed to receive or transmit frequencies greater than 156 MHz;

(2) Incorporating facilities for the rapid selection of more than 200 channels per equipment, *except those equipments operating in the frequency range of 108 to 136 MHz incorporating facilities for the rapid selection of 720 channels or fewer at not less than 25 kHz channel spacing which have been in normal civil use for at least one year;*

(3) With a switching speed from one selected output frequency to another of less than 10 milliseconds;

(4) Frequency synthesizers, designed for the above equipment, whether supplied separately or with the said equipment, exceeding the parameters specified in paragraph (b) above; and

(5) Parts, components, accessories, and sub-assemblies, speciallu designed for the above equipment.

(d) Digitally-controlled radio receivers, whether or not computer controlled, which search or scan automatically a part of the electromagnetic spectrum, using frequency synthesizer, having the following characteristics (also see ECCN 1516A):

(1) Digitally-controlled receivers in which the switching operation takes less than 10 milliseconds, *except non-ruggedized digitally-controlled preset type radio receivers designed for use in civil communications, which have 200 selective channels or fewer;*

(2) Frequency synthesizers designed for the above equipment, whether supplied separately or with the said equipment, exceeding the parameter specified in paragraph (b) above; and

(3) Parts, components, accessories, and sub-assemblies, specially designed for the above equipment; and

(e) Radio transmitters incorporating transmitter drive units, exciters and master oscillators using frequency synthesis, having the following characteristics (also see ECCN 1517A):

(1) Having an output frequency of up to 32 MHz with a frequency resolution of better than 10 Hz and with a switching speed from one selected output frequency to another selected output frequency less than 10 milliseconds;

(2) Having an output frequency from 32 MHz to 235 MHz with a frequency resolution of better than 250 Hz and with a switching speed from one selected output frequency to another of less than 10 milliseconds;

(3) Having an output frequency greater than 235 MHz, *except*

(i) Television broadcasting transmitters having an output frequency from 470 MHz to 960 MHz with a frequency resolution of not better than 1 kHz and where the manually-operated frequency synthesizer incorporated in or driving the transmitter has an output frequency not greater than 120 MHz; and

(ii) FM and AM ground communications equipment for use in the land mobile service and operating in the 420 to 470 MHz band, with a power output of 50 watts for mobile units and 300 watts for fixed units, with a frequency resolution of not better than 6.25 kHz and with a switching speed from one selected output frequency to another selected output frequency greater than 50 milliseconds;

(4) Having more than three different selected synthesized output frequencies available simultaneously from one or more outputs;

(5) With facilities for pulse modulation of the output frequency of the transmitter or of the incorporated frequency synthesizer;

(6) Frequency synthesizers designed for the above equipment, whether supplied separately or with the said equipment, exceeding the parameters specified in sub-entry (b) above; and

(7) Parts, components, accessories, and sub-assemblies, specially designed for the above equipment.

(Specify by name and model number.)

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment defined in paragraph (b)(3) of this ECCN, with a switching speed not less than 5 milliseconds.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of non-programmable frequency synthesizers provided that their operating frequency is 18 GHz or less.

3. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of programmable frequency synthesizers designed for use at frequencies up to 1.3 GHz with swithing times of 5 milliseconds or more.

1532A Precision linear and angular measuring systems and components.

Controls for ECCN 1532A

Unit: Report in "number."

Validated License required: Country Groups PQSTVWYZ.

CLV & Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing code: MG.

Reason for Control: National security; nuclear non-proliferation. There are no controls for nuclear non-proliferation reasons on exports to those countries listed in Supp. Nos. 2 or 3 to Part 373.

Special Licenses Available: See Part 373.

List of Precision Linear and Angular Measuring Systems and Components Controlled by ECCN 1532A

(a) Contact-type systems and linear voltage differential transformers (LVDT) therefor, of the following descriptions:

(1) Systems having all of the following characteristics:

(i) Range equal to or less than 5 mm;

(ii) Linearity equal to or less than 0.1 percent;

(iii) Drift equal to or less than 0.1 percent per day at standard ambient test room temperatures ±1° C;

(2) Linear voltage differential transformers with no compensation networks and having either of the following characteristics:

(i) Range equal to or less than 5 mm;

(ii) Linearity equal to or less than 0.2 percent.

(linearity measurements are made in the static mode);

(b) Linear measuring machines, *except optical comparators,* with two or more axes having both of the following characteristics:

(1) Range in any axis greater than 200 mm;

(2) Accuracy (including any compensation) less (finer) than 0.0008 mm per any 300 mm segment of travel;

(c) Angular measuring systems having an accuracy equal to or less than 1 second of arc, *except optical instruments, such as autocollimators, using collimated light to detect angular displacements of a mirror;*

(d) Non-contact type systems having either of the following characteristics:

(1) Effective probe measurement diameter less than 0.5 mm and drift less than 0.5 percent per day at standard ambient test room temperatures ±1° C;

(2) Linearity less than 0.3 percent and drift less than 0.5 percent per day at standard ambient test room temperatures ±1° C.

Advisory Note—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment controlled by this ECCN to civil end-users not engaged in aerospace activities.

1533A Radio spectrum analyzers (i.e., apparatus capable of indicating the single-frequency components of multi-frequency signals), and specialized components, accessories and parts therefor.

(See paragraph (b)(4) of ECCN 1529A for spectrum analyzers employing time compression of the input signal or FFT techniques.)

Controls for ECCN 1533A

Unit: Report analyzers in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Radio Spectrum Analyzers Controlled by ECCN 1533A

(a) Non-programmable and capable of operating at frequencies over 12.5 GHz;

(b) Programmable and capable of operating at frequencies over 1 GHz;

(c) Having a display bandwidth in excess of 125 MHz;

(d) Incorporating computing facilities with user accessible reprogramming capability and an alterable memory of more than 8,192 bits;

(e) Having either of the following characteristics for analyzing frequencies greater than 1 GHz:

(1) Including a scanning preselector; or

(2) Incorporating a tracking signal generator;

(f) Having an overall display dynamic range of better than 80 dB; and

(g) Specialized components, accessories, and parts therefor.

Advisory Notes.—1. Licenses are likely to be approved for export to bona fide civil end-users in Country Groups PQSWY for civil end-use of equipment defined in paragraph (d) of this ECCN.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of microwave spectrum analyzers designed to operate up to an operating frequency of 18 GHz.

1534A Flatbed microdensitometers, except cathode-ray types, specially designed parts, components and assemblies therefor.

Controls for ECNN 1534A

Unit: Report in "number."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation. There are no controls for nuclear non-proliferation reasons on exports to those countries listed in Supp. Nos. 2 or 3 to Part 373.

Special Licenses Available: A Distribution License is available for shipments to countries listed in Supp. Nos. 2 or 3 to Part 373.

List of Flatbed Microdensitometers Controlled by ECCN 1534A

Flatbed microdensitometers, except cathode-ray types, *specially designed parts, components and assemblies therefor, having any of the following characteristics:*

(a) A recording or scanning rate exceeding 5,000 data points per second;

(b) A figure of merit better (less) than 0.1, defined as the product of the density resolution (expressed in density units) and the spatial resolution (expressed in micrometers);

(c) An optical density range greater than 0 to 4.

(Density resolution, expressed in density units, is measured over the optical density range of the instrument.)

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment specially designed for medical applications, provided the equipment is a reasonable requirement for the stated application.

2. Licenses are likely to be approved for export to civil end-users in Country Groups PQSWY for civil end-uses of equipment defined by paragraph (b) of this ECCN, provided the spatial resolution is not better (less) than 2 micrometers and the density resolution is not better (less) than 0.01 in density units.

3. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of flatbed microdensitometer units with a scanning rate up to *10,000* data points per second with rectilinear aperture and with a figure of merit not exceeding 0.05.

1537A Microwave equipment, including parametric amplifiers, capable of operating at frequencies over 1 GHz (other than microwave equipment defined in ECCNs 1501A, 1517A, 1520A, 1526A(a), 1529A and Supp. No. 2 to Part 370).

Controls for ECCN 1537A

Unit: Report equipment in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Microwave Equipment Controlled by ECCN 1537A

Microwave equipment, including parametric amplifiers, capable of operating at frequencies over 1 GHz (other than microwave equipment defined in ECCN's 1501A, 1517A, 1520A, 1526A(a), 1529A and Supp. No. 2 to Part 370), of the following description:

(a) Rigid and flexible waveguides and components therefor designed for use at frequencies in excess of 18 GHz;

(b) Waveguides having a bandwidth ratio greater than 1.7 : 1;

(c) Waveguide components, having the following characteristics:

(1) Directional couplers having a bandwidth ratio greater than 1.7 : 1 and directivity over the band of 20 dB or more;

(2) Rotary joints capable of transmitting more than one isolated channel or having a bandwidth greater than 5 percent of the center mean frequency, *except those used in air traffic control equipment carrying*

combinations of frequencies suitable for secondary surveillance radar antennae co-mounted on a primary radar antenna and which do not have a bandwidth exceeding 5 percent of the center mean frequency: or

(3) Magnetic including gyro-magnetic waveguide components;

(d) TEM mode device using magnetic including gyro-magnetic properties;

(e) TR and anti-TR tubes and components therefor *except those designed for use in waveguides and having any of the following characteristics, which are in normal civil use for ground or marine radar:*

(i) Operating at a peak power not exceeding 3 MW and at a frequency of 1.5 GHz or less;

(ii) Operating at a peak power not exceeding 1.2 MW and at a frequency over the range of 1.5 GHz to 6 GHz; or

(iii) Operating at a peak power not exceeding 300 kW and at a frequency over the range of 6 GHz to 10.5 GHz;

(f) Assemblies and sub-assemblies in which the isolating base material functions as a dielectric (as used in stripline, microstrip or slotline) *except for those items specifically designed for use in civil television systems to meet ITU standards and using as an isolating material paper base phenolics, glass cloth melamine, glass cloth epoxy resin, polyethylene terephthalate or other isolating material with an operating temperature not exceeding 302° F (150° C);*

(g) Passed array antennae and sub-assemblies, designed to permit electronic control of beam shaping and pointing, and/or specialized parts thereof (including but not limited to duplexers, phase shifters, and associated high speed diode switches); *except duplexers and phase shifters specifically designed for use in civil television systems or in other civil radar or communication systems not defined elsewhere in the Commodity Control List:*

(h) Microwave assemblies and sub-assemblies having circuits fabricated by the same processes used in integrated circuit technology, which include active circuit elements (for acoustic wave devices, see ECCN 1586A.) (Also see ECCN 1564A.);

(i) Microwave assemblies and sub-assemblies which contain band pass or band stop filters and are capable of operating at 3 GHz or greater;

(j) Amplifiers (Also see ECCN 1521A.);

(k) PIN modulators (Also see ECCN 1544A.); and

(l) Specially designed parts and accessories therefor.

Advisory Notes.—1. Licenses are likely to be approved for exprt to satisfactory end-users in Country Groups PQSWY of items defined in paragraphs (c)(3) and (d) of this ECCN required as replacement parts in specific civil equipment not exceeding the capability of that which could be exported under ECCNs 1501A or 1520A provided such parts do not upgrade the initial performance of that equipment.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of items defined in paragraph (e) of this ECCN required as replacement parts in specific civilian equipment not exceeding the capability of that which could be exported under ECCN 1501A, provided such parts do not upgrade the initial performance of that equipment.

3. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of items defined in paragraph (f) of this ECCN designed and intended for use in civil telecommunications systems at frequencies allocated by the ITU for that purpose.

4. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of items defined in paragraph (h) of this ECCN for use at frequencies between 1 GHz and 3 GHz.

5. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of equipment containing parametric amplifying or paramagnetic amplifiers defined in paragraph (j) of this ECCN provided that they are—

(a) Specially designed for medical applications or for use in simple educational devices and operating at ISM frequencies; or

(b) Having an output power of not more than 10 watts, which is specially designed for industrial and civilian intrusion detection and alarm systems, traffic and industrial movement control and counting systems, environmental pollution of air or water detection systems, or for simple educational devices.

1541A Cathode-ray tubes.

Controls for ECCN 1541A

Unit: Report tubes in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: Cathode-ray tubes with characteristics defined in paragraph (a) below are controlled for reasons of national security. Cathode-ray tubes with other characteristics defined in this ECCN are controlled for reasons of national security and nuclear non-proliferation. Nuclear non-proliferation controls do not apply to those countries listed in Supp. Nos. 2 or 3 to Part 373.

Special Licenses Available: See Part 373.

List of Cathode-Ray Tubes Controlled by ECCN 1541A:

Cathode-ray-tubes having any of the following characteristics:

(a) A resolving power of 800 lines or more per inch (32 lines per mm), using the shrinking raster method of measurement;

(b) With traveling wave or distributed deflection structure using delay lines, or incorporating other techniques to minimize mismatch of fast phenomena signals to the deflection structure; or

(c) Incorporating microchannel plate electron multipliers; and

(d) Specially designed parts and accessories therefor.

(Specify by name and type number.)

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of cathode-ray tubes defined in paragraph (b) of this ECCN, which utilize segmented plate (sectioned Y-plate) structures.

1542A Triggered spark-gaps having an anode delay time of 15 microseconds or less and rated for peak current of 3,000 amps or more; specially designed parts therefor; and equipment incorporating such devices.

(Triggered spark-gaps are tubes with a structure consisting of two opposed anodes with shapes resembling flattened hemispheres, and with one or more triggering probes placed approximately in the center of one anode. The structure is sealed and contains a mixture of gases, principally nitrogen, under less than atmospheric pressure.)

(Specify by name and type number.)

Controls for ECCN 1542

Unit: Report tubes and semi-conductor devices in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: Special licenses are not available for those triggered spark-gaps having an anode delay time of 15 microseconds or less and rated for peak current of 3,000 amps or more, and specially designed parts therefor. See Part 373 for special licenses available for other equipment defined in this ECCN.

1544A Semi-conductor diodes and dice and wafers therefor, except those made from germanium, selenium or copper oxide, designed or rated for use at imput or output frequencies above 12.5 GHz, or having any of the characteristics listed in the List below.

Controls for ECCN 1544A

Unit: Report tubes and semi-conductor devices in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Semi-Conductor Diodes and Dice and Wafers Therefor Controlled by ECCN 1544A

Semi-conductor diodes and dice and wafers therefor, except those made from germanium, selenium or copper oxide, *designed or rated for use at input or output frequencies above 12.5 GHz or having any of the following characteristics:*

(a) Mixer and detector diodes designed or rated for use at input or output frequencies greater than 1 GHz, *except:*

(1) Point contact diodes designed or rated for use at input or output frequencies or 12.5 GHz of less;

(2) Schottky diodes designed or rated for mixer use at input or output frequencies of:

(i) 3 GHz or less and having a noise figure of more than 6 dB; or

(ii) Greater than 3 GHz and less than 12.5 GHz and having a noise figure of more than 6.5 dB;

(3) Schottky diodes designed or rated for detector use at input or output frequencies of less than 12.5 GHz and having a minmum rated tangential sensitivity of either worse than −45 dBm under unbiased conditions or worse than −50 dBm under biased conditions;

(b) Oscillator and amplifier devices such as Gunn, Impatt, Trapatt, TED and LSA, including those used for the direct conversion of DC to RF power, designed or rated for use at:

(1) Output frequencies above 1 GHz but not exceeding 4 GHz with a peak power greater than 2 watts or a maximum CW power greater than 200 mW; or

(2) Output frequencies above 4 GHz but not exceeding 12.5 GHz with a peak power greater than 1 watt or a maximum CW power greater than 100 mW;

(c) Voltage variable capacitance diodes designed or rated for use at input or output frequencies greater than 1 GHz;

(d) Fast recovery diodes, of the following description:

(1) Having a rated maximum reverse recovery time of less than 1 nanosecond; or

(2) Having both a rated forward rectified current over 1 ampere and a rated maximum reverse recovery time of less than 30 nanoseconds;

(When average reverse recovery time is quoted instead of maximum reverse recovery time, the maximum may be regarded as two times the average.)

(When reverse recovery time is not quoted, diodes rated for a stored charge of less than 25 pico-coulombs shall be regarded as covered by paragraph (d) above.)

(Diodes constructed with a rectifying deposited metal semi-conductor junction or barrier, such as hot-carrier or Schottky-barrier diodes, will normally be considered under paragraphs (a) and (d) above. For photodiodes, see ECCN 1548A.)

(e) PIN diodes designed or rated for use at input or output frequencies above 1 GHz;

(f) Non-coherent light-emitting diodes with a peak radiant intensity at a wavelength of greater than 1,000 nanometers (for coherent light-emitting diodes, see ECCN 1522A); and

(g) Specially designed parts and accessories therefor.

(Specify by name and type number.)

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of shipments for civil use containing up to 200 of the Schottky diodes defined in paragraphs (a) (2) and (3) above, having a maximum frequency not exceeding 3 GHz irrespective of noise level or tangential sensitivity.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of non-coherent light-emitting diodes defined in paragraph (f) above, for use in identifiable civilian communications systems.

1545A Transistors and dice and wafers therefor (for phototransistors, see ECCN 1548A).

Control for ECCN 1545A

Unit: Report tubes and semi-conductor devices in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Transistors and Dice and Wafers Therefor Controlled by ECCN 1545A

(a) Of any type using a bulk semi-conductor material other than germanium or silicon; or

(b) Using silicon as the bulk semi-conductor material and having any of the following characteristics:

(1) An operating frequency greater than 1 GHz;

(2) An operating frequency of 1.5 MHz or below and a maximum collector dissipation exceeding 300 watts, or an operating frequency greater than 1.5 MHz and a maximum collector dissipation exceeding 250 watts;

(3) An operating frequency greater than 200 MHz and a product of the operating frequency (in GHz) and the maximum collector dissipation (in watts) exceeding 5; or

(4) Majority carrier devices, including but not limited to junction field-effect transistors and metal-oxide semiconductor transistors, *except field-effect transistors having a maximum power dissipation of 500 mW or less and a maximum operating frequency of 1 GHz or less.*

(The maximum operating frequency in Hertz mentioned in paragraph (b)(4) above is defined as follows:

$f_{max} = g_m / 2\pi C_i$

Where gm is the maximum transconductance is Siemens (mho) and C_i is the input capacitance in farads.)

(The maximum collector dissipation is defined as the continuous dissipation measured under the optimum cooling conditions specified by the manufacturer.)

(Operating (specification) frequency is defined as the frequency used in measuring output power or power gain (G_{pE}, G_{pB}, G_{pC}).

When these parameters are not specified, the operating frequency is defined as the frequency used in measuring gain bandwidth product (f_T) or noise figure.)

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of transistors defined in paragraphs (b) (2) and (3) above, specially designed for television transposers or for civil mobile

communication equipment, and having a product of the operating frequency (in GHz) and the maximum collector dissipation (in watts) not exceeding 20.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of transistors defined in paragraph (b)(4) above which are suitable for and will be used in civil TV, AM or FM receivers or audio frequency equipment.

1547A Thyristors and dice and wafers therefor.

Controls for ECCN 1547A

Unit: Report tubes and semi-conductor devices in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Thyristors and Dice and Wafers Therefor Controlled by ECCN 1547A

(a) Designed for use in pulse modulators having a rated turn-on time of less than 1 microsecond where the rated peak current exceeds 150 amperes;

(b) Having a rated turn-off time of less than 1 microsecond;

(c) Having a rated turn-off time of from 1 microsecond to less than 2.3 microseconds, *except those having a rated peak current of 50 amperes or less and encapsulated in non-hermetically sealed packages;*

(d) Having a rated turn-off time of from 2.3 to 10 microseconds and a figure of merit greater than 25 (the figure of merit is defined as the product of the repetitive peak off-state voltage (V DRM) in kilovolts and the repetitive peak on-state current (I TRM) in amperes as shown on the thyristor data sheets);

(e) Specially designed parts and accessories therefor.

(Specify by name and type number.)

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of thyristors required as replacement parts in specific civil equipment provided that they do not upgrade the initial performance of that equipment.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of thyristors defined in this ECCN provided that they have been designed and are intended for civil applications other than in radar or laser modulators.

1548A Photosensitive components and dice and wafers therefor.

Controls for ECCN 1548A

Unit: Report tubes and semi-conductor devices in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Photosensitive Components and Dice and Wafers Therefor Controlled by ECCN 1548A

(a) Photosensitive components (including photodiodes, phototransistors, photothyristors, photoconductive cells and similar photosensitive components) with a peak sensitivity at a wavelength longer than 1,200 nanometers or shorter than 190 nanometers; *except germanium photo devices with a peak sensitivity at a wavelength shorter than 1,750 nanometers;*

(b) Semi-conductor photodiodes and phototransistors with a response time constant of 0.25 microsecond or less measured at the operating temperature for which the time constant reaches a minimum (The time constant is defined as the time taken from the application of a light stimulus for the current increment to reach a value of 1–1/e times the final value (*i.e.*, 63 percent of the final value).); and

(c) Specially designed parts and accessories therefor.

(Specify by name and type number.)

Advisory Note.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of infra-red single-element encapsulated photoconductive cells or pyroelectric detectors intended for civil applications and using any of the following:

(a) Evaporated lead sulfide;

(b) Triglycine sulphate with a surface area of 20 mm or less;

(c) Lead-lanthanum-zirconium titanate ceramic.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY for civil applications of semi-conductor photodiodes controlled by paragraph (b) above, with a response time constant of 0.5 nanosecond or more and with a peak sensitivity at a wavelength neither longer than 920 nanometers nor shorter than 300 nanometers.

1549A Photomultiplier tubes.

Controls for ECCN 1549A

Unit: Report tubes, semi-conductor devices, and systems in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: See Part 373.

List of Photomultiplier Tubes Controlled by ECCN 1549A

Photomultiplier tubes of the following description:

(a) Those for which the maximum sensitivity occurs at wavelengths longer than 0.75 micrometer or shorter than 0.3 micrometer;

(b) Having an anode pulse rise time of less than 1 nanosecond; or

(c) Containing microchannel plate electron multipliers; and

(d) Specially designed parts and accessories therefor.

(Specify by name and type number.)

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of non-ruggedized tubes defined in paragraph (a) above, required as replacement parts for specific civil equipment not exceeding the capability of that which could be exported under the Commodity Control List, provided that these parts do not upgrade the initial performance of such equipment.

1553A Flash discharge type X-ray systems (including tubes) and specially designed parts and accessories therefor.

Controls for ECCN 1553A

Unit: Report tubes, semi-conductor devices, and systems in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: None.

List of X-ray Systems Controlled by ECCN 1553A

Flash discharge type X-ray systems (including tubes) and specially designed

parts and accessories therefor, having all of the following characteristics:

(a) Peak power greater than 500 MW;

(b) Output voltage greater than 500 kV; and

(c) Pulse width less than 0.2 microsecond.

1555A Electron tubes and specialized components and parts therefor, except commercial standard television camera tubes not having fiber optic faceplates and commercial standard X-ray amplifier tubes.

Controls for ECCN 1555A

Unit: Report tubes, semi-conductor devices, and systems in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security; nuclear non-proliferation (except that nuclear non-proliferation controls do not apply to tubes defined in paragraph (b) of the LIST below). Nuclear non-proliferation controls do not apply to those countries listed in Supp. Nos. 2 or 3 to Part 373.

Special Licenses Available: None for tubes defined in paragraphs (a) and (c) of the LIST below. A Distribution License is available for shipment of other commodities defined in this ECCN to countries listed in Supp. Nos. 2 or 3 to Part 373.

List of Electron Tubes Controlled by ECCN 1555A

Electron tubes and specialized components and parts therefor, except commercial standard television camera tubes not having fiber optic faceplates and commercial standard X-ray amplifier tubes, of the following description:

(a) Image intensifiers and image converters incorporating fiber optic faceplates and/or microchannel-plate electron multipliers, and camera tubes incorporating or coupled with such intensifiers or converters;

(b) Electronic storage tubes, including memory transformers of radar pictures, *except signal converter storage tubes specially designed for television purposes;*

(c) Camera tubes with fiber optic faceplates and/or microchannel-plate electron multipliers; or

(d) Ruggedized camera tubes having a maximum length-to-bulb diameter ratio of 5:1 or less.

Note.—The image intensifiers, image converters and camera tubes defined in paragraph (a) have significant military as well as commercial use, and as such, licensing jurisdiction is shared between the Office of Munitions Control (Department of State) and the Department of Commerce.

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of reasonable quantities of non-ruggedized tubes controlled by this ECCN, provided that the tubes will be used for bona fide medical applications.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of non-ruggedized direct view storage tubes defined in paragraph (b) above, having an effective diameter or diagonal not exceeding 280 mm, for civil radar or oscilloscope applications.

3. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of camera tubes defined in paragraphs (c) and (d) above incorporating fiber optic faceplates but not microchannel-plate electron multipliers, provided that the tubes will be used for bona fide civil television applications.

1556A Optical Elements and Elements for Optical Tubes.

Controls for ECCN 1556A

Unit: Report in "number."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Optical Elements and Elements for Optical Tubes Controlled by ECCN 1556A

(a) Non-flexible fused fiber optic plates or bundles, having all of the following characteristics:

(1) A fiber pitch (center-to-center spacing) of less than 15 micrometers;

(2) A light-absorbing medium surrounding each fiber, or interstitially placed between fibers; and

(3) A diameter greater than 1/2 in. (13 mm); or

(b) Microchannel plates for electron image amplification having both of the following characteristics:

(1) 15,000 or more hollow tubes per plate; and

(2) Hole pitch (center-to-center spacing) of less than 30 micrometers.

(Specify by name and type number.)

1558A Electronic vacuum tubes (valves), and specialized parts.

Controls For ECCN 1558A

Unit: Report tubes, semi-conductor devices, and systems in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $50 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Electronic Vacuum Tubes (valves) and Specialized Parts Controlled by ECCN 1558A

(a) Tubes in which space charge control is utilized as the primary functional parameter, including but not limited to triodes and tetrodes, of the following description:

(1) Tubes rated for continuous wave operation having either of the following characteristics:

(i) Above 4 GHz at maximum rated anode dissipation; or

(ii) Within the frequency range 0.3 to 4 GHz and for which, under any condition of cooling, the product of the maximum rated anode dissipation (expressed in GHz) at the maximum rated anode dissipation is greater than 10^4, *except for tubes specially designed for television transmitters operating in the frequency range of 0.47 to 0.96 GHz and rated for operation without a grid current, for which the product of the rated anode dissipation (expressed in watts) and the square of the maximum frequency (expressed in GHz) may reach* 2×10^4;

(2) Tubes rated only for pulse operation having either of the following characteristics:

(i) Above 1 GHz at the peak pulse output power; or

(ii) Between 0.3 and 1 GHz and for which, under any condition of cooling, the product of the peak pulse output power (expressed in watts) and the square of the maximum frequency (expressed in GHz) is greater than 4.5×10^4;

(3) Tubes specially designed for use as pulse modulators for radar or similar applications, having a peak anode voltage rating of 100 kV or more, or rated for a peak pulse power of 6 MW or more (Also see ECCN 1514A.);

(b) Tubes which utilize interaction between a beam of electrons and microwave elements and in which the electrons travel in a direction

perpendicular to the applied magnetic field, including but not limited to magnetrons, crossed-field amplifier tubes and crossed-field oscillator tubes *except:*

(1) Fixed frequency and tunable pulsed magnetrons and crossed-field amplifier tubes which are in normal civil use in equipment which may be exported under the terms of the Commodity Control List, having the following characteristics:

(i) Magnetrons designed to operate at frequencies below 3 GHz with a maximum rated peak output power of 1.5 MW or less, or between 3 and 12 GHz with the product of the maximum rated peak output power (expressed in kilowatts) and the frequency (expressed in GHz) less than 4,200;

(ii) Crossed-field amplifier tubes designed to operate at frequencies below 4 GHz with a maximum rated peak output power of 1.2 MW or less and with less than 15 dB gain;

(2) Fixed frequency continuous wave magnetrons designed for medical use or for industrial heating or cooking purposes operating at a frequency of 2.375 GHz+0.05 GHz or 2.45 GHz+0.05 GHz with a maximum rated power not exceeding 6 kW or at a frequency lower than 1 GHz with a maximum rated power not exceeding 25 kW;

(c) Tubes which utilize interaction between a beam of electrons and microwave elements or cavities and in which the electrons travel in a direction parallel to the applied magnetic field, including but not limited to klystrons and traveling wave tubes, *except:*

(1) Continuous wave tubes for use in civil communications designed for octave or lesser bandwidth (where the highest operating frequency is equal to or less than two times the lowest operating frequency) having the following characteristics:

(i) Designed to operate below 20 GHz;

(ii) The product of the rated output power (expressed in watts) and the frequency (expressed in GHz) is less than 800;

(2) Pulsed tubes for civil applications designed for octave or less bandwidth and having either of the following characteristics:

(i) Peak saturated output power not exceeding 1 kW and average power not exceeding 40 watts at or below 10 GHz;

(ii) Peak saturated output power not exceeding 100 watts and average power not exceeding 20 watts between 10 and 20 GHz;

(3) Pulsed tubes for civil applications designed for fixed frequency operation at frequencies below 3.5 GHz, peak output power of 1.6 MW or less, and operating bandwidth less than 1 percent;

(4) Low power oscillator tubes designed to operate at frequencies below 20 GHz with maximum output power of less than 3 watts;

(d) Tubes which utilize interaction between an electron beam and microwave elements or cavities but do not require a magnetic field to control or focus the electron beam, *except low power reflex oscillator klystrons designed to operate at frequencies below 20 GHz and at a maximum output power of less than 3 watts;*

(e) Tubes which utilize interaction between a beam of electrons and microwave elements or cavities in which the electrons drift in a direction parallel to the applied magnetic field but also require for their operation a large component of velocity transverse to the direction of the applied magnetic field, including but not limited to gyrotrons and ubitrons;

(f) Tubes designed to withstand on any axis an acceleration of short duration (shock) greater than 1,000 g;

(g) Valves designed for operation in ambient temperatures exceeding 200° C;

(h) Tubes of types described in paragraphs (c), (d), or (e) which are designed to operate with no cathode heating element; or

(i) Tubes which utilize a modulated beam of electrons striking one or more semi-conductor diodes to provide power gain (Also see ECCN 1544A.)

(Specify by name and type number.)

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of the following commodities:

(a) Tubes defined in paragraphs (a) and (c) above, specifically designed for television purposes and which are to be used in television transmitters, the precise location of which is known, for civil telecasting according to CCIR or OIR standards;

(b) Tubes defined in paragraphs (a), (b) and (c) above required as replacement parts for specific civilian equipment not exceeding the capability of that which could be exported under other Commodity Control List ECCNs, provided that these parts do not upgrade the initial performance of that equipment;

(c) Pulsed amplifier klystrons and fixed frequency and mechanically tunable pulsed magnetrons defined in paragraphs (b) and (c) above intended for civil radar equipment previously exported, provided that they do not upgrade the initial performance of that equipment.

1559A Hydrogen thyratrons of ceramic-metal construction rated for a peak pulse power output of 12.5 MW or more; and specially designed parts and accessories therefor.

(Specify by name and type number.)

Controls for ECCN 1559A

Unit: Report tubes and semi-conductor devices in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V: $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: See Part 373.

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of ceramic-metal structured hydrogen thyratrons to replace such thyratrons in specific civil radar equipment previously exported, provided that they do not upgrade the initial performance of that equipment.

1560A Capacitors designed for and/or capable of maintaining their rated electrical and mechanical characteristics during their specified operating lifetime.

Controls for ECCN 1560A

Unit: Report tubes and semi-conductor devices in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $ 0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of capacitors controlled by ECCN 1560A

Capacitors designed for and/or capable of maintaining their rated electrical and mechanical characteristics during their specified operating lifetime, of the following description:

(a) Monolithic ceramic capacitors rated for operation over the whole range of ambient temperatures from below −55° C to above +125° C;

(b) Tantalum electrolytic capacitors rated for operation at ambient temperatures exceeding +125° C, *except sintered electrolytic types having a casing made of epoxy resin or which are sealed or coated with epoxy resin;* and

(c) Specially designed parts and accessories therefor.

(Specify by name and type number.)

1561A Materials specially designed and manufactured for use as absorbers of electromagnetic waves having frequencies greater than 2×10^8 Hz, and less than 3×10^{12} Hz, except materials having the following characteristics:

(a) *A tensile strength of less than 7×10^7 N/m² (10,157 psi) and a compressive strength of less than 17.5×10^7 N/m² (25,392 psi);*

(b) *Not capable of withstanding temperatures in excess of 176° C (350° F).*

Controls for ECCN 1561A

Unit: Report in "pounds."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

1564A Electronic component assemblies, sub-assemblies, printed circuit boards, and microcircuits.

Controls for ECCN 1564A

Unit: Report in "number."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Definitions of terms related to commodities controlled by ECCN 1564A:

(a) *Assembly.* A number of components (*i.e.*, circuit elements, discrete components, microcircuits) connected together to perform a specific function or functions, replaceable as an entity (and normally capable of being disassembled).

(b) *Microcircuit.* A device in which a number of passive and active circuit elements are considered as indivisibly associated on or within a continuous structure to perform the function of a circuit.

(c) Monolithic integrated circuit. A microcircuit fabricated as a single component consisting of elements formed in or on a single semiconducting substrate by diffusion, implantation or deposition.

(d) Film type microcircuit. An array of circuit elements and metallic interconnections formed by deposition of a thick or thin film on an insulating substrate.

(e) Multichip microcircuit. A microcircuit containing two or more monolithic integrated circuit chips bonded to a common substrate.

(f) Hybrid microcircuit. A microcircuit consisting of a combination of film-type microcircuits and monolithic integrated circuit elements or combinations of either with discrete components and/or circuit elements.

(g) Circuit element. A single active or passive functional item in an electronic circuit, such as one diode, one transistor, one resistor, one capacitor.

(h) Discrete component. A separately packaged circuit element with its own external connections.

(i) Integrated optical microcircuit. A microcircuit containing one or more elements designed to function as a photosensor and/or photo-emitter.

(j) Module. An assembly, replaceable as an entity, not normally capable of being disassembled.

(k) Microprocessor microcircuit. A single package (normally single-chip) electronic logic unit capable of executing from external memory a series of general purpose instructions contained in the external memory. (The unit normally does not contain integral user memory, although internal memory on the chip may be present for internal utilization by the chip in performing its logic function. User memory is customarily provided via external memory chips, although some products have some limited onboard memory that is normally used for purposes other than program storage.)

(l) Microcomputer microcircuit. An electronic logic unit capable of executing instructions from internal memory, on data contained in the internal memory. (In certain cases the internal memory may be augmented by an external memory.)

List of electronic component assemblies, sub-assemblies, printed circuit boards, and microcircuits controlled by ECCN 1564A

(a) Printed circuit boards (single sided, double sided, or multilayer) designed to mount and provide interconnection between electronic components, *except those manufactured from any of the following insulating materials:*

(1) *Paper base phenolics;*

(2) *Glass cloth melamine;*

(3) *Glass epoxy resin;*

(4) *Polyethylene terephthalate; or*

(5) *Any insulating material with a maximum continuous rated operating temperature not exceeding 150°C;*

(b) Assemblies, modules and printed circuit boards with mounted components of the following description:

(1) Those including printed circuit boards covered by paragraph (a) above;

(2) Those which contain microprocessor, microcomputer or memory microcircuits or embargoed components, *except:*

(i) Assemblies, not containing microcomputer or memory microcircuits, whose only embargoed components are capacitors;

(ii) Power supply assemblies;

(Paragraph (b)(2) above does not cover assemblies, modules and printed circuit boards with mounted components designed for equipment (other than electronic computers and related equipment) not otherwise embargoed, and which, by nature of their design, performance, lack of user-accessible programmability and software, microprogram control, or specialized logic control, are substantially restricted to the particular application for which they have been designed.)

(Assemblies, modules and printed circuit boards with mounted components which are designed for, or which have the same functional characteristics as, embargoed equipment shall be rated against the parameters of the appropriate equipment item, except that, in such cases, the temperature parameter will be below −55°C and above +85°C.)

(For assemblies, modules and printed circuit boards with mounted components which are designed for, or which have the same functional characteristics as, electronic computers or related equipment, see ECCN 1565A.)

(c) Microcircuits (monolithic integrated circuits, microprocessor, microcomputer, multichip, hybrid, film or integrated optical types), *except:*

(i) Encapsulated passive networks (technology for the manufacture of thin-film passive networks is not released by this paragraph); or

(ii) Encapsulated microcircuits which are not designed or rated as radiation hardened, which are not rated for operation below −40°C or above +85°C, which are packaged in TO–5 outline cases (0.30 inch to 0.370 inch diameter) or in non-hermetically sealed cases and which are:

(1) Bipolar types designed for operation as digital logic circuit elements but limited to gates, inverters, buffers, bilateral switches, drivers, counters, latches, adders, comparators, parity generators, multiplexers,

expanders, flip-flops, multivibrators, code converters, registers, encoders, decoders, demultiplexers, diode matrices, multipliers and Schmitt-triggers, and having all of the following characteristics:

(a) A product of the typical basic gate propagation delay time, in nanoseconds, and the power dissipation per basic gate, in milliwatts, not less than 30 pJ (i.e., speed-power product/gate not less than 30 pJ);

(b) A typical propagation delay time not less than 3 nanoseconds; and

(c) Encapsulated in a package having 24 terminals or less;

(2) CMOS types designed for operation as digital logic circuit elements but limited to gates, inverters, buffers, flip-flops, latches, multivibrators, bilateral switches, display drivers, fixed counters, fixed frequency dividers, storage registers, decoders, voltage translators, encoders and Schmitt-triggers, and having both of the following characteristics:

(a) A minimum propagation delay time under any rated conditions of not less than nanoseconds;

(b) Encapsulated in a package having 24 terminals or less;

(3) Silicon single-chip microcomputer microcircuits that are mask programmed for a civil application prior to export and have all of the following characteristics:

(a) A word size/speed ratio of less than or equal to 0.4 bit per microsecond;

(b) A speed-power dissipation product of greater than or equal to 4 microjoules;

(c) An on-chip ready-only memory (ROM), not including the microcode, of less than or equal to 2,048 bytes;

(d) An on-chip random-access memory (RAM) of less than or equal to 512 bits;

(e) An operand (data) word length of less than or equal to 8 bits;

(f) Not capable of addressing off-chip program memory;

(g) Not rated for operation below −20° C or above +75° C;

(Speed is defined as the time (in microseconds) to add C to D where C and D are both in memory, and put the result back in C.) (Bit-slice microcomputers are not released by this sub-paragraph.)

(4) Silicon microprocessor microcircuits having all of the following characteristics:

(a) A word/size ratio of less than or equal to 0.4 bit per microsecond;

(b) A speed-power dissipation product of greater than or equal to 4 microjoules;

(c) Containing no on-chip ROM or on-chip RAM;

(d) An operand (data word length of less than or equal to 8 bits;

(e) Capable of addressing off-chip program memory of less than or equal to 32,768 bytes;

(f) Not rated for operation below −20° C or above +75° C;

(Speed is defined as above (3g). Bit-slice microprocessors are not released by this sub-paragraph.)

(5) Memory microcircuits of the following description:

(a) MOS dynamic RAM's having all of the following characteristics:

(i) A maximum number of bits per package of 1,024 bits and an access time of no less than 250 nanoseconds;

(ii) not rated for operation below −20° C or above +75° C;

(b) Mask programmed ROM's not rated for operation below −20° C or above +75° C, of the following description:

(i) With a maximum number of bits per package of 2,048 bits and an access time of no less than 450 nanoseconds;

(ii) PMOS or NMOS types with a maximum number of bits per package of 4,096 bits and an access time of no less than 700 nanoseconds;

(c) MOS static RAM's having both of the following characteristics:

(i) A maximum number of bits per package of 256 bits;

(ii) An access time of no less than 450 nanoseconds;

(d) Bipolar RAM's having all of the following characteristics:

(i) With a maximum number of bits per package of 64 bits and access time of no less than 30 nanoseconds;

(ii) With a maximum number of bits per package of 256 bits and an access time of no less than 40 nanoseconds;

(iii) With a maximum number of bits per package of 1,024 bits and an access time of no less than 45 nanoseconds;

(6) (a) Non-reprogrammable microcircuits, not capable of addressing external memory, specially designed for, and which by virtue of circuit design are normally limited to use only for simple calculators which perform a single function in response to a keystroke, capable of performing floating point addition of 13 decimal digits (mantissa only) or less in no less than 0.02 second;

(b) Programmable microcircuits specially designed for, and which by virtue of circuit design are normally limited to use only for simple key programmable calculators having both of the following characteristics:

(i) Capable of executing a sequence of no more than 256 program steps introduced into a program memory on the chip by a sequence of keystrokes;

(ii) Capable of performing a floating point addition of 13 decimal digits (mantissa only) or less in no less than 0.02 second;

(c) P-channel or N-channel MOS microcircuits specially designed as, and which by virtue of circuit design are normally limited to use only as, serial digital shift registers with a maximum clock rate of 2.5 MHz, and a maximum number of bits per package of 1,024;

(7)(a) Untuned AC amplifier microcircuits having a bandwidth of less than 3 MHz and a maximum rated power dissipation of 5 Watts or less at a case temperature of 25° C;

(8) Operational amplifier microcircuits having all of the following characteristics:

(a) A typical unity-gain open-loop bandwidth of not more than 5 MHz;

(b) a typical open-loop voltage gain of not more than 500,000 or 115 dB;

(c) A maximum intrinsic rated input offset voltage of not less than 2.5 mV; and

(d) A typical slew rate at unity gain not exceeding 2.5 volts/microsecond;

(9) Analog multiplier and/or divider microcircuits having both of the following characteristics;

(a) A best case rated non-linearity of not better than 0.5 percent of full scale;

(b) A −3 dB small-signal bandwidth of not more than 500 kHz;

(10) Isolation amplifier microcircuits;

(11) Instrumentation amplifier microcircuits having all of the following characteristics:

(a) A best case rated non-linearity of not better than 0.02 percent at a gain of 100;

(b) A maximum gain-bandwidth product not greater than 5 MHz (e.g., a maximum bandwidth of 50 kHz at −3 dB and at a gain of 100);

(c) A typical slew rate at unity gain not exceeding 1 volt/microsecond;

(12) Voltage regulator microcircuits, of the following description:

(a) Linear types, having both of the following characteristics:

(i) A rated nominal output voltage of 40 volts or less;

(ii) A maximum output current of 1 A or less;

(b) Switching types, having both of the following characteristics;

(i) A rated nominal output voltage of 40 volts or less;

(ii) A maximum output current of 150 mA or less;

(For voltage regulators, the +85° C upper temperature limit specified in paragraph (c)(ii) above is not applicable. The lower limit of −40° C is applicable.)

(13) Voltage comparator microcircuits, having both of the following characteristics:

(a) A maximum input offset voltage of not less than 2 mV; and

(b) A typical switching speed or typical response time of not less than 30 nanoseconds;

(14) Bipolar microcircuits designed for operation in civil applications as externally controlled (by inductive, magnetic or optical means) electronic switches, or as threshold valve switches with switching times of 0.5 microsecond or greater;

(15) Non-coherent light-emitting alphanumeric displays not incorporating an integrated circuit;

(16) Non-coherent light-emitting alphanumeric displays incorporating an integrated circuit used for decoding, controlling and/or driving that display, provided that the integrated circuit is not integral with the actual display device;

(17) Simple encapsulated photo-coupler (transoptor) assemblies with electrical input and output and which incorporate non-coherent light-emitting diodes;

(18) Interface microcircuits, of the following description:

(a) Line drives and line receivers having a typical propagation delay time from data input to output of not less than 15 nanoseconds;

(b) Sense amplifiers, having both of the following characteristics:

(i) A typical propagation delay time from data input to output of nor less than 15 nanoseconds;

(ii) A typical input threshold voltage of not less than 10 millivolts;

(c) Memory and clock drivers, having all of the following characteristics;

(i) A maximum rated output current of 500 milliamperes or less;

(ii) A maximum rated output voltage of 30 volts or less;

(iii) A typical propagation delay time from data input to output of not less than 20 nanoseconds;

(d) Peripheral and display drivers, having all of the following characteristics;

(i) A maximum rated output current of 500 milliamperes or less;

(ii) A typical propagation delay time from data input to output of not less than 20 nanoseconds;

(iii) A maximum rated output voltage of 80 volts or less;

(When propagation delay time is not specified, typical turn-on or turn-off time, whichever is less, should be used.)

(19) Voltage-to-frequency converter microcircuits not employing delta or delta/sigma modulation techniques, having both of the following characteristics:

(a) A rated non-linearity of not better than 0.01 percent of full scale;

(b) A setting/response time of not less than 20 microseconds for a full scale input change;

(20) Rms-to-doc voltage converter microcircuits having both of the following characteristics;

(a) A rated conversion accuracy, with or without external adjustment, of not better than 0.2 percent of full scale;

(b) A ±1 percent amplitude error bandwidth of not greater than 100 kHz;

(21) Analog-to-digital and digital-to-analog converter microcircuits of the following description:

(a) Analog-to-digital converter microcircuits having both of the following characteristics:

(i) A conversion time to maximum resolution of not less than 20 microseconds;

(ii) A rated non-linearity of not better than 0.05 percent of full scale over the specified operating temperature range;

(b) Digital-to-analog converter microcircuits having both of the following characteristics:

(i) A settling time to rated linearity of not less than 5 microseconds for "voltage output," and not less than 300 nanoseconds for units not incorporating an output amplifier;

(ii) A rated non-linearity of not better than 0.05 percent of full scale over the specified operating temperature range;

This paragraph (21)(b) is not intended to release coder, decoder or coder/decoder (codec) microcircuits specially designed for voice.)

(See ECCN 1527A.)

(22) Non-reprogrammable microcircuits which are specially designed for and by virtue of circuit design are normally limited to use for functional purposes in the following applications:

(a) Automotive, including safety, comfort, operations and pollution;

(b) Home electronics, including radio and television, appliances, clocks, watches, audio and video tape recorders, safety, comfort and amusement;

(c) Personal communications up to 150 MHz, including amateur radio communications and intercom;

(d) Unembargoed cameras (including cine cameras) but excluding imaging microcircuits;

(e) Cardiac pacemakers;

(A microcircuit whose function cannot be altered by accepting or executing instructions from any external source is non-reprogrammable.)

(Programmed microcircuits are only eligible for release from embargo if the program is unalterably stored at the time of manufacture and the performance of the function has been established for the intended end-use.)

(The temperature limits specified in the heading of paragraph (c)(ii) above do not apply to sub-paragraphs (c)(ii)(22) (a) or (d).)

(23) Timing microcircuits having both of the following characteristics:

(a) A typical timing error of not less than 0.5 percent;

(b) A typical rise time of not less than 100 nanoseconds;

(iii) Unencapsulated monolithic integrated circuits which are not designed or rated as radiation hardened, and which are:

(1) Bipolar types designed for operation as digital logic circuit elements but limited to gates, inverters, buffers, bilateral switches, drivers, counters, latches, adders, comparators, parity generators, multiplexers, expanders, flip-flops, multivibrators, code converters, registers, encoders, decoders, demultiplexers, diode matrices, multipliers and Schmitt-triggers, and having both of the following characteristics:

(a) A product of the typical basic gate propagation delay time (in nanoseconds) and the power dissipation per basic gate (in milliwatts) not less than 70 pJ (i.e., speed-power product/gate not less than 70 pJ);

(b) A typical propagation delay time not less than 5 nanoseconds; (This ECCN does not permit export of complex custom bipolar digital devices.)

(2) Operational amplifiers, having all of the following characteristics:

(a) A typical unity-gain open-loop bandwidth of not more than 5 MHz;

(b) A typical open-loop voltage gain of not more than 100,000 or 100 dB;

(c) A maximum intrinsic rated input offset voltage of not less than 5 mV;

(d) A typical slew rate at unity gain not exceeding 1 volt/microsecond;

(3) Audio amplifiers having a maximum rated power output of 10 watts or less at a case temperature of 25° C;

(4) Non-reprogrammable types which are specially designed for and by virtue of circuit design are normally limited to civil uses in television and radio receivers, having all of the following characteristics:

(a) Rated for operation at 11 MHz or less;

(b) Not specially designed for station scanning applications;

(c) Not utilizing charge-coupled device (CCD) technology;

(d) Not intended for beam lead bonding;

(e) Not intended for video and/or luminance amplifiers with maximum rated supply voltages exceeding 30 volts

or with typical bandwidths greater than 7.5 MHz.

(Specify by name and type number.)

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY for civil applications of assemblies, modules and printed circuit boards with mounted components (excluding those containing microprocessor, microcomputer and memory microcircuits) covered by paragraph (b)(2) above, if the components are likely to be approved for export to satisfactory end-users.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of devices covered by paragraph (b), and not released by paragraphs (c) (i) and (ii) above, when they consist of, or are incorporated in, plug-in printed circuit boards or plug-in modules for use in specifically identified equipment previously exported, and which do not upgrade the initial performance of that equipment, provided that the plug-in printed circuit boards or plug-in modules cannot operate independently from the equipment to which they are likely to be connected or inserted.

3. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of integrated circuits covered by paragraph (c)(ii) above only by virtue of being encased in hermetically sealed dual-in-line packages, provided that the stated legitimate civil end-use requires such a package.

4. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of devices, encapsulated or unencapsulated, covered by paragraphs (b) and (c) above, provided the devices have been designed specifically for identifiable civil applications and, by nature of design or performance, are substantially restricted to the particular application for which they have been designed.

5. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of silicon single-chip microcomputer microcircuits that are mask programmed for a civil application prior to export and have an operand (data) word length of less than or equal to 8 bits (such as sewing machines, etc.). This entry does *not* include bit-slice microprocessors.

6. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of silicon microprocessor microcircuits having an operand (data) word length of less than or equal to 8 bits, a word/speed ratio of 1.0 or less and a speed power product of 4 microjoules or greater.

7. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of memory microcircuits, of the following description:

(a) MOS dynamic RAM's having a maximum number of bits per package of 16,384 bits and an access time of 200 nanosecond or greater;

(b) Mask programmed ROM's with a maximum number of bits per package of 32,768 and 250 nanosecond access time or greater;

(c) MOS static RAM's with a maximum number of bits per package of 4,096 bits and an access time of 250 nanoseconds or greater;

(d) Bipolar RAM's with a maximum number of bits per package of 64 bits and an access time of no less than 30 nanoseconds;

(e) Programmable ROM's having a maximum number of 16,384 bits per package, including stand alone (no external interfacing capability) PROM programmers specially designed for and limited to programming the above devices; and

(f) UV erasable programmable ROM's provided that they have a maximum number of bits per package of 16,384 bits, including stand alone (no external interfacing capability) EPROM programmers specially designed for and limited to programming the above ROM's.

8. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of analog-to-digital converter microcircuits and digital-to-analog converter microcircuits covered by paragraph (c)(ii)(21) above, of the following description:

(a) Analog-to-digital converter microcircuits provided that they have a linear conversion time not less than 10 microseconds and have a non-linearity characteristic of not better than 0.015 percent; and

(b) Digital-to-analog converter microcircuits provided that they have a settling time of not less than 2 microseconds and not less than 200 nanoseconds when not incorporating an output amplifier and, in addition, do not have a non-linearity of better than 0.02 percent.

1565A Electronic computers and related equipment.

Controls for ECCN 1565A

Unit: Report computers and peripherals in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code. CD

Reason for Control: National security; foreign policy; nuclear non-proliferation.

Special South Africa and Namibia Controls: Foreign policy export controls for this ECCN apply only to computer equipment destined for the Department of Cooperation and Development, the Department of Internal Affairs, the Department of Community Development, the Department of Justice, the Department of Manpower Utilization, and administrative bodies of the "Homelands" that carry out similar functions in the Republic of South Africa and Namibia. Applications for validated licenses will generally be considered favorably on a case-by-case basis for the export of computers that would not be used to enforce the South African policy of apartheid.

Nuclear Non-Proliferation Controls: The following equipment is subject to nuclear non-proliferation controls and requires a validated license for Country Groups PQSTVWYZ and, in the case of (a) (1) through (4) below, to Canada:

(a) Electronic computers intended for ultimate consignees engaged directly or indirectly in any of the following activities:

(1) Designing, developing or fabricating nuclear weapons or nuclear explosive devices; or devising, carrying out, or evaluating nuclear weapons tests or nuclear explosions;

(2) Designing, assisting in the design of, constructing, fabricating or operating facilities for the chemical processing of irradiated special nuclear material, for the production of heavy water, for the separation of isotopes of any source or special nuclear material, or specially designed for the fabrication of nuclear reactor fuel containing plutonium;

(3) Designing, assisting in the design of, constructing, fabricating or furnishing equipment or components specially designed, modified or adapted for use in such facilities; or

(4) Training personnel in any of the above activities; and

(b) Advanced electronic digital computers with a bus rate of 60 million bits per second or more, or a processing data rate of 20 million bits per second or more (including digital differential analyzers) *except*

(1) Electronic computers that do not exceed either a CPU bus rate of 500 million bits per second or a processing data rate of 225 million bits per second are not subject to nuclear non-proliferation controls for destinations listed in Supp. No. 2 to Part 373 of the Export Administration Regulations unless the activities cited in (a) above are involved; or

(2) Electronic computers that do not exceed either a CPU bus rate of 200 million bits per second or a processing data rate of 60 million bits per second are not subject to nuclear non-proliferation controls for destinations listed in Supp. Nos. 2 and 3 to Part 373 of the Export Administration Regulations unless the activities cited in (a) above are involved.

Note.—Refer to § 376.10 of the Regulations for specific information required to be filed with applications for PQWY destinations. For all destinations other than PQWY, follow general application instructions and, in addition, indicate in the commodity description

column on Form ITA-622P and ITA-699P the "CPU bus rate" and "processing data rate."

Section 376.10 of the Regulations provides the formulas for calculating those rates.

Note.—Certain digital computers and/or devices and related peripherals may be exported or reexported under General License *G-DEST* to all destinations except those in Country Groups S & Z, subject to the provisions of § 376.10(a)(5) of the Regulations.

Special Licenses Available: None available for electronic computers exceeding a CPU bus rate of 60 million bits per second or a processing data rate of 20 million bits per second. Other electronic computers, analog or digital (including digital differential analyzers), are excluded from the Project License procedure.

Note.—Under the Distribution License procedure, electronic computers that do not exceed either a CPU bus rate of 500 million bits per second or a processing data rate of 225 million bits per second may be exported to approved consignees in destinations listed in Supp. No. 2 to Part 373. Electronic computers that do not exceed either a CPU bus rate of 200 million bits per second or a processing data rate of 60 million bits per second may be exported under the Distribution License procedure to approved consignees in destinations listed in Supp. No. 3 to Part 373. Any device, apparatus or accessory that upgrades a computer within these limits may be exported under the Distribution License procedure.

Note.—Distribution Licenses are not valid for the export of any computers to ultimate consignees engaged directly or indirectly in any of the following activities—

(a) Designing, developing or fabricating nuclear weapons or nuclear explosive devices; or devising, carrying out, or evaluating nuclear weapons tests or nuclear explosions;

(b) Designing, assisting in the design of, constructing, fabricating or operating facilities for the chemical processing of irradiated special nuclear material, for the production of heavy water, for the separation of isotopes of any source or special nuclear material, or specially designed for the fabrication of nuclear reactor fuel containing plutonium;

(c) Designing, assisting in the design of, constructing, fabricating or furnishing equipment or components specially designed, modified or adapted for use in such facilities; or

(d) Training personnel in any of the above activities.

List of Electronic Computers and Related Equipment Controlled by ECCN 1565A

(a) Analog computers designed or modified for use in airborne vehicles, missiles or space vehicles and rated for continuous operation at temperatures from below −45° C to above +55° C; and equipment or systems incorporating such computers;

(b) Other analog computers capable of accepting, processing and putting out data in the form of one or more continuous variables and capable of incorporating a total of at least 20 summers, integrators, multipliers or function generators with facilities for readily varying the interconnection of these components;

(c) Digital computers and digital differential analyzers (incremental computers), of the following description:

(1) Designed or modified for use in airborne vehicles, missiles, or space vehicles and rated for continuous operation at temperatures from below −45° C to above +55° C;

(2) Designed or modified to limit electromagnetic radiation to levels much less than those required to meet appropriate government civil interference specifications;

(3) Designed as ruggedized equipment and capable of meeting military specifications for ruggedized equipment or modified for military use;

(4) Designed or modified for "data (message) switching" or those incorporating equipment, devices, or techniques, including software, microprogram control (firmware) and/or specialized logic control (hardware), for accepting, storing, processing and retransmitting data groups ("Data (message) switching" is the technique (including but not limited to store and forward or packet switching) for accepting data groups (including messages, packets or other digital or telegraphic information groups that are transmitted as a composite whole), storing (buffering) data groups as necessary, processing part or all of the data groups for control (routing, priority, formatting, code conversion, error control, retransmission or journaling), transmission or multiplexing purposes as necessary, and retransmitting (processed) data groups when transmission and/or receiving facilities are available); and

(5) Equipment or systems incorporating such computers;

(d) Digital computers with one or more of the following characteristics:

(1) Floating point operations are implemented by hardware or microprogram control (firmware);

(2) The computer is equipped with peripherals (other than those free from control under paragraph (h) below);

(3) The computer is equipped with cathode-ray tube or other displays (other than those free from control under paragraph (h) below), of the following description:

(i) Used to display alphanumeric, graphic and/or similar data or information; or

(ii) With light gun or other graphic input devices;

(e) Other digital computers operated by one or more common control units and capable of all of the following:

(1) Accepting, storing, processing and producing an output in numerical or alphabetical form;

(2) Storing in fixed or alterable (writable) storage devices more than 512 numerical and/or alphabetical characters or having an internal fixed or alterable memory of more than 2,048 bits;

(3) Performing a stored sequence of operations that are modifiable by means (including replacement of fixed storage devices) other than a physical change in wiring or interconnections; and

(4) Selecting a sequence from a plurality of stored operations based upon data or an internally computed result;

(f) Computers capable of operating both analog and digital modes and related equipment of the following description;

(1) Equipment whose analog portion meets the conditions of paragraph (b) and whose digital portion meets the conditions of paragraph (e) and which also provides facilities for processing in the digital section numeric data from the analog section and/or vice versa;

(2) Equipment for interconnecting the analog and digital portions of computers as defined in paragraph (f)(1); and

(3) Digital or analog computers containing interconnecting equipment as defined in paragraph (f)(2);

(g) Related equipment for the above (including that also described in ECCNs 1572A and 1588A), designed or modified as described in paragraphs (a) or (c), *i.e.*, specialized parts, components, peripherals, displays, sub-assemblies, accessories, and spare parts; and

(h) Other related equipment for the above (including that also described in ECCNs 1572A and 1588A), *i.e.*, specialized parts, components, peripherals, displays, sub-assemblies, accessories, and spare parts.

This paragraph (h) does not control the following digital computer peripherals or displays unless they are controlled by paragraph (g). However, this does not

remove from control interface or control units for the following or any of the following entries which incorporate equipment otherwise controlled by this ECCN 1565A or which are also described in ECCNs 1572A and 1588A:

(1) Peripherals, of the following description:

(i) Punched card readers capable of operating at a speed not exceeding 2,000 cards per minute and punched card punches;

(ii) Paper tape readers capable of operating at a speed not exceeding 2,000 characters per second and paper tape punches;

(iii) Manually operated keyboards including teletype input devices; and

(iv) Non-impact printers capable of operating at a speed not exceeding 2,500 characters per minute, impact line printers and impact character printers;

(2) Displays, of the following description:

(i) Cathode-ray tube displays for which circuitry and character-generation devices external to the tube limit displays to alphanumeric characters in fixed formats or to graphs composed only of the same basic elements as used for alphanumeric character composition (limited to graphic displays for which the sequence of symbols and basic elements of symbols are fixed by the format and character generators in the unit and cannot be generated arbitrarily by the computer);

(ii) With light gun or other graphic input devices which are parts of the above cathode-ray tube displays;

(iii) Cathode-ray tube displays (excluding those displays which use cathode-ray tubes controlled by ECCN 1541A) which are part of industrial or medical equipment and which are not specially designed for computer use;

(iv) Non-coherent visible-spectrum light-emitting diode displays not controlled by ECCN 1544A;

(v) Nixie-type tube displays; and

(vi) Other displays for which circuitry and character-generation devices external to the display device (panels, tubes etc.) and the construction of the display device limit displays to alphanumeric characters in fixed formats or to graphs composed only of the same basic elements as used for alphanumeric character composition (limited to graphic displays for which the sequence of symbols and basic elements of symbols are fixed by the format and character generators in the unit and by the display device and cannot be generated arbitrarily by a computer or other control device). This subparagraph does not remove from control displays or display devices having circuitry or non-mechanical character-generation devices integral with the display device, or having any of the following characteristics:

(*a*) An area of 1,200 sq. cm. or less and a minimum character height of less than 8 mm;

(*b*) An area greater than 1,200 sq. cm. and a minimum character height of less than 20 mm; or

(*c*) A capability of displaying more than 3 levels (off, intermediate and full on); and

(vii) Specialized parts, components, sub-assemblies, accessories, and spare parts for the above.

(Specify by name and model number. Also see § 376.10.)

Note.—Paragraph (h) of ECCN 1565A is not intended to control peripherals and displays, identified in 1565A(h) (1) and (2), containing microprocessors that are permanently embedded as circuit elements dedicated solely to the primary function of the peripheral or display device and that have no user-accessible programmability of the microprocessors.

Advisory Notes.—1. Licenses are likely to be approved for export to satisifactory end-users in Country Groups PQSWY of analog computers covered by paragraph (b) above, and related equipment therefor covered by paragraph (h) above, provided that:

(a) The equipment is primarily used in non-strategic applications;

(b) The equipment will be used primarily for the specific non-strategic applications for which the export would be approved and that the number, type and characteristics of such equipment are normal for the approved use;

(c) The computers and related equipment are not covered by and would not thereby become covered by paragraph (a), (f), or (g) above, or exceed the limits of the NOTE;

(d) The analog computers are limited as follows:

(1) The rated errors for summers, inverters and integrators are not less than

(i) Static: 0.011%

(ii) Total at 1 kHz: 0.15%

(2) The rated errors for multipliers are not less than

(i) Static: 0.025%

(ii) Total at 1 kHz: 0.25%

(3) The rated error for fixed function generators (log × and sine/cosine) is not less than Static: 0.1%

(4) The computers have no more than 350 operational amplifiers; and

(5) The computers have no more than four integrator time scales switchable during one program.

Technical Notes.—(1) The percentage for Advisory Note 1(d)(1)(i) above applies to the actual output voltage; all other percentages apply to full scale, that is from maximum negative to maximum positive reference voltages.

(2) Total errors at 1 kHz for Advisory Note 1(d)(1)(ii) and (2)(ii) above are to be measured with those resistors incorporated in the inverter, summer or integrator which provide the least error.

(3) Total error measurements include all errors of the unit resulting from, for example, tolerances of resistors and capacitors, tolerances of input and output impedances of amplifiers, the effect of loading, the effects of phase shift, and the generating of functions.

2. Favorable consideration for export to satisfactory end-users in Country Groups PQSWY of digital computers defined in paragraph (c)(4) above will depend in part upon the degree of conformity with the following:

(a) The equipment is specially designed to meet the requirements of CCITT recommendation F–31 or ICAO recommendations for civilian aviation communication networks;

(b) The equipment will be used primarily for the specified civil application and will be operated by the civil authorities of the importing country for general civil traffic or for traffic with links with Western countries, or for an international Service to fulfill a commitment to ITU, ICAO, or any other inter-governmental organization which includes Western countries;

(c) The computers are not covered by the remainder of paragraph (c) above, or by paragraph (f) or (g) above, or do not exceed the limits of this Note;

(d) The number, type and characteristics of such equipment are normal for the approved use and the equipment will be limited as follows:

(1) Suitable combinations of circuits not exceeding:

(1) 250 circuits with "data signaling rates" of less than 150 bits per second;

(i) 60 circuits with "data signaling rates" of 150 to 1,000 bits per second; and/or

(iii) 8 circuits with "data signaling rates" of greater than 1,000 to 4,800 bits per second;

(2) The maximum "data signaling rate" of any circuit does not exceed 4,800 bits per second;

(3) The sum of the "data signaling rates" of all circuits does not exceed 27,500 bits per second;

(4) The sum of the "data signaling rates" of all circuits with "data signaling rates" greater than 1,000 bits per second does not exceed 19,200 bits per second;

Technical Note:

"Data signaling rate" is as defined in ITU Recommendation 53–36, taking into account that, for non-binary modulation, "bauds" and "bits per second" are not equal. Bits for coding, checking and synchronization functions are to be included.

(e) The disclosure of software and technical information for the equipment

exported is held to the minimum necessary for the application, operation and maintenance of the equipment in the stated civil end-use.

3. Favorable consideration for export to satisfactory end-users of digital computers covered by paragraph (d) (1) or (2), or (e) above, and related equipment therefor covered by paragraph (h) above, will depend in part upon the degree of conformity with the following:

(a) The equipment is primarily used in "telephone circuit switching" or "telegraph (telex) circuit switching" systems designed for fixed civil applications;

(b) (1) The equipment will be installed in "telephone circuit switching", or "telegraph (telex) circuit switching" systems designed for fixed civil applications;

(2) The equipment in total represents no more than 30 percent of the value of the switching system (during the initial installation of a partially-equipped system, this total may approach 50 percent); and

(3) The switching system will be either:

(i) Operated by civil authorities of the importing country for general civil traffic, or for traffic with links with Western countries, or for an international service to fulfill a commitment to ITU, ISAO or any other inter-governmental organization which includes Western countries; or

(ii) Used in a private exchange or private branch exchange (in each case of no more than 5,000 lines) which will be used in a civil installation situated in a densely-populated industrial area in a proscribed destination, and for which a responsible representative of the end-user or importing agency has furnished a signed statement describing the end-use and the location of the exchange and certifying that the equipment will only be used for that specific end-use;

(c) The computers and related equipment are not covered by the would not thereby become covered by paragraphs (c), (f), or (g) above, or exceed the limits of this Advisory Note;

(d) The number, type and characteristics of such equipment are normal for the approved use and the equipment will be limited to the minimum system configuration necessary to control a 50,000 line exchange for the uses cited in sub-paragraph (b)(3)(i) above, or to control a 5,000 line exchange for the uses cited in sub-paragraph (b)(3)(ii) above;

(e) For the interface equipment with which the digital computer is equipped (to be provided only for administrative and control communications purposes):

(1) The "total effective bit transfer rate" of remote "terminal devices" does not exceed 2,400 bits per second;

(2) The "effective bit transfer rate" of any interfaced "communication channel" does not exceed 2,400 bits per second;

(3) The interface equipment is located within the "computer operating area" and limits the "effective bit transfer rate" to those specified in sub-paragraphs (1) and (2) above; and

(4) All interfaced "communication channels" are dedicated full time to the given application;

(f) The disclosure of software and technical information for the equipment exported is held to the minimum necessary for the application, operation and maintenance of the equipment in the stated civil end-use.

Technical Notes.—(1) "Telephone Circuit Switching" is the technique for establishing within an exchange, on demand and until released, an exclusive direct or PCM (CCITT Recommendations G–11, G–732 and G–733) connection between calling and called telephone circuits based solely on subscriber-type of telephone dialing information derived from the calling circuit. The telephone circuits may carry any type of signal, *e.g.*, telephone, telegraph or telex, compatible with a voice channel bandwidth of 3,100 Hz. No information available on the circuit other than the subscriber dialing information is utilized for any other function.

(2) "Telegraph (Telex) Circuit Switching" utilizes techniques essentially identical to "Telephone Circuit Switching" for establishing connections between telegraph (telex) circuits based on the same type of dialing information. The telegraph (telex) circuits (which may be telephone circuits) may carry any telegraph (telex) signal compatible with a voice channel bandwidth of 3,100 Hz or less. No information available on the circuit other than the subscriber dialing information is utilized for any other function.

4. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of digital computers and/or devices defined in paragraphs (d) (1) or (2) or (e) above, and related peripherals defined in paragraph (h) above, provided that:

(a) The digital computers and/or devices have been designed for identifiable office and personal use and, by nature of design, software, microprogram control (firmware), specialized logic control (hardware) or performance, are substantially restricted to the particular application for which they have been designed;

(b) The digital computers and/or devices and the related peripherals and displays are not defined in paragraphs (c), (f) or (g) above, or do not exceed the limits of this NOTE;

(c) The digital computers and/or devices are limited as follows:

(1) The "CPU data handling rate" does not exceed 2 million bits per second;

(2) The "CPU numerical processing rate" for units capable of arithmetic operations does not exceed 0.1 million bits per second;

(3) The "total internal memory available to the user" does not exceed 32,768 bits;

(4) For peripheral devices with which the computer is equipped:

(i) No more than one magnetic tape transport which does not exceed:

(*a*) 1,600 bits per inch per track;

(*b*) 9 tracks per ½ inch (12.7 mm) tape width;

(*c*) ½ inch (12.7 mm) tape width; and

(*d*) 25 inches (65.6 cm) per second tape read/write speed;

(ii) Cassette/cartridge tape drives described in paragraph (d) below;

(iii) Digital computer peripherals and displays free from control under paragraph (h) above; and

(iv) Digital recording and reproducing equipment specially designed to use magnetic card, tag, label or bank check recording media free from control under ECCN 1572A sub-paragraph (a)(*ii*);

(d) The related peripherals are limited as follows:

Cassette/cartridge tape drives operating serially one track at a time, provided they have:

(i) No more than 800 bits per inch per track; and

(ii) No more than 6,000 bits per second maximum bit transfer rate.

Technical Notes.—(1) "CPU data handling rate" is defined as the maximum number of bits that can be accessed in parallel from an internal memory divided by the minimum time (including access time) for the execution of any instruction operating on this number of bits.

(2) "CPU numerical processing rate" is defined as the number of bits used to represent an arithmetic operand divided by the average time required for execution of a multiplication operation, assuming the most efficient arithmetic data coding and the fastest hardware, microprogram control (firmware) and/or software multiplication technique available to the user.

(3) "Total internal memory available to the user" is defined as the sum of the storage capacities of all user-alterable

internal storage devices plus all user-replaceable fixed storage devices that may be incorporated in the equipment at one time and that may be used to store microprogram control (firmware) and/or software instructions and data.

5. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of related specialized parts, components, sub-assemblies, accessories and spare parts covered by paragraph (h) above, for equipment previously exported pursuant to Advisory Note 4, provided that:

(a) The related specialized parts, components, sub-assemblies, accessories and spare parts:

(1) Will not upgrade the equipment beyond the limits of Advisory Note 4;

(2) Are in reasonable quantities based on the quantity of equipment previously exported from the country; and

(3) Are only for equipment previously exported from the country;

(b) Advanced technology components (microprocessors, arithmetic logic units (ALUs), fixed or alterable storage devices, programmed logic arrays (PLAs), etc.) defined in ECCN 1564A or 1588A are held to the minimum performance and quantity appropriate for the type and quantity of equipment they are intended for, assuming normal usage patterns.

6. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of related specialized parts, components, sub-assemblies, accessories and spare parts defined in paragraph (h) above, for tape drives previously exported pursuant to Advisory Note 4(c)(4)(ii) and (d), provided that they will not upgrade the tape drives beyond the limits of Advisory Note 4.

7. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of digital computers defined in paragraphs (d) (1) or (2) or (e) above, and related equipment therefor defined in paragraph (h) above, provided that:

(a) The equipment is primarily used in non-strategic applications;

(b) The equipment will be used primarily for the specific non-strategic applications for which the export would be approved and that the number, type and characteristics of such equipment are normal for the approved use;

(c) The computers and related equipment are not defined in and would not thereby become defined in paragraphs (c), (f) or (g) above, or exceed the limits of this NOTE;

(d) The digital computers are limited, as described below:

(1) The sum of either the "I/O bus rate" or the "total effective bit transfer rate", whichever is less, and the "CPU bus rate" does not exceed 45 million bits per second;

(2) The "processing data rate" for CPUs which implement floating point operations by hardware or microprogram control (firmware) does not exceed 8 million bits per second;

(3) The internal memory total connected capacity (excluding parity, word marker and flag bits) does not exceed 2.36 million bits;

(4) For peripheral devices with which the computer is equipped:

(i) The "total effective bit transfer rate" (excluding data channels not equipped with peripheral memory units) does not exceed 8 million bits per second;

(ii) The "effective bit transfer rate" of any peripheral memory or data channel does not exceed 1.6 million bits per second;

(iii) No more than 12 magnetic tape transports;

(iv) Magnetic tape transports which do not exceed:

(*a*) 1,600 bits per inch per track;

(*b*) 9 tracks per ½ inch (12.7 mm.) tape width; and

(*c*) ½ inch (12.7 mm.) tape width;

(v) For peripheral memory devices other than magnetic tape transports:

(*a*) Total connected "net capacity" does not exceed 960 million bits;

(*b*) For each independent device with an "average access time" or less than 30 milliseconds, the "memory performance factor" does not exceed 8,000;

(*c*) For each independent device with an "average access time" of 30 milliseconds or greater, the "memory performance factor" does not exceed 43,000;

(*d*) "Total number of accesses" does not exceed 150 per second;

(5) The "effective bit transfer rate" of any "terminal device" located remote from the "computer operating area" does not exceed 2,400 bits per second;

(6) For interface equipment with which the computer is equipped:

(i) The "total effective bit transfer rate" (excluding parity, word marker and flag bits) of remote "terminal devices" does not exceed 4,800 bits per second;

(ii) The "effective bit transfer rate" of any interfaced "communication channel" does not exceed 1,200 bits per second;

(iii) The interface equipment is located within the "computer operating area" and limits the "effective bit transfer rates" to those specified in sub-paragraphs (i) and (ii) above; and

(iv) all interfaced "communication channels" are dedicated full time to the given application.

8. Licenses are likely to be approved for export to satisfactory end-users in Country Groups, PQSWY of additional internal memory or peripheral memory devices defined in paragraph (h) above, for equipment previously exported pursuant to Advisory Note 7, provided that:

(a) Two years have elapsed since the initial installation of the equipment;

(b) The equipment would not thereby exceed the limits of Advisory Note 7(d) with the following modified limits on internal memory and peripheral memory devices:

(1) The internal memory total connected capacity (excluding parity, word marker and flag bits) does not exceed 4.72 million bits;

(2) For peripheral memory devices other than magnetic tape transports:

(i) Total connected "net capacity" does not exceed 1,400 million bits;

(ii) "Total number of accesses" does not exceed 200 per second;

(c) The conditions of Advisory Note 7 continue to be met.

9. Licenses are likely to be appproved for export to satisfactory end-users in Country Groups PQSWY of reasonable quantities of peripherals defined in paragraph (h) above, as follows:

(a) Disc drives utilizing non-rigid magnetic media, provided they have:

(1) No more than 7.88 in. (201 mm.) disc;

(2) No more than 3.2 million bit "net capacity";

(3) No more than 250,000 bits per second maximum bit transfer rate; and

(4) No less than 250 millisecond "average access time";

(b) Cassette/cartridge tape drives operating serially one track at a time, provided they have:

(1) No more than 1,600 bits per inch per track;

(2) No more than 48,000 bits per second maximum bit transfer rate;

(c) Non-impact line printers operating at 2,000 lines per minute or less and non-impact character printers operating at 300 characters per second or less;

(d) Graphic displays specially designed for signature security checking having an active display area not exceeding 150 sq. cm.

10. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of additional internal memory and peripheral memory devices defined in paragraph (h) above, for equipment previously exported, provided that the equipment would not thereby exceed the limits with the following additional limits on peripheral memory devices with which the computer is equipped:

(a) The "effective bit transfer rate" of any peripheral memory or data channel does not exceed 1.6 million bits per second;

(b) For peripheral memory devices other than magnetic tape transports:

(1) Total connected "net capacity" does not exceed 1,900 million bits;

(2) For each independent device with an "average access time" of 30 milliseconds or greater, the "memory performance factor" does not exceed 64,000.

11. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of digital computers provided that specifications do not exceed the following:

(a) I/O bus rate, or total effective bit transfer rate, whichever is less, plus CPU bus rate=290 Mbits/sec.

(b) Processing Data Rate=68 Mbits/sec.

(c) Internal Memory=16.8 Mbits.

(d) Total effective bit transfer rate=16 Mbits/sec.

(e) Effective bit transfer rate of any peripheral memory device or data channel=5.2 Mbits/sec.

(f) Number of magnetic tape units=12.

(g) Total connected Net Capacity of Peripheral Memory Devices, (excluding tape)=9.600 Mbits.

(h) Memory Performance Factor (MPF) of 380,000 at an average access time of 30 millisec or greater.

(i) Total number of accesses/sec.=350.

(j) Effective bit transfer rate of any one remote terminal device=9,600 bits/sec.

(k) Total effective bit transfer rate of all remote terminal devices=28,800 bits/sec.

(l) Effective bit transfer rate of any interface communications channel=4,800 bits/sec.

(m) Interface Equipment *total effective* bit transfer rate=115.2 Kbits/sec.

(n) Interface Equipment *single channel* effective bit transfer rate=7,200 bits/sec.

5565D Equipment, n.e.s., containing or incorporating an array transform processor (for example, nuclear magnetic reasonance analyzers, biomedical analyzers, X-ray scanner/analyzers, simulator systems, auto visual inspection systems, vibration and noise analyzers, and nuclear particle/emission analyzers).

(Array transform processors and parts therefor, when exported alone or as spares or replacements, are controlled by ECCN 1565A.)

Controls for ECCN 5565D

Unit: Report in "$ value."

Validated License Required: Country Groups PQSWYZ and Afghanistan.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: CD.

Reason for Control: National security.

Special Licenses Available: See Part 373.

1568A Equipment as defined in the LIST below.

Controls for ECCN 1568A

Unit: Report instruments and equipment in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG for commodities defined in paragraphs (a), (b), and (d) through (j) of the LIST below. EE for paragraphs (c), (k) and (l). Both MG and EE may apply to paragraph (m).

Reason for Control: National security. Nuclear non-proliferation controls apply to paragraphs (b), (d), (f), (g), (j), (k) and (m) of the LIST below. (Nuclear nonproliferation controls do not apply to those countries listed in Supp. Nos. 2 or 3 to Part 373.)

Special Licenses Available: See Part 373.

LIST of Equipment Controlled by ECCN 1568A

(a) All classes of devices, regardless of other characteristics, identified in paragraphs (b), (c), (d), (e), (f), (g), (j), and (k) below, which are designed to operate below −55° C or above +125° C;

(b) Synchros and resolvers (and special instruments rated to have the same characteristics as synchros and resolvers in (1) and (2) below, such as Microsyns, Synchro-Tels and Inductosyns), possessing any of the following characteristics:

(1) A rated electrical error of 7 minutes of arc or less or of 0.2 percent or less of maximum output voltage;

(2) A rated dynamic accuracy for receiver types of 1° or less, except that for units of size 30 (3 inches (76.2 mm) in diameter) or larger a rated dynamic accuracy of less than 1°;

(3) Multi-speed from single shaft types; or

(4) Designed for gimbal mounting;

(c) Amplifiers, electronic or magnetic, specially designed for use with resolvers, of the following description:

(1) Isolation types having a variation of gain constant (linearity of gain) of 0.2 percent or better;

(2) Summing types having a variation of gain constant (linearity of gain) or an accuracy of summation of 0.2 percent or better; or

(3) Employing solid state Hall effect;

(d) Induction potentiometers (including function generators and linear synchros), linear and non-linear, possessing any of the following characteristics:

(1) A rated conformity of 0.25 percent or less, or of 13 minutes of arc or less:

(2) Employing solid state Hall effect; or

(3) Designed for gimbal mounting;

(e) Induction rate (tachometer) generators, synchronous and asynchronous of the following description:

(1) Employing solid state Hall effect;

(2) With a housing diameter of 2 inches (50.8 mm) and smaller and a length (without shaft ends) of 4 inches (101.6 mm) and smaller or with a diameter-to-length ratio greater than 2:1, having one or more of the following characteristics:

(i) With a rated linearity of 0.1 percent or less; or

(ii) All temperature-compensated or temperature-corrected types;

(f) Servo-motors (gear-head or plain) of the following description:

(1) Designed to operate from power sources of more than 300 Hz, *except those designed to operate from power sources of over 300 Hz up to and not exceeding 400 Hz with a temperature range of from −55° C to +125° C;*

(2) Designed to have a torque-to-inertia ratio of 50,000 radians per second ^{2} or greater;

(3) Incorporating special features to secure internal damping; or

(4) Employing solid state Hall effect;

(g) Precision potentiometers, *except potentiometers using only switched elements* (for the purpose of this paragraph, a precision potentiometer means one having a rated conformity better than 0.25 percent for a linear potentiometer; or 1 percent for a non-linear potentiometer), and special instruments rated to have the same characteristics as potentiometers in (1) and (2) below, such as Vernistats, of the following description:

(1) Linear potentiometers having a constant resolution and a rated linearity of better than 0.05 percent absolute;

(2) Non-linear potentiometers having a variable resolution and a rated conformity of:

(i) 1 percent or less when the resolution is inferior to that obtained with a linear potentiometer of the same type and of the same track length; or

(ii) 0.5 percent or less when the resolution is better than or equal to that obtained with a linear potentiometer of the same type and of the same track length; or

(3) Designed for gimbal mounting;

(h) Direct current and alternating current torquers, *i.e.,* torque motors specially designed for gyros and stabilized platforms;

(i) Electro-optical devices designed to monitor relative rotation of remote surfaces;

(j) Synchronous motors, of the following description:

(1) Of size 20 (2 in. (50.8 mm) in diameter) and smaller and having synchronous speeds in excees of 3,600 rpm;

(2) Designed to operate from power sources of more than 400 Hz;

(k) Analog-to-digital and digital-to-analog converters other than digital voltmeters or counters (see ECCN 1529A), of the following description:

(1) Electrical input type analog-to-digital converters having any of the following characteristics:

(i) A peak conversion rate in excess of 200,000 complete conversions per second;

(ii) An accuracy in excess of 1 part in more than 10,000 of full scale; or

(iii) A figure of merit of 1×10^8 or more (derived from the number of complete conversions per second divided by the accuracy);

(2) Electrical imput type digital-to-analog converters having any of the following characteristics:

(i) A setting time (the time required for the output to come within one half bit of the final value when switching between any two levels of the converters) of less than 5 microseconds for voltage input devices and less than 500 nanoseconds for current input devices;

(ii) An accuracy in excess of 1 part in more than 10,000 of full scale;

(iii) A figure of merit of 1×10^9 or more (the figure of merit is derived as in (1) (iii) above;

(3) Solid-state synchro-to-digital or digital-to-synchro converters and resolver-to-digital or digital-to-resolver converter (including multipole resolvers) having a resolution of better than ±1 part in 5,000 per full synchro revolution for single speed synchro systems or ±1 part in 40,000 for dual speed systems;

(4) Mechanical input types (including but not limited to shaft-position encoders and linear displacement encoders, but excluding complex servo-follower systems), of the following description:

(i) Rotary types having an accuracy of better than ±1 part in 40,000 of full scale; or

(ii) Linear displacement types having a resolution better than ±5 micrometers;

(l) Semi-conductor Hall field probes, of the following description:

(1) Made of indium-arsenide-phosphide (In As P);

(2) Coated with ceramic or ferritic materials (*e.g.,* special field probes such as tangential field probes, multipliers, modulators, recorder probes, etc.); or

(3) With an open circuit sensitivity greater than 0.12

$$\frac{\text{(Volts)}}{\text{(Amperes} \times \text{Kilogauss)}}$$

(Open circuit sensitivity is the slope of a straight line that passes through the point of origin and through the point V_{20}; i_1 at $B=B_{Bn}$ in the characteristic is defined as the open circuit sensitivity.

V_{20} = Hall voltage, open circuit;

i_1 = Control current;

$Bn=_n$ = Rated value of applied magnetic control field); and

(m) Specially designed parts, components, sub-assemblies, and test equipment (including adapters, couplers, etc.) for the above.

(Specify by name and type or model number.)

Note.— The processing code for a commodity in paragraph (m) is the same as that of the equipment for which the parts, etc. are designed.

Advisory Notes.—1. Licenses are likely to be approved for export to bona fide end-users in Country Groups PQSWY of potentiometers defined in paragraphs (g)(1) and (2) above, provided they have been designed for civil use, and have been in use in civil equipment for a period of not less than five years.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Group (People's Republic of China) of analog-to-digital converter modules having an accuracy of 1 part in 20,000 and a figure of merit of 5×10^8.

5568D Equipment as defined in the List below.

Controls for ECCN 5568D

Unit: Report in "$ value."

Validated License Required: Country Groups PQSWYZ and Afghanistan.

GLV $ Value Limit: $100 for Country Groups Q. General License *GLV* not applicable for other destinations; however, another general license may apply.

Processing Code: MG.

Reason for Control: National security.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities. See § 385.4(a).

Special Licenses Available.: See part 373.

List of Equipment Controlled by ECCN 5568D

(a) Synchronous motors of any rating having any of the following characteristics:

(1) Synchronous speeds in excess of 3,000 rpm,

(2) Designed to operate between −55°C and −10°C or between +55°C and +125°C,

(3) Of size 11 (1.1 inches in diameter) or smaller, or

(4) Larger than size 20 (2 inches in diameter) having synchronous speeds in excess of 3,600 rpm;

(b) Servo control units, linear induction potentiometers, induction rate generators, synchros, and resolvers; and instruments which perform functions similar to synchros or resolvers with a rated electrical error of greater than 7 minutes of arc, or between 0.2 percent and 0.5 percent of maximum output voltage;

(c) Induction potentiometers (including function generators and linear synchros), linear and nonlinear, of size 11 (1.1 inches in diameter) or smaller, or having a rated conformity between 0.25 and 0.5 percent, or of more than 13 minutes to 18 minutes;

(d) Induction rate (tachometer) generators, synchronous and asynchronous, of size of 11 (1.1 inches in diameter) or smaller, or with a housing diameter of 2 inches and smaller and a length (without shaft-ends) of 4 inches and smaller, or with a diameter-to-length ration greater than two to one, having a rated linearity between 0.1 percent and 0.5 percent; and

(e) Parts and accessories therefor.

(Specify by name and model number.)

4569B Inverters, converters, frequency changers, and generators having a multiphase electrical power output within the range of 600 to 2,000 hertz.

Controls for ECCN 4569B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ and Canada.

GLV $ Value Limit: $0 for all destinations.

Processing Code: EE.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: None.

1570A Thermoelectric materials and devices.

Controls for ECCN 1570A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $250 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security; nuclear non-proliferation controls apply to commodities defined in paragraphs (a), (d) and (e) of the LIST below. Nuclear non-proliferation controls do not apply to those countries listed in Supp. Nos. 2 or 3 to Part 373.

Special Licenses Available: Distribution License is available for shipments to countries listed in Supp. Nos. 2 or 3 to Part 373.

List of Thermoelectric Materials and Devices Controlled by ECCN 1570A

(a) Thermoelectric materials with a maximum product of the figure of merit (Z) and the temperature (T in °K) in excess of 0.75;

(b) Junctions and combinations of junctions using any of the materials in (a) above;

(c) Heat absorbing and/or electrical power generating devices containing any of the junctions in (b) above;

(d) Other power generating devices which generate in excess of 10 watts per pound or of 500 watts per cubic foot of the device's basic thermoelectric components; and

(e) Specialized parts, components, and sub-assemblies for the above devices.

(The figure of merit (Z) equals Seebeck coefficient squared divided by the product of electrical resistivity and thermal conductivity. The weight and cubic measurements in (d) above are not intended to encompass the complete device but to include only the thermoelectric elements and assembly and the components for pumping calories. Other components, such as heating and/or cooling sources or containers, device frames or stands and control equipment are not to be included in the calculations.) (See also paragraph (c) of ECCN 1205A.)

(Specify by name and model number.)

1571A Magnetometers having or capable of having a sensitivity better than ± 1.0 gamma ($\pm 10^{-5}$ oersteds), and specially designed parts therefor.

(Sensitivity is defined as the visually recognized minimum sinusoidal signal in the frequency range of 0.025 Hz to 1.5 Hz when the signal-to-noise ratio is higher than 1. Specially designed parts therefor is intended to include active rotational compensation as opposed to static compensation methods, and any form of dynamic signal processing or gradient compensation provided as part of, or designed for use with, magnetometers included in this ECCN.)

Controls for ECCN 1571A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

1572A Recording and/or reproducing equipment.

(For equipment that may be exported in conjunction with computer shipments, see ECCN 1565A.)

Controls for ECCN 1572A

Unit: Report equipment in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Types of Recording and/or Reproducing Equipment Controlled by ECCN 1572A

(a) Using magnetic techniques;

(b) Using electron beam(s) operating in a vacuum, and/or laser-produced light beams (see also ECCN 1522A) that produce patterns or images directly on the recording surface, and specialized equipment for image development;

(c) Graphic instruments capable of continuous direct recording of sinusoidal waves at frequencies exceeding 20 kHz; and

(d) Specialized parts and components for the above and recording media used in equipment covered by paragraphs (a) and (b). (The term "recording media" is intended to include all types and forms of specialized recording media used in such recording techniques, including but not limited to tapes, drums, discs and matrices.);

(e) Exceptions to (a), (b) and (d) are listed below:

Exception 1. Paragraphs (a) and (b) do not control the following equipment:

Equipment using magnetic techniques:

(i) *Specifically designed for voice or music and not employing digital techniques;*

(ii) *Specifically designed to use magnetic cord, tag, label or bank check recording media with a magnetic surface area not exceeding 13 sq. in. (85 sq. cm.);*

Equipment using electron beam(s) operating in a vacuum, and/or laser-produced light beams:

(i) *Specifically designed for television recording and/or reproducing on discs;*

(ii) *Facsimile equipment incorporating lasers such as used for commercial weather imagery and commercial wire photos and text;*

Note.—No technical data relating to the commodities described in Exceptions 2 through 4 below may be exported under General License *GTDR* until a written assurance against reexport of the data has been obtained by the exporter in accordance with § 379.4(f)(3).

Exception 2. Pargraphs (a) or (b) also do not control the following recording and/or reproducing equipment and paragraph (d) does not control the specialized parts and components therefor (recording media used in this equipment are still covered by paragraph (d), see Exception 3 and Advisory Note 2 below), provided that:

(a) The equipment has been designed for identifiable civil use and by nature of design or performance is substantially restricted to the particular application for which it has been designed;

(b) The equipment has all of the following characteristics:

(1) Not ruggedized;

(2) Not rated for continuous operation in ambient temperatures from below −20° C to above +55° C;

(3) Not specifically designed for underwater use;

(c) The equipment is limited as described below:

(1) Video magnetic tape and disc recorders specially designed for television recording, using a signal registered with the CCIR, or specially designed or adapted for use with medical equipment, and having all of the following characteristics:

(i) 3 dB recording bandwidth not exceeding 6 MHz;

(ii) A signal-to-noise ratio not exceeding 48 dB, unless the equipment is a cassette-type recorder, in which case the signal-to-noise ratio does not exceed 52 dB;

(iii) Maximum length of time of a single scan not exceeding 20 milliseconds;

(iv) Portable or transportable and having a net weight not exceeding 50 kg;

(2) Analog magnetic tape recorders specifically designed for use with medical equipment, *i.e.*, for recording physiological signals, and having all of the following characteristics:

(i) Bandwidth capability at maximum design speed not exceeding 300 kHz per track;

(ii) Recording density not exceeding 5,000 magnetic flux sine waves per linear inch (25.4 mm) per track;

(Technical Note.—Recording density is, for direct recorders, the recording bandwidth divided by the tape speed; and, for FM recorders, the sum of the carrier frequency and the deviation divided by the tape speed.)

(iii) Not including recording and/or reproducing heads of the rotary or floating types or heads designed for use in equipment with characteristics superior to those defined in sub-paragraph (i) or (ii) above;

(iv) Tape speed not exceeding 60 inches (152.4 cm) per second;

(v) Number of recording tracks (excluding audio voice track) not exceeding 20;

(vi) Start-stop time not less than 25 milliseconds;

(vii) Equipped with tape-derived (off-tape) servo speed control and with a time displacement (base) error of not less than ±5 microseconds at a tape speed of 60 inches (152.4 cm) per second and not less than ±10 microseconds at any lower tape speed measured in accordance with applicable IRIG and EIA documents;

(3) digital tape recorders specially designed for the collection of medical data obtained from nuclear or other ionizing radiation measurements and having all of the following characteristics:

(i) Mean packing density, with less than 5 percent loss of pulses, not exceeding 800 pulses per inch per track;

(ii) Characteristics not superior to those defined in sub-paragraphs (c)(2)(iii), (vi) and (vii) above;

(iii) Tape speed not exceeding 37.5 inches (95 cm) per second;

(iv) Number of recording tracks not exceeding 8;

(v) packing density not exceeding 800 bits per inch per track;

(4) Equipment using electron beam(s) operating in a vacuum specially designed for television recording on film, using a signal registered with the CCIR and having all of the following characteristics:

(i) Pattern or image frame size not exceeding 3mm × 2.3 mm;

(ii) Pattern or image not exceeding 312.5 lines per frame;

(iii) Beam spot position stability not better than 0.3 percent;

(iv) 3 dB recording bandwidth not exceeding 4 MHz;

(5) Digital recording and reproducing equipment operating serially with a packing density not exceeding 800 bits per inch per track specially designed for use with, and incorporated in, typewriter systems used for preparing, correcting and/or composing text.

Exception 3. Paragraph (d) does not control the following magnetic tape and flexible disc cartridge recording media, provided that:

(a) The magnetic tape is a standard commercial product that has been in use in quantity for at least two years and is not designed for use in satellite applications or in applications requiring a tape life exceeding 3,000 passes;

(b) The base material consists only of polyester or cellulose acetate;

(c) The magnetic tape recording media with a magnetic coating material consisting only of undoped gammaferric (iron) oxide with a rated intrinsic coercitivity not exceeding 350 oersteds is limited to the following types and characteristics:

(1) Video tape designed for television recording and reproduction or instrumentation tape designed for analog recording and reproduction, and having all of the following characteristics:

(i) Not designed for use in video recorders having a 3 dB recording bandwidth exceeding 6 MHz or in analog recorders having a recording density exceeding 5,000 magnetic flux sine waves per linear inch (25.4 mm) per track;

(ii) A tape width not exceeding 1 inch (25.4 mm);

(iii) A magnetic coating thickness not less than 0.40 mil (10.2 microns);

(iv) A tape length not exceeding 4,600 feet (1,402 meters);

(2) Computer tape designed for digital longitudinal recording and reproduction and having all of the following characteristics:

(i) A magnetic coating certified for a maximum packing density of 6,250 bits per inch (9,042 flux changes per inch) along the length of the tapes

(ii) A magnetic coating thickness not less than 8.13 micrometers (0.32 mil);

(iii) A tape width not exceeding 1 inch (25.4 mm);

(iv) A tape length not exceeding 3,600 feet (1,097 meters);

(3) Computer tape in cassettes/cartridges designed for digital longitudinal recording and reproduction and having all of the following characteristics:

(i) A magnetic coating certified for a maximum packing density of 1,600 bits per inch (3,200 flux changes per inch) along the length of the tape;

(ii) A magnetic coating thickness not less than 0.17 mils (4.32 microns);

(iii) A tape width not exceeding ¼ inch (6.35 mm);

(iv) A tape length not exceeding 900 feet (274.3 meters);

(4) Computer flexible disc cartridges designed for digital recording and reproduction and having all of the following characteristics:

(i) A magnetic coating certified for a maximum packing density of 13,262 flux changes per radian (3,268 bits per inch, at a radius of 2.029 inches (51.536 mm) around the disc);

(ii) A magnetic coating thickness not less than 2.54 micrometers (0.1 mil);

(iii) A disc thickness not exceeding 80 micrometers (0.003 inch);

(iv) A disc outer diameter not exceeding 7.88 inches (201 mm);

(v) A disc inner diameter of 1.5 inch (38.1 mm);

(d) The magnetic tape recording media with a magnetic coating material consisting only of chromium dioxide with a rated intrinsic coercitivity not exceeding 650 oersteds are limited to video tape specially designed for the video recorders defined in Advisory Note 2(c)(1) and having both of the following characteristics:

(1) A tape width not exceeding 1 inch (25.4 mm);

(2) A tape length not exceeding 1,800 feet (548.6 meters);

(e) The magnetic tape recording media in video tape cassettes are specially designed for the video recorders defined in Advisory Note 2(c)(1) and have all of the following characteristics:

(1) A rated intrinsic coercitivity not exceeding 750 oersteds;

(2) A magnetic coating thickness not less than 2.54 micrometers (0.1 mil);

(3) A tape length not exceeding 1,800 feet (548.6 meters);

(4) A tape width not exceeding ¾ inch (19.05 mm);

Exception 4: Sub-paragraph (a)(i) also does not control normal civil use digital recording and reproducing equipment specially designed for recording and/or reproducing voice or music on tape or disc.

(Specify by name and model number.)

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of reasonable quantities of equipment defined in paragraph (a) above, and specialized parts, components and recording media therefor defined in paragraph (d), for use with the exported equipment as follows:

(a) Video magnetic tape recorders specially designed for television recording, using a signal registered with the CCIR, or specifically designed or adapted for use with medical equipment, and having all of the following characteristics:

(1) 3 dB recording bandwidth not exceeding 6 MHz;

(2) Maximum length of time of a single scan not exceeding 20 milliseconds;

(3) Not ruggedized;

(b) Analog magnetic tape recorders having all of the following characteristics:

(1) Bandwidth capability at maximum design speed not exceeding 300 kHz per track;

(2) Recording density not exceeding 5,000 magnetic flux sine waves per linear inch (25.4 mm) per track;

Technical Note.—Recording density is, for direct recorders, the recording bandwidth divided by the tape speed, and, for FM recorders, the sum of the carrier frequency and the deviation divided by the tape speed;

(3) Not ruggedized;

(4) Not rated for continuous operation in ambient temperatures ranging from less than −20° C to greater than +55° C;

(5) Not specifically designed for underwater use;

(6) Not including recording and/or reproducing heads of the rotary or floating types or designed for use in equipment with characteristics superior to those defined in paragraphs (b) (1) and (2) above;

(7) Tape speed not exceeding 60 inches (152.4 cm) per second;

(8) Number of recording tracks (excluding radio voice track) not exceeding 16 channels for direct recording and 28 channels for FM recording;

(9) Start-stop time not less than 25 milliseconds;

(10) Equipped with tape-derived (off-tape) servo speed control and with a time displacement (base) error of not less than ±5 microseconds at a tape speed of 60 inches (152.4 cm) per second and not less than ±10 microseconds at any lower tape speed measured in accordance with applicable IRIG and EIA documents;

(c) Systems for use in civil aircraft or helicopters to record flight data for safety and/or maintenance purposes, and having all of the following characteristics:

(1) In normal civil use for more than one year;

(2) Not exceeding 100 input channels;

(3) Sum of the individual channel recording bandwidths not exceeding 500 Hz;

(d) Recording equipment not intended for use in conjunction with equipment or materials covered by other ECCNs, provided that the capability of the recorder is limited to both:

(1) A tape width not exceeding ¼ inch (6.35 mm);

(2) Digital recording techniques in serial form with a packing density not exceeding 800 bits per inch.

Technical Note.—Packing density is, for digital recorders, the number of bits per second per track divided by the tape speed;

(e) Incremental recorders and/or reproducers (*i.e.*, equipment designed for discontinuous sampling and/or collection of data in an incremental manner) having all of the following characteristics:

(1) The maximum tape speed, at the maximum stepping rate, does not exceed 2 inches (50.8 mm) per second;

(2) The equipment has all the characteristics specified in paragraphs (b) (3) to (6) of this Note;

(f) Digital magnetic recorders specially designed for seismic/geophysical applications and operating in the frequency range of 5 to 800 Hz.

(g) Digital recording and reproducing equipment operating serially with a packing density not exceeding 1,600 bits per inch per track, specially designed for use with, and incorporated in, typewriter systems used for preparing, correcting and/or composing text.

2. Licenses are likely to be approved for export to satisfactory end-users in Country groups PQSWY for use in civil television recording and reproducing applications, of reasonable quantities of the following types of magnetic tape recording media covered by paragraph (d) of ECCN 1572A whose base material consists only of polyester or cellulose acetate:

(a) With a magnetic coating material consisting only of undoped gamma-ferric (iron) oxide with a related intrinsic coercitivity not exceeding 350 oersteds and limited to video tape designed for television recording and reproduction with a tape width not exceeding 2 inches (50.8 mm);

(b) With a magnetic coating material consisting only of chromium dioxide with a rated intrinsic coercitivity not exceeding 750 oersteds and limited to video tape designed for television recording and reproduction with a tape width not exceeding 1 inch (25.4 mm);

(c) With a magnetic coating material consisting only of doped or undoped gamma-ferric (iron) oxide with a rated intrinsic coercitivity not exceeding 650 oersteds, hand limited to video tape designed for television recording and reproduction and having all of the following characteristics:

(1) Not designed for use in video recorders having a 3 dB recording bandwidth exceeding 6 MHz;

(2) A magnetic coating thickness not less than 5.1 micrometers (0.2 mil);

(3) A tape length not exceeding 2,400 feet (732 meters);

(4) A tape width not exceeding 1 inch (25.4 mm);

3. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY for the shipment of reasonable quantities of computer magnetic disc recording media covered by paragraph (d) above for use in civil digital computer applications, provided that:

(a) The magnetic disc recording media are a standard commercial product, have not been designed as ruggedized equipment and are neither capable of meeting military specifications for ruggedized equipment nor modified for military use;

(b) The magnetic disc recording media are limited to the following types and characteristics:

(1) Unrecorded single-disc cartridges (front loading, 2,200 b.p.i.) (2315-type) designed to meet ANSI X3.52–1976;

(2) Unrecorded magnetic single-disc cartridges (top loading, 2,200 b.p.i.) (5440-type) designed to meet International Standard ISO 3562–1976;

(3) Unrecorded magnetic six-disc packs (2311-type) designed to meet ANSI X3.46–1974 or International Standard ISO 2864–1974(E);

(4) Unrecorded eleven-disc packs (single-density or double density 2314-type) designed to meet ANSI X3.58–1977 or International Standard ISO 3564–1976.

4. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY for the shipment of reasonable quantities of analog magnetic tape recorders defined in paragraph (a) above, and specialized parts, components and recording media therefor defined in ECCN 1572A(d), for use with those recorders, provided that:

(a) The equipment is for a legitimate civil end-use and is reasonable for that use;

(b) Details of such equipment have previously been submitted to the Department of Commerce and a determination has been made that the equipment is eligible for special treatment.

(c) The analog magnetic tape recorders are limited as follows:

(1) Characteristics not superior to those defined in Advisory Note 1 (b) (1) to (9);

(2) Equipped with tape-derived (off-tape) servo speed control and with a time displacement (base) error of not less than ±0.8 microsecond at a tape speed of 60 inches (152.4 cm) per second and not less than ±1.6 microsecond at any lower tape speed measured in accordance with applicable IRIG and EIA documents.

5. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of analog (instrumentation) magnetic tape recorders defined in paragraph (a) above having a bandwidth capability of 2 MHz, provided that they have less than 28 tracks, are equipped with a tape-derived servo speed control and have a time displacement error of not less than 1 microsecond at a tape of 60 inches per second.

6. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of incremental recorders having a maximum stepping rate not exceeding 6 inches per second.

1584A Cathode-ray oscilloscopes, and specialized parts therefor including associated plug-in units, external amplifiers, and pre-amplifiers and sampling devices.

Controls for ECCN 1584A

Unit: Report oscilloscopes in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security; nuclear non-proliferation. Nuclear non-proliferation controls do not apply to those countries listed in Supp. Nos. 2 or 3 to Part 373.

Special Licenses Available: See Part 373.

List of Characteristics of Cathode-ray Oscilloscopes and Specialized Parts Therefor Controlled by ECCN 1584A

(a) An amplifier bandwidth greater than 100 MHz (defined as the band of frequencies over which the deflection on the cathode-ray tube does not fall below 70.7 percent of that at maximum point measured with a constant input voltage to the amplifier);

(b) Containing or designed for use with cathode-ray tubes controlled by ECCN 1541A(b) or (c);

(c) Ruggedized to meet a military specification;

(d) Rated for operation over an ambient temperature range of from below −25° C to above +55° C;

(e) Using sampling techniques for the analysis of recurring phenomena which increase the effective bandwidth of an oscilloscope or time domain reflectometer to a frequency greater than 1,000 MHz; or

(f) Digital oscilloscopes with sequential sampling of the input signal at an interval of less than 50 nanoseconds.

(Specify by name and model number.)

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of oscilloscopes (including mainframe/amplifier systems) and probes therefor defined only in paragraphs (a) and (b) above, provided that:

(a) The oscilloscope or system bandwidth is not rated in excess of 200 MHz;

(b) In the case of systems, the characteristics of individual plug-ins or mainframes are not in excess of what is required for the overall system performance;

(c) The equipment is a reasonable requirement for the stated legitimate civil end-use; and

(d) The cathode-ray tube contains no electron multiplier.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of sampling oscilloscopes defined in paragraph (e) above provided that they have an effective bandwidth of 5 GHz or less.

3. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of time domain reflectometers.

1585A Photographic equipment.

Controls for ECCN 1585A

Unit: Report cameras in "number"; film in "sq. ft. "; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation controls apply to paragraphs (b) through (e) and (f)(1), (f)(2) and (g).

Special Licenses Available: None for commodities defined in paragraphs (b) through (g) below. See Part 373 for special licenses available to export commodities defined in (a).

List of Photographic Equipment Controlled by ECCN 1585A

(a) High speed cinema recording cameras and equipment, and specially designed parts and accessories therefor, of the following description:

(1) Cameras in which the film is continuously advanced throughout the recording period, and which are capable of recording at framing rates exceeding 13,150 frames per second, using any camera and film combination from the standard 8 mm to 90 mm size inclusive; and

(2) Special optical or electronic devices which supplement, replace, or are interchangeable with standard camera components for the purpose of increasing the number of frames per second;

(b) High speed cameras, and specially designed parts and accessories therefor, in which the film does not move, and which are capable of recording at rates exceeding 1,000,000 frames per second for the full framing height of standard 35 mm wide photographic film, or at proportionately higher rates for lesser frame heights, or at proportionately lower rates for greater frame heights;

(c) Cameras incorporating electron tubes defined in ECCN 1555(a);

(d) Steak cameras having writing speeds of 10 mm/microsecond and above, and specially designed parts and accessories therefor;

(e) Camera shutters with speeds of 50 nanoseconds or less per operation, and specialized parts and accessories therefor;

(f) Film, of the following description:

(1) Having an intensity dynamic range of 1,000,000:1 or more; or

(2) Having a speed of ASA 10,000 (or its equivalent) or better;

(3) Color film having a spectral sensitivity extending beyond 7,200 Angstroms or below 2,000 Angstroms; and

(g) High speed plates having an intensity dynamic range of 1,000,000:1 or more.

4585B Photographic equipment.

Controls for ECCN 4585B

Unit: Report cameras in "number"; film in "sq. ft."; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation controls apply to commodities defined in paragraph (a) below.

Special Licenses Available: None for commodities defined in paragraph (a) below. See Part 373 for special licenses available to export other commodities defined in this ECCN.

List of Photographic Equipment Controlled by ECCN 4585B

(a) Streak cameras capable of recording events which are initiated by, or synchronized with, the camera mechanism (*i.e.*, discontinuous access type), having a design capability for writing speeds of 8 mm per microsecond and above *and* a time resolution of 100 nanoseconds or less, and parts and accessories, n.e.s.;

(b) Aerial camera film, black and white, sensitized and unexposed, having spectral sensitivities at wavelengths greater than 7,500 Angstroms or at wavelengths less than 2,000 Angstroms;

(c) Aerial camera film, sensitized and unexposed, having resolving powers (using a Test-Object Contrast of 1,000:1) of 200 line pairs/mm or more or with a base thickness before coating of 0.0025 inch or less;

(d) Continuous tone aerial duplicating film, sensitized and unexposed, having resolving powers (using a Test-Object Contrast of 1,000:1) of 300 line pairs/mm or more; and

(e) Instrumentation and/or recording film, sensitized and unexposed, having photo-recording sensitivities (as based on the reciprocal of the tungsten exposure in meter-candle-seconds at an exposure time of 0.0001 second) of 125 or more and resolving power (using a Test-Object Contract of 1,000:1) of 55 lines pairs/mm or more and with a base thickness before coating of 0.004 inch or less and capable of being processed in solutions with alkalinities of pH 10 or above at temperatures greater than 85° F.

5585D Photographic equipment.

Controls for ECCN 5585D

Unit: Report cameras in "number"; film in "sq. ft."; parts and accessories in "$ value."

Validated License Required: Country Groups PQSWYZ and Afghanistan.

GLV $ Value Limit: $100 for Country Group Q. General License *GLV* not applicable to other destinations; however, another general license may apply.

Processing Code: MG.

Reason for Control: National security controls apply to commodities defined in paragraph (b) of the List below; nuclear nonproliferation controls apply to paragraph (a).

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities. See § 385.4(a).

Special Licenses Available: See Part 373.

List of Photographic Equipment Controlled by ECCN 5585D

(a) Other high-speed continuous writing, rotating drum cameras capable of recording at rates in excess of 2,000 frames per second, and parts and accessories, n.e.s.; and

(b) Other 16 mm high-speed motion picture cameras capable of recording at rates in excess of 2,000 frames per second, and parts and accessories, n.e.s.

1586A Acoustic wave devices and specialized parts therefor.

Controls for ECCN 1586A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Acoustic Wave Devices and Specialized Parts Controlled by ECCN 1586A

(a) Surface acoustic wave and surface skimming acoustic wave devices (*i.e.*, signal processing devices employing elastic waves in materials, including but not limited to, lithium niobate, lithium tantalate, bismuth germanium oxide, silicon, quartz, yttrium garnet, aluminum oxide and magnesium aluminum oxide) which permit direct processing of signals, including but not limited to, amplifiers, correlators (fixed, programmable and memory), oscillators, bandpass filters (transversal and resonator), multiplexers, dispersive expansion and compression filters, delay lines (fixed and tapped) and non-linear devices, having any of the following characteristics:

(1) A carrier frequency of greater than 400 MHz;

(2) A carrier frequency of 400 MHz or less, *except those specially designed for home electronics and entertainment type applications*, having any of the following characteristics:

(i) A side-lobe rejection of greater than 45 dB;

(ii) A product of the maximum delay time and the bandwidth (time in microseconds and bandwidth in MHz) greater than 100;

(iii) A dispersive delay of greater than 10 microseconds;

(iv) An insertion loss of less than 10 dB;

(b) Bulk (volume) acoustic wave devises (*i.e.*, signal processing devices employing elastic waves in the various materials described in paragraph (a) above) which permit direct processing of signals at frequencies over 1 GHz, including but not limited to fixed delay lines, non-linear and pulse compression devices.

(Specify by name and model number.)

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of devices defined in paragraph (a)(1) above, which are specially designed for use in civil television equipment and which operate at frequencies below 1 GHz.

1587A Quartz crystals and assemblies thereof in any stage of fabrication (i.e., worked, semi-finished or mounted), *except optical grade quartz crystals.*

Controls for ECCN 1587A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T and V; $0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Characteristics of Quartz Crystals and Assemblies Thereof Controlled by ECCN 1587A

(a) For use as filter elements, and having either of the following characteristics:

(1) Designed for operation over a temperature range wider than 125° C; or

(2) Crystals or assemblies of crystals which use the trapped energy phenomenon (*i.e.*, those which have more than one series or parallel resonance on a single quartz element);

(b) For use as oscillator elements specially designed for temperature-controlled crystal ovens and/or for TCXOs defined in paragraph (c) below,

and having an average aging rate of $\pm 1 \times 10^{-8}$ per day or better (less) (Aging rate shall be measured over a longer period at a constant temperature of +60° C or higher which vary only by ±2° C.);

(c) Temperature-compensated crystal oscillators (TCXO) having either of the following characteristics:

(1) A stability with respect to temperature of better than ±0.00015 percent over their operating temperature range; or

(2) An operating temperature range wider than 120° C.

(Specify by name, type number, and characteristics.)

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of commodities defined in paragraph (a) above, which have either of the following characteristics:

(a) Designed for operation as intermediate frequency filters operating from 10.5 to 11 MHz or from 21 to 22 MHz with 3 dB bandwidths not exceeding 40 kHz; or

(b) Designed for operation as single sideband filters operating at from 1 to 10 MHz with 3 dB bandwidths not exceeding 45 kHz.

1588A Materials composed of crystals having spinel, hexagonal, orthorhombic or garnet crystal structures; thin film devices; assemblies of the foregoing; and devices containing them.

(For equipment that may be exported in conjunction with computer shipments, see ECCN 1565A.)

Controls for ECCN 1588A

Unit: Report in "number."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG for commodities defined in paragraph (a) of the LIST below; EE for all other commodities.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Materials Composed of Crystals Controlled by ECCN 1588A

(a) Monocrystals of ferrites and garnets, synthetic only;

(b) Single aperture forms possessing any of the following characteristics:

(1) Switching speed of 0.3 microsecond or faster at the minimum field strength required for switching at 104° F (40° C); or

(2) A maximum dimension less than 0.45 mm (18 mils);

Note.—For machinery and equipment associated with forms having a maximum dimension less than 0.76 mm (30 mils), see ECCN 1358A.

(c) Multi-aperture forms with fewer than 10 apertures possessing any of the following characteristics:

(1) Switching speed of 1 microsecond or faster at the minimum field strength required for switching at 104° F (40° C); or

(2) A maximum dimension less than 100 mils (2.54 mm);

(d) Multi-aperture forms having 10 or more apertures;

(e) Memory storage or switching devices, of the following description:

(1) Thin film (including plated wire and plate rods);

(2) Single crystal or amorphous film magnetic bubble;

(3) Moving domain;

(4) Crosstie;

(f) Magnetic ferrite materials having square loop characteristics, suitable for operations above 1 GHz and having all of the following characteristics:

(1) A saturation magnetization of greater than 0.3 tesla (3,000 gauss);

(2) A dielectric loss tangent of less than 0.001 measured at a frequency of 1 GHz or greater;

(3) A ratio of the remanent magnetization (B_r) to the saturation magnetization ($4\ M_s$) equal to or greater than 0.7, and

(g) Rod forms possessing either of the following characteristics:

(1) Switching speed of 0.3 microsecond or faster at the minimum field strength required for switching at 104° F (40° C); or

(2) A minimum dimension less than 10 mils (0.254 mm).

(Specify by name and characteristics.)

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of shipment of single aperture forms embargoed by paragraph (b) above, provided they have a switching rate equal to or slower than 0.24 microsecond and a maximum dimension of 0.30 mm (12 mils) or more.

4590B Multispectral image processing systems or digital image display enhancement equipment which provide or accept signals of sufficient composite information that when connected to an optical display device will have all of the capabilities in the illustrative list below.

Controls for ECCN 4590B

Unit: Report instruments and equipment in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $100 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: None.

List of Capabilities of Multispectral Image Processing Systems or Digital Image Display Enhancement Equipment Controlled by ECCN 4590B When Connected to an Optical Display Device

(a) Image construction is of at least 60 Raster lines (*i.e.* 60 X 60 resolvable elements, 60 X 60 resolution cells or Pixels, or 60 X 60 images);

(b) Each image element is capable of being displayed in at least 16 different shades of color or gray; and

(c) The system has conversion and synchronization circuitry suitable for driving a TV monitor, storage display, graphic memory, memory refreshment, or other type of optical display devices; and

(d) Parts, components, and assemblies therefor.

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of multispectral image processing sytems having image construction not exceeding 1024 x 512 Pixels, image element displays in 256 shades of gray or color, and a memory refresh rate of 8 megabytes per second.

4592B Equipment for measuring pressures to 100 Torr or less having corrosion-resistant sensing elements of nickel, nickel alloys, phosphor bronze, stainless steel, or aluminum.

Controls for ECCN 4592B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation. Nuclear non-proliferation controls do not apply to those countries listed in Supp. Nos. 2 or 3 to Part 373.

Special Licenses Available: Distribution License is available for shipments to countries listed in Supp. Nos. 2 or 3 to Part 373. No other special licenses are available.

1595A Gravity meters (gravimeters), and specialized parts therefor, designed or modified for airborne or marine use.

Controls for ECCN 1595A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups PQSTVWYZ.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Advisory Note.—Licenses are likely to be approved for export to civil end-user for civil end-usese in Country Groups PQSWY of marine gravimetric systems having a stable accuracy of 1 milligal or above, or an in-service (operational) accuracy of 1 milligal or above with a time to steady-state registration of two minutes or greater under any combination of attendant corrective compensations and motional influences.

5595D Other gravity meters (gravimeters) and parts and accessories therefor.

Controls for ECCN 5595D:

Unit: Report in "$ value."

Validated License Required: Country Groups PQSWYZ and Afghanistan.

GLV $ Value Limit: $100 for Country Group Q. General License *GLV* not applicable to other destinations; however, another general license may apply.

Processing Code: MG.

Reason for Control: National security; foreign policy.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See §385.4(a).

Special Licenses Available: See Part 373.

5596D Capacitance strain gages designed for operation at temperatures of +600° F and over; and parts and accessories therefor.

Controls for ECCN 5596D

Unit: Report in "$ value."

Validated License Required: Country Groups PQSWYZ and Afghanistan.

GLV $ Value Limit: $100 for Country Group Q. General License *GLV* not applicable to other destinations; however, another general license may apply.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police intities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).

4597B Voice print identification and analysis equipment; and parts, n.e.s.

(Specify by name and type number.)

Controls for ECCN 4597B

Unit: Report instruments and equipment in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ. A validated license is *not* required for export to Australia, Japan, New Zealand, and members of NATO.

GLV $ Value Limit: $0 for all destinations.

Processing Code: EE.

Reason for Control: Crime control (foreign policy).

Special Foreign Policy Controls: An individual validated export license is required for foreign policy purposes to export crime control and detection instruments and equipment and related technical data (except that authorized under General License *GTDA*) controlled by this ECCN, except to Australia, Japan, New Zealand, and members of NATO.

Special Licenses Available: None.

Advisory Note.—Applications for validated export licenses generally will be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern of such violations or in distancing the United States from such violations.

5597B Polygraphs (except biomedical recorders designed for use in medical facilities for monitoring biological and neurophysical responses); fingerprint equipment and analyzers; fingerprint cameras and equipment; automated fingerprint and identification retrieval systems (whether or not computerized); psychological testing machines; and specially designed parts and accessories, n.e.s.

Controls for ECCN 5597B

Unit: Report instruments and equipment in "number"; parts and accessories in "$ value."

Validated License Required: Country Groups PQSTVWYZ. A validated license is *not* required for export to Australia, Japan, New Zealand, and members of NATO.

GLV $ Value Limit: $0 for all destinations.

Processing Code: EE.

Reason for Control: Crime control (foreign policy).

Special Foreign Policy Controls: An individual validated export license is required for foreign policy purposes to export crime control and detection instruments and equipment and related technical data (except that authorized under General License *GTDA*) controlled by this ECCN, except to Australia, Japan, New Zealand, and members of NATO.

Special Licenses Available: None.

Advisory Note.—Applications for validated export licenses generally will be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern of such violations or in distancing the United States from such violations.

6598F Other electronic and precision instruments specially designed or modified for geophysical or mineral prospecting or for the examination, testing, or controlling of equipment defined in ECCNs 6098F, 6191F, 6390F, 6391F, and 6392F; and specially designed parts, components, and accessories therefor.

Controls for ECCN 6598F

Unit: Report in "$ value."

Validated License Required: Country Groups SZ, Afghanistan, and the U.S.S.R. (including Estonia, Latvia, and Lithuania).

GLV $ Value Limit: General License GLV not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Special Licenses Available: See Part 373.

Illustrative List of Petroleum and Natural Gas Exploration and Production Equipment Subject to Validated License Control for Export to the U.S.S.R., Estonia, Latvia, Lithuania, and Afghanistan. This List is Illustrative Only; It Does Not Include All Commodities Controlled by CCL Entry 6598F.

(1) All equipment specially designed or modified for off-shore floating or bottom-supported drilling and producing structures, including all gathering equipment.

(2) Rotary type well drilling rigs and derricks.

(3) Parts, accessories, and equipment for well drilling machines, including, but not limited to, drill bits, box and pin tool joints, drill pipe, drill collars, rotary tables, and blow-out preventors.

(4) Petroleum gas-lift equipment.

(5) Oil well and oil field pumps, including, but not limited to, high performance types of submersible or conventional pumping units.

(6) Wire line and downhole equipment and accessories, including, but not limited to, collars, stabilizers, mandrels, packers, multi-completion equipment, gun perforators, and telemetry equipment.

(7) Optical, electrical or electronic geophysical and mineral prospecting instruments, including magnetic, gravimetric, seismic, bore-hole logging and high-resolution remote sensing equipment.

6599G Other electronic and precision instruments, including photographic equipment and film, n.e.s., and parts and accessories, n.e.s.

Controls for ECCN 6599G

Unit: Report in "$ value."

Validated License Required: Country Groups SZ.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: EE.

Reason for Control: Foreign policy.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).

Special Licenses Available: See Part 373.

7599I Exposed and developed microfilm reproducing in whole or in part, the content of printed books, pamphlets, and miscellaneous publications including newspapers and periodicals, children's picture and painting books, music books, sheet music, and calendars; motion picture film and soundtrack, exposed and developed, and advertising printed matter exclusively related thereto.

Controls for ECCN 7599I

Unit: Report in "$ value."

Validated License Required: None.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Not applicable.

GROUP 6—METALS, MINERALS AND THEIR MANUFACTURES

Note.—You need a validated export license to export or reexport technical data related to metals, minerals and their manufactures to destinations in Country Groups P, Q, S, W, Y, or Z. You may use General License *GTDR* for exports or reexports of technical data to destinations in Country Groups T & V *provided that*—

(a) the technical data are not listed in paragraphs (c) or (d) of § 379.4 of the Regulations, *and*

(b) there are no special foreign policy controls on the technical data related to the commodities described in an individual CCL entry.

Note.—All Commodity Control List entries in this Group are subject to export controls on the basis of the following criteria:

You need a validated license to export or reexport to the U.S.S.R. if you know or have reason to know the commodity is for any use directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympic Games that began in Moscow on July 19, 1980. These commodities are subject to controls under the authority of the foreign policy provisions contained in section 6 of the Export Administration Act of 1979.

See § 370.10 for commodities that require export authorization from other U.S. Government Departments and Agencies.

4601B Aircraft landing mats.

Controls for ECCN 4601B

Unit: Report in "sq. ft."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $500 for Country Group Q; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

2603A Specially designed components and parts for ammunition; except cartridge cases, powder bags, bullets, jackets, cores, shells, projectiles, boosters, fuses and components, primers, and other detonating devices and ammunition belting and linking machines (all of which are controlled by the Office of Munitions Control, Department of State).

(Specify by name.)

Controls for ECCN 2603A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Australia, Japan, New Zealand, and members of NATO; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; foreign policy.

Special South Africa and Namibia Controls: Specifically designed components and parts for ammunition defined in ECCN 2603A are subject to the Republic of South Africa and Namibia embargo policy, and no technical data relating to these commodities may be exported under General License *GTDR* to any consignee in the Republic of South Africa or Namibia.

Special Foreign Policy Controls: 1. Foreign policy controls apply to exports of commodities defined in this ECCN to any destination except Australia, Japan, New Zealand, and members of NATO. Applications for validated licenses will generally be considered favorably on a case-by-case basis unless there is evidence that the exports would contribute significantly to the destabilization of the region to which the equipment is destined.

2. A validated export license is required for foreign policy purposes for export to the People's Democratic Republic of Yemen, Libya, and Syria (countries that have repeatedly provided support for acts of international terrorism).

Special Licenses Available: None.

3604A Zirconium metal; alloys containing more than 50 percent zirconium by weight; compounds in which the ratio of hafnium content to zirconium content is less than one part to five hundred parts by weight; manufactures wholly thereof; and waste and scrap; except zirconium metal and alloy in shipments of 5 kilograms or less; and zirconium in the form of foil or strip having a thickness not exceeding 0.025 mm (0.00095 in.) and specially fabricated and intended for use in photo flash bulbs, in shipments of 200 kilograms or less.

Controls for ECCN 3604A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: None.

Advisory Note.— Licenses are likely to be approved for export to satisfactory end-users

in Country Groups PQSWY of the following commodities:

(a) Finished parts made of zirconium metal or alloys, specially designed for an identified civil research or power reactor facility, such as cladding tubes and plugs and separators therefor, liner tubes, thermal insulating tubes, pressure tubes, and calandria tubes, provided that:

(1) None of the parts contains fissile materials; and

(2) The importing country has agreed to the application of the Safeguards of the International Atomic Energy Agency (IAEA) in connection with the nuclear reactor facility;

(b) Contained zirconium metal, or parts made therefrom, in individual shipments not exceeding 100 kg, when intended for use in, or in support of, an identified civil research or power reactor facility, in connection with which it is contemplated that IAEA Safeguards would be applied.

3605A Nickel powder and porous nickel metal.

Controls for ECCN 3605A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $100 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: None.

List of Nickel Powder and Porous Nickel Metal Controlled by ECCN 3605A

(a) Powder with a nickel content of 99 percent or more, and a particle size of less then 100 micrometers; and

(b) Porous metal material with a mean pore size of 25 micrometers or less, and a nickel purity content of 99 percent or more, *exept single porous nickel metal sheets not exceeding 930m ^{2} (144 square inches) in size, intended for use in batteries for civil applications.*

(Paragraph (b) above refers to porous nickel metal manufactured from nickel powder defined in paragraph (a) above which has been compacted and sintered to form a metal material with five pores interconnected throughout the structure.)

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country groups PQSWY of the following commodities.

(a) Nickel powder in uncompacted powder form not made by the carbonyl process; or

(b) Nickel powder in uncompacted powder form made by the carbonyl process, in quantities of 50 kg or less.

3607A Lithium.

Controls for ECCN 3607A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $100 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security, nuclear non-proliferation.

Special Licenses Available: None.

List of Forms of Lithium Controlled by ECCN 3607A

(a) Metal, hydrides, or alloys containing lithium enriched in the 6 isotope to a concentration higher than the one existing in nature (7.5 percent on an atom percentage basis);

(b) Any other materials containing lithium enriched in the 6 isotope (including compounds, mixtures, and concentrates), *except lithium enriched in the 6 isotope incorporated in thermoluminescent dosimeters.*

3608A Hafnium of the following description: metal, and alloys and compounds of hafnium containing more than 60 percent hafnium by weight, and manufactures thereof, except shipments of the above having a hafnium content of 1 kilogram or less.

Controls for ECCN 3608A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $250 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: None.

3609A Beryllium.

Controls for ECCN 3609A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: None.

List of Forms of Beryllium Controlled by ECCN 3609A

Metal, alloys containing more than 50 percent of beryllium by weight, compounds containing beryllium, manufactures thereof, and waste and scrap, *except metal windows for X-ray machines; oxide shapes in fabricated or semi-fabricated forms specially designed for electronic component parts or as substrates for electronic circuits; shipments of 500 grams or less of beryllium having a purity of 99 percent or less, or 100 grams or less of beryllium having a purity of greater than 99 percent, provided that shipments exclude single crystals: and shipments of 5 kilograms or less of beryllium contained in compounds with a purity of less than 99 percent.*

2616A Gilding metal clad steel, munitions materials.

Controls for ECCN 2616A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

1631A Magnetic metals of all types and of whatever form.

Controls for ECCN 1631A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Magnetic Metals Controlled by ECCN 1631A

(a) Grain oriented sheet or strip of a thickness of 0.004 inch (0.1 mm) or less;

(b) Initial permeability of 120,000 gauss-oersteds (0.15 Henry/m) or over calculated at 0.0 permeability or the equivalent;

(c) Remanence 98.5 percent or over of maximum flux for materials having magnetic permeability; and

(d) A composition capable of an energy product having the following characteristics:

(1) Exceeding 10 times 10^6 gauss-oersteds (80,000 joules/cu. m.); or

(2) 4.85 times 10^6 gauss-oersteds (38,600 joules/cu. m.) or greater and having a coercive force of 1,800 oersteds (143,200 amperes/m) or greater.

1635A Iron and steels, alloyed, containing 10 percent or more molybdenum (but more than 5 percent molybdenum in any alloys containing more than 14 percent chromium), except products obtained by casting and having a carbon content of more than 1.5 percent.

Controls for ECCN 1635A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

4635B Pressure tube, pipe, and fittings therefor, of 8 inches or more inside diameter, having a wall thickness of 8 percent or more of the inside diameter and made of stainless steel, copper-nickel alloy, or other alloy steel containing 10 percent or more nickel and/or chromium.

Controls for ECCN 4635B

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: None.

4638B Calcium containing both less than one tenth percent (0.001) by weight of impurities other than magnesium and less than 10 parts per million of boron.

Controls for ECCN 4638B

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: See Part 373.

1648A Cobalt based alloys (i.e., containing a higher percentage by weight of cobalt than of any other element).

Controls for ECCN 1648A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Characteristics of Cobalt Based Alloys Controlled by ECCN 1648A:

(a) Containing 5 percent or more of tantalum;

(b) Dispersion strengthened containing more than 1 percent of oxides of thorium, aluminum, yttrium, zirconium or cerium; or

(c) Containing 0.05 percent or more of scandium, yttrium, didymium, cerium, lanthanum, neodymium, or praseodymium.

1649A Niobium (columbium).

Controls for ECCN 1649A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Forms of Niobium (Columbium) Controlled by ECCN 1649A

(a) Niobium-based alloys containing 60 percent or more niobium or niobium-tantalum in combination; and

(b) Scrap forms of the alloys covered by paragraph (a) above.

4654B Magnesium containing both less than one fiftieth percent (0.0002) by weight of impurities other than calcium and less than 10 parts per million of boron.

Controls for ECCN 4654B

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: See Part 373.

1658A Molybdenum alloys containing 97.5 percent or more molybdenum, except wire.

Controls for ECCN 1658A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

1661A Nickel based alloys (i.e., containing a higher percentage by weight of nickel than of any other element).

Controls for ECCN 1661A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Characteristics of Nickel Based Alloys Controlled by ECCN 1661A

(a) With a combined content of aluminum and titanium greater than 11 percent;

(b) Dispersion strengthened containing more than 1 percent of oxides of thorium, aluminum, yttrium, zirconium, cerium, or lanthanum; or

(c) Containing 0.05 percent or more of scandium, yttrium, didymium, cerium, lanthanum, neodymium, or praseodymium.

1670A Tantalum and tantalum alloys.

Controls for ECCN 1670A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Forms of Tantalum and Tantalum Alloys Controlled by ECCN 1670A

(a) Tantalum powder containing less than 220 p.p.m. of total metallic impurities, and sintered anodes made therefrom; and

(b) Tantalum-based alloys containing 60 percent or more of tantalum, and scrap forms thereof.

1671A Titanium-based alloys in crude and semi-fabricated form, or as scrap.

Controls for ECCN 1671A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Nominal Compositions of Titanium-Based Alloys in Crude and Semi-Fabricated Form, or as Scrap Controlled by ECCN 1671A

(a) 6 percent aluminum, 23 percent tin, 4 percent zirconium, 6 percent molybdenum and the balance titanium;

(b) Other compositions containing 12 percent or more aluminum by weight.

1673A Artificial graphite having an apparent relative density of 1.90 or greater when compared with water at 60° F (15.50° C), except artificial graphite which has been impregnated or composited with inorganic materials for the purpose of improving only its electrical conductivity, its mechanical resistance or its mechanical friction properties; and electrical resistors, artificial loads for microwave applications, cable waveguide terminations, brush stock, special joints for electrodes, boats and crucibles and high density graphite optical elements.

Controls for ECCN 1673A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: None.

Advisory Note:—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of the following forms of graphite:

(a) Pyrolitic graphite (*e.g.*, graphite made by vapor deposition at temperatures exceeding 2,732° F (1,500° C) in crude or semi-fabricated forms, the dimension of any one of which does not exceed 4 inches (10 cm) in any direction, in individual shipments not exceeding 55 pounds (25 kg);

(b) Non-pyrolitic graphite, having a relative density of less than 1.95 which has not been coated or composited with other elements or compounds to improve its performance at elevated temperatures or reduce its permeability to gases.

4674B Specialized packings made of phosphor bronze mesh designed for use in vacuum distillation towers, suitable for use in separating heavy from light water.

Controls for ECCN 4674B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: See Part 373.

4675B Cylindrical tubing, raw, semifabricated, or finished forms, made of aluminum alloy (7000 series) or maraging steel or high-strength titanium alloys (e.g., Ti-6 Al-4 V, etc.).

Controls for ECCN 4675B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ and Canada.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: None.

List of Characteristics of Cylindrical Tubing Controlled by ECCN 4675B

(a) Wall thickness of 1/2 inch, or less;

(b) Diameter of 3 inches or more.

4676B Cylindrical rings, or single convolution bellows, made of high-strength steels.

Controls for ECCN 4676B:

Unit: Report in "$ value."

Validated License Required: Country Groups PQTVSWYZ and Canada.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: None.

List of Characteristics of Cylindrical Rings of Single Convolution Bellows, Made of High-Strength Steels Controlled by ECCN 4676B

(a) Tensile strength of greater than or equal to 150,000 psi;

(b) Wall thickness of 3 millimeters or less;

(c) Diameter of 3 inches or more.

4677B Cylindrical discs, in raw, semifabricated, or finished form.

Controls for ECCN 4677B

Unit: Report in "$ value."

Validated License Required: AT1Country Groups PQSTVWYZ.

GLV $ Value Limit: $ 0 for all destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: None.

List of Characteristics of Cylindrical Discs, in Raw, Semifabricated, or Finished Form Controlled by ECCN 4677B

(a) Having a ½- to 2-inch peripheral lip;

(b) Having a diameter of 3 inches or more;

(c) Made of maraging steel or aluminum alloy (7000 series).

4678B Corrosion-resistant sensing elements of nickel, nickel alloys, phosphor bronze, stainless steel, or aluminum specially designed for use with equipment which measures pressures to 100 Torr or less.

Controls for ECCN 4678B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ. A validated license is *not* required for export of commodities defined in this ECCN to the countries listed in Supp. Nos. 2 or 3 to Part 373.

GLV $ Value Limit: $ 0 for all destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: A Distribution License is available for shipments to countries listed in Supp. Nos. 2 or 3 to Part 373. No other special license is available for commodities defined in this ECCN.

5680B Police helmets, leg irons, shackles, handcuffs, thumbcuffs, thumbscrews and saps.

Controls for ECCN 5680B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ. A validated license is *not* required for export of commodities defined in this ECCN to Australia, Japan, New Zealand, and members of NATO.

GLV $ Value Limit: $ 0 for all destinations.

Processing Code: MG.

Reason for Control: Crime control (foreign policy).

Special Foreign Policy Controls: An individual validated export license is required for foreign policy purposes to export crime control and detection instruments and equipment and related technical data (except that authorized under General License *GTDA*) controlled by this ECCN, except to Australia, Japan, New Zealand, and members of NATO.

Special Licenses Available: None.

Advisory Note.—Applications for validated export licenses generally will be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern of such violations or in distancing the United States from such violations.

4698B Depleted uranium (any uranium containing less than 0.711% of the isotope (U-235), the following only: shipments of more than 1,000 kilograms in the form of shielding contained in X-ray units, radiographic exposure or teletherapy devices, radioactive thermoelectric generators, or packaging for the transportation of radioactive materials.

Controls for ECCN 4698B

Unit: Report in "lbs." or "Kgs."

Validated License Required: Country Groups PQSTVWYZ. A validated license is *not* required for export of the commodities defined in this ECCN to Spain and to the countries listed in Supp. Nos. 2 or 3 to Part 373.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: Nuclear non-proliferation.

Special Licenses Available: See Part 373.

Note.—Depleted uranium in fabricated forms for use in munitions requires export authorization from the U.S. Department of State, Office of Munitions Control (see Supp. No. 2 to Part 370). All forms of depleted uranium not specifically described in this ECCN or in ECCN 4699G, and not controlled by the Department of State, require export authorization from the Nuclear Regulatory Commission (see 10 CFR, Part 110).

4699G Depleted uranium (any uranium containing less than 0.711% of the isotope U-235) fabricated into commodities solely to take advantage of high density unrelated to radioactivity (e.g., aircraft, ship or other counterweights); and shipments of 1,000 kilograms or less in the form of shielding contained in X-ray units, radiographic exposure or teletherapy devices, radioactive thermoelectric generators, or packaging for the transportation of radioactive materials.

Controls for ECCN 4699G

Unit: Report in "lbs." or "Kgs."

Validated License Required: Country Groups SZ.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Special Licenses Available: See Part 373.

Note.—Depleted uranium in fabricated forms for use in munitions requires export authorization from the U.S. Department of State, Office of Munitions Control (see Supp. No. 2 to Part 370). All forms of depleted uranium not specifically described in this ECCN or in ECCN 4698B, and not controlled by the Department of State, require export authorization from the Nuclear Regulatory Commission (see 10 CFR, Part 110).

6699G Other metals, minerals, and their manufactures, n.e.s.

Controls for ECCN 6699G

Unit: Report in "$ value."

Validated License Required: Country Groups SZ.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).

Special Licenses Available: See part 373.

Note.—Spherical aluminum powder with an average particle size of 100 micrometer diameter or less and a purity of 97% or greater; aluminum-magnesium alloy powder; and aluminum alloy plates, sheets and other wrought forms of Temper H alloy and all 5083 alloys, *except "O" temper form,* require export authorization from the U.S. Department of State, Office of Munitions Control. See Supp. No. 2 to Part 370.

Commodity Interpretation: The Following Is An Illustrative List of Chemicals and Materials Intended for Use in the Production, Transmission or Transportation of Petroleum or Natural Gas, or in the Refining of Petroleum, Petroleum Products or Natural Gas for Energy Usage, Excluding Petrochemical Feedstock. This List is Illustrative Only. It Does Not Include All Commodities Covered by CCL Entries 6699G and 6780F.

Activated carbon for petroleum or chemical processing
Additives for fuels and fuel oils
Alumina
Aluminosilicate
Aluminum carbide
Aluminum chloride, anhydrous
Aluminum ethylhexoate
Aluminum nitrate
Aluminum silicate
Aluminum sulfate
Chromia-Alumina
Cobalt, n.e.s.
Cobalt molybdate
Copper sulfate
Corrosion-inhibiting compounds
Cuprous sulfate
Ferrocene
Hydrofluoric acid
Magnesium silicate impregnated silica gel adsorbent
Molecular sieves
Molybdenum oxides
Monocrystalline and polycrystalline forms of molybdenum & tungsten
Nickel compound catalysts
Nicomo-12 (nickel, cobalt and molybdenum on alumina)
Phospholeum (super phosphoric acid)
Phosphoric acid
Platinum
Potassium phosphate, tribasic
Rust-preventive compounds
Silica gel
Sulfuric acid
Triethyl aluminum
Triisobutyl aluminum
Zeolite A
Zinc chloride
Zinc silicate

GROUP 7—CHEMICALS, METALLOIDS, PETROLEUM PRODUCTS AND RELATED MATERIALS

Note.—You need a validated export license to export or reexport technical data related to chemicals, metalloids, petroleum products and related materials to destinations in Country Groups P, Q, S, W, Y, or Z. You may use General License GTDR for exports or reexports of technical data to

destinations in Country Groups T & V *provided that*—

(a) The technical data are not listed in paragraphs (c) or (d) of § 379.4 of the Regulations, *and*

(b) There are no special foreign policy controls on the technical data related to the commodities described in an individual CCL entry.

Note.—All Commodity Control List entries in this Group are subject to export controls on the basis of the following criteria:

You need a validated license to export or reexport to the U.S.S.R. if you know or have reason to know the commodity is for any use directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympic Games that began in Moscow on July 19, 1980. These commodities are subject to controls under the authority of the foreign policy provisions contained in section 6 of the Export Administration Act of 1979.

See §370.10 for commodities that require export authorization from other U.S. Government departments and agencies.

1701A Lead azide and primary explosives or priming compositions (mixtures) containing azides and/or azide compounds or complexes (for example, orthofluorophenyl azide, silver chlorazide, cuprammonium azide).

Controls for ECCN 1701A

Unit: Report in "pounds."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: None.

1702A Hydraulic fluids which are or which contain as the principal ingredients petroleum (mineral) oils or synthetic hydrocarbon oils as described in this entry.

Controls for ECCN 1702A

Unit: Report in "barrels."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Hydraulic Fluids controlled by ECCN 1702A

Hydraulic fluids which are or which contain as the principal ingredients petroleum (mineral) oils or synthetic hydrocarbon oils and which have all of the following characteristics:

(a) A pour point of −30° F (−34° C) or lower;

(b) A viscosity index of 75 or greater; and

(c) Are thermally stable at +650° F (+343° C).

Note.—See § 377.6(d)(3) and § 377.6(e)(4) and (5) for special documentation requirements. Also see § 371.5(d) for special provisions regarding shipments under General License *GLV*.

4707B(a) Chemicals, as described in this entry. (b) Synthetic organic agricultural chemicals, as described in this entry.

Controls for ECCN 4707B

Unit: Report chemicals in "pounds."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $100 for chemicals in subentry (a) for Country Group Q and $500 for chemicals in subentry (b) for Country Group Q. $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: None for chemicals in paragraph (a). See Part 373 for chemicals in paragraph (b).

List of Chemicals Controlled by ECCN 4707B

(a) Chemicals, as follows:

(1) Beta-diethylaminoethyl diphenylpropylacetate hydrochloride,
(2) 2-Chloro-10-(3-dimethylaminopropyl) phenothiazine,
(3) 2-Chlorophenothiazine,
(4) 2-Cyanoacetamide,
(5) 2-Dicyclohexylcarbodiimide,
(6) Diethylmethylphosphonite,
(7) Dihydrodibenzazepine,
(8) Dihydrodibenzocycloheptene,
(9) 10, 11-Dihydro-N, N-dimethyl-5H-dibenzo (a,d) cycloheptent delta 5, gamma-propylamine,
(10) 2-Diisopropylaminoethanol,
(11) Diisopropylcarbodimide,
(12) 5-(3-(Dimethylamino)-2-methylpropyl)-10, 11-dihydro-5H-dibenz (b,f) azepine,
(13) Dimethylamino propylchloride hydrochloride,
(14) 5-(3-Dimethylaminopropyl)-10, 11-dihydro-5H-dibenz (b,f) azepine,
(15) 10-(3-Dimethylaminopropyl)-2-trifluorodimethylphenothiazine,
(16) Dimethyl hydrogen phosphite,
(17) Di-o-tolyl carbodiimide,
(18) Dissopropylaminoethylchloride hydrochloride,
(19) Ethylphosphonothiotic dichloride,
(20) Ethylphosphonous dichloride,
(21) Lysergic acid diethylamine,
(22) Malononitrile,
(23) Methylbenzylate,
(24) Methyldichlorphosphine,
(25) Methylisonicotenate,
(26) Methylphosphonothiotic dichloride,
(27) Methylphosphonous dichloride,
(28) Methylphosphonyldichloride,
(29) N, N-diethylethylenediamine (diethylaminoethylamine),
(30) Orthochlorobenzaldehyde,
(31) Phenothiazine,
(32) Piperidine carboxyl acid,
(33) n-Propylphosphonous dichloride,
(34) 3-Quinuclidinol,
(35) 3-Quinuclidinone,
(36) 2-Trifluoromethylphenothiazine, and
(37) 4-(3-(2-Trifluoromethyl) phenothiazine-10 yl) propyl)-1-piperazine ethanol.

(b) Synthetic organic agricultural chemicals, as follows:

(1) Alkyl aryl carbamates (including isopropyl N-phenylcarbamate and isopropyl N-(3-chlorophenyl)-carbamate),
(2) Aminochloropicolinic acid and its salts and esters,
(3) Bromoalkyl pyrimidines,
(4) Cacodylic acid,
(5) Chlorophenoxyacetic and chlorofluorophenoxyacetic acids and their salts and esters and
(6) Herbicidal or antiplant preparations containing one or more of the above in amounts totaling, alone or in combination with another, 80 percent or more by weight.

2708A Explosives, propellants, and fuels as described in this entry.

Controls for ECCN 2708A

Unit: Report in "pounds."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: None.

List of Explosives, Propellants, and Fuels Controlled by ECCN 2708A

(a) Ethyl and Methyl centralites,
(b) NN-Diphenylurea (unsymmetrical diphenylurea),
(c) Methyl-NN-diphenylurea (methyl unsymmetrical diphenylurea),
(d) Ethyl-NN-diphenylurea (ethyl unsymmetrical diphenylurea),
(e) Ethyl phenyl urethane,
(f) Diphenyl urethane,
(g) Diortho tolyl-urethane,
(h) 2-Nitrodiphenylamine,
(i) p-Nitromethylaniline,
(j) 2,2' Dinitropropanol,
(k) Bis (2,2' dinitropropyl) formal and acetal,
(l) 3—Nitraza—1,5 pentane diisocyanate,
(m) Guanidine nitrate, and
(n) Hydrogen peroxide in concentrations of 85%.

3709A Beryllium oxide ceramic and refractory tubes, pipes, crucibles, and other shapes in semi-fabricated or fabricated form, except forms specially designed for electronic component parts or as substrates for electronic circuits.

Control for ECCN 3709A

Unit: Report in "pounds."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security, and nuclear non-proliferation. Nuclear non-proliferation controls do not apply to those countries listed in Supplement No. 2 or Supplement No. 3 to Part 373.
Special Licenses Available: None.

3711A Chlorine trifluoride, except shipments of 5 kilograms or less.

Controls for ECCN 3711A

Unit: Report in "pounds" or "kilograms."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $50 for Country Groups T & V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security and nuclear non-proliferation.
Special Licenses Available: None.

1715A Boron, as described in this entry.

Controls for ECCN 1715A

Unit: Report in "pounds."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security and nuclear non-proliferation. Nuclear controls do not apply to subentries (c)(2), (3), (4) and (5).
Special Licenses Available: None for subentries (a), (b) and (c)(1) below. For the rest of subentry (c) see Part 373.

List of Boron Controlled by ECCN 1715A

(a) Boron element, boron compounds and mixtures in which the boron-10 isotope comprises more than 20 percent of the total boron content;

(b) Boron element (metal) all forms; and

(c) Boron compounds, mixtures and composites containing 5 percent or more of boron, *except pharmaceutical specialties packaged for retail sale,* as follows:

(1) Boron carbide, *except powder,* having a boron content of 70 percent or more by weight and composites thereof in crude or semi-fabricated forms;

(2) Boron nitride (hexagonal close-packed structure, white form) and composites thereof in crude or semi-fabricated forms; other boron-nitrogen compounds (*e.g.,* borazanes, borazines, and boropyrazoyls);

(3) Boron hydrides (*e.g.,* boranes), *except sodium boron hydride, potassium boron hydride, monoborane, diborane and triborane;*

(4) Organoboron compounds; including metalloorganoboron compounds; and

(5) Borides with purities above 98.5 percent and having melting points of 3,632° F (2,000° C) or higher and composites thereof in crude or semi-fabricated forms.

4720B Radioisotopes, cyclotron-produced or naturally occurring, except those having an atomic number 3 through 83, and compounds and preparations thereof

(Specify by name and isotope number.)

Controls for ECCN 4720B

Unit: Report radioisotopes in "Millecuries."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $100 for Country Groups Q, T, and V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: Nuclear non-proliferation.
Special Licenses Available: None.

4721B Helium isotopically enriched in the helium-3 isotope, in any form or quantity, and whether or not admixed with other materials, or contained in any equipment or device.

Controls for ECCN 4721B

Unit: Report helium in "liters."
Validated License Required: Country Groups PQSTVWYZ and Canada.
GLV $ Value Limit: $1,000 for Country Groups T & V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: See Part 373.

1746A Polymeric substances and manufactures thereof, as described in this entry.

Controls for ECCN 1746A

Unit: Report in "pounds."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $100 for Country Groups T & V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: See Part 373.

List of Polymeric Substances and Manufactures Thereof Controlled by ECCN 1746A

Polymeric substances and manufactures thereof, where the value of the polymeric component, either alone or in combination with other materials included on the Commodity Control List under an Export Control Commodity Number that is followed by the code letter "A", is 50 percent or more of the total value of the materials, as follows:

(a) Polyimides, *except fully cured polyimide or polyimide-based film, sheet, tape or ribbon having a maximum thickness of 10 mils (0.010 inch or 0.254 mm) whether or not coated or laminated with heat- or pressure-sensitive resinous substances of an adhesive nature, which contain no fibrous reinforcing materials, and which have not been coated or laminated with carbon, graphite, metals or magnetic substances;*
(b) Polybenzimidazoles;
(c) Polyimidazopyrrolones;
(d) Aromatic polyamides, *except staples, fibers, filaments, yarns and threads having a fiber modulus of 250 grams-force per denier or less and a tenacity of 11 grams-force per denier or less, and textile and mat products thereof;*
(e) Polyparaxylylenes;
(f) Polyphenylene sulphides;
(g) Polyquinoxalines;
(h) Polybenzothiazoles;
(i) Polyoxadiazoles;
(j) Polytriazoles;
(k) Polythiazoles;
(l) Polyphosphonitriles;
(m) Polybenzimidazolphenanthrolines;
(n) Polypyrazines;
(o) Polyspiranes;
(p) Polysilazanes;
(q) Polyperfluorotriazines;
(r) Polysilsequioxane ladders;
(s) Polyparabenzoquinone ladders; and
(t) Polynaphthaleneimidazoanthraquinone ladders.

4746B Polymeric substances as described in this entry.

Controls for ECCN 4746B

Unit: Report in "pounds."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $100 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of polymeric substances controlled by ECCN 4746B

Polymeric substances, thermally stable, having weight loss of 15 percent or less after exposure for 24 hours to a temperature of 400° C (752° F) in air, and manufactures thereof, where the value of the polymeric component, either alone or in combination with other materials included on the Commodity Control List under an Export Control Commodity Number that is followed by the code letter "A," is 50 percent or more of the total value of the materials.

Examples of thermally stable polymeric substances include, but are not limited to, the following:

Polyarlyenesulfones
Polyphenlyene oxides, excluding styrene modified forms
Polymetallocenes
Fluoroepoxides
Polyimidazoimides
Polyparaoxybenzoyls
Polyphenylenes
Polybenzimidazolones
Polytetraazopyrenes
Polybenzoxazinones
Polytriptycenes
Coordination polymers
Polyaroylanthranilamides
Polyanthazolines
Polycarboxylimides
Polyarylethers
Polycarboranesiloxanes
Polyboroimidazolines
Polyiminoimidazolidinediones
Polyparbanic acids
Polyaryloxysilanes
Polymetallosiloxanes
Polyquinazolinediones
Polyquinazolones

1754A Fluorocarbon compounds and manufactures as described in this entry.

Controls for ECCN 1754A

Unit: Report wire and cable in "feet," fluorocarbon compounds and other manufactures in "pounds."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $1,00 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of fluorocarbon compounds and manufactures controlled by ECCN 1754A

Fluorocarbon compounds and manufactures, as follows:

(a) Monomeric and polymeric materials, as follows:

(1) Polychlorotrifluoroethylene, oily and waxy modifications only;

(2) Copolymers and terpolymers composed of any combination of the following monomers: tetrafluoroethylene, chlorotrifluoroethylene, vinylidene fluoride, hexafluoropropylene, and bromotrifluoroethylene, *except the copolymers of tetrafluoroethylene and hexafluoropropylene;*

(3) Polybromotrifluoroethylene;

(4) Dibromotetrafluoroethane, *except that having a purity of 99.8 percent or less and containing at least 25 particles of 200 microns or larger in size per 100 ml;* or

(5) Perfluoroalkylamines;

(b) Greases, lubricants and dielectric, damping and flotation fluids made wholly of any of the materials in sub-entry (a) above; and

(c) Electric wire and cable coated with or insulated with any of the materials in paragraph (a)(2) above, *except oil well logging cable.*

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of fluorocarbon compounds and manufactures as described in paragraph (a)(1) and paragraph (b).

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of up to 5 US gallons (18.9 liters) of polychlorotrifluoroethylene-based lubricating oils covered jointly by paragraphs (a) (1) and (b) above, for bona fide civil uses.

4754B Sythetic resins, as described in this entry.

Controls for ECCN 4754B

Unit: Report synthetic resins in "pounds."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups Q, T, and V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Synthetic Resins Controlled by ECCN 4754B

Synthetic resins, as follows:

(a) Irradiated polyolefin film, sheeting, and laminates;

(b) Methyl methacrylate, cross-linked, hot stretched, clear, film, sheeting, or laminates;

(c) Other fluorocarbon polymers and copolymers, *except the copolymer of tetrafluoroethylene and perfluoroalkyl vinyl ether; polyvinyl-fluoride, solid forms of polychlorotrifluoroethylene, and non-dispersion grades of polytetrafluoroethylene, and products wholly made thereof;* and

(d) Other fluorocarbon polymer and copolymer products, *except ethylene/tetrafluoroethylene copolymers,* as follows:

(1) Products wholly made thereof;

(2) Molding compositions containing more than 20 percent by weight of fluorocarbon polymers or copolymers; or

(3) Laminates partially made of fluorocarbon polymers or copolymers, including molded, decorative, or laminated with other materials or metals.

(Specify by name.)

1755A Silicone fluids and greases as described in this entry.

Controls for ECCN 1755A

Unit: Report silicone fluids and greases in "barrels."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Silicone Fluids and Greases Controlled by ECCN 1755A

Silicone fluids and greases, as follows:

(a) Fluorinated silicone fluids; and

(b) Silicone lubricating grease capable of operating at temperatures of 365° F (180° C) or higher and having a drop point (method of test being ASTM or ITP) of 428° F (220° C) or higher.

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of silicone fluids and greases as described in paragraph (b), above.

2. Licenses are likely to be approved for export to satisfactory end-users in Country

Groups PQSWY of silicone lubricating greases covered by paragraph (b) above, provided they are not capable of operating at temperatures of 400° F (205° C) or higher.

4755B Silicone fluids and resins as described in this entry.

Controls for ECCN 4755B

Unit: Report in "pounds."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $100 for Country Group Q; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Silicone Fluids and Resins Controlled by ECCN 4755B

Silicone fluids and resins, as follows:

(a) Silicone diffusion pump fluids having the capacity for producing ultimate pressures of less than 10^{-8} Torr; and

(b) Thermally stable silicone resins capable of withstanding temperatures of 752° F (400° C) and greater with weight losses of 15 percent or less over a 24 hour test.

1757A Compounds and materials as described in this entry.

Controls for ECCN 1757A

Unit: Report in "number."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Compounds and Materials Controlled by ECCN 1757A:

Compounds and materials, as follows:

(a) Monocrystalline silicon having any of the following characteristics:

(1) Containing bismuth, indium, gallium, selenium, or thallium at an average carrier concentration of greater than $10^{16}/cm^3$;

(2) Containing arsenic at an average carrier concentration of greater than $10^{16}/cm^3$ and less than $10^{18}/cm^3$;

(3) Having P-type conductivity and a resistivity of 5,000 ohm/cm or greater;

(4) In the form of wafers (slices) or ingots (boules) having a resistivity of 50 ohm/cm or less for all N type and for P type 1–1–1, or 100 ohm/cm or less for P type 1–0–0.

(b) Monocrystalline gallium compounds, *except gallium phosphide, and except electronic grades of monocrystalline materials containing less than 1 percent of gallium, and except gallium arsenide, gallium arsenide phosphide, and gallium nitride having all of the following characteristics:*

(1) Diffusion processed wafers;

(2) Selenium, tellurium, silicon, sulphur, tin or zinc doped;

(3) Dislocation density (EPD) greater than 10,000 per sq. em.;

(4) Carrier concentration greater than 1×10^{16} per cu. cm.; and

(5) Carrier mobility less than 2,000 sq. cm. per volt second;

(c) Monocrystalline indium compounds in any form, *except electronic grades of monocrystalline materials containing less that 1 percent of indium;*

(d) Composites (hetero-epitaxial materials) consisting of a monocrystalline insulating substrate epitaxially layered with silicon, compounds of gallium or compounds of indium;

(e) Mercury cadmium telluride compounds in any form; and

(f) Electronic grade polycrystalline silicon. "Electronic grade polycrystalline silicon" is defined as having a maximum concentration of P type impurity *(e.g.* boron) of 0.3 parts per billion (0.3 parts in 10^9) and/or a maximum concentration of N type impurity *(e.g.* phosphorus) of 1.5 parts per billion (1.5 parts in 10^9). Purity shall be verified according to ASTM specification F574–78 or equivalent followed by resistivity measurement according to ASTM specification F43–78 or equivalent.

Advisory Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of wafers (slices) embargoed by subentry (a)(4) above having any of the following characteristics:

(1) 1–1–1 crystal orientation for N-type.

(2) 1–1–1 crystal orientation and having a resistivity less than 2 ohm/cm for P-Type.

(3) 1–0–0 crystal orientation and having a resistivity between 0.5 and 2 ohm/cm for N-Type.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of monocrystalline silicon wafers or ingots of 3 inches in diameter or less when doped for commercial bipolar and MOS devices.

4757B Single crystal sapphire substrates.

(Specify by size and weight.)

Controls for ECCN 4757B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $100 for Country Group Q; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Technical Data: Exports of related technical data require a validated license to all destinations, except Canada.

1759A Syntactic foam for underwater use formulated for applications at depths greater than 1,000 meters (3,281 ft) or with a density (specific gravity) of 0.561 g/cm³ (35 lbs/cu ft) of less.

(Syntactic foam consists of hollow plastic or glass spheres less than 100 micrometers in diameter uniformly embedded in a resin matrix.)

For deep submergence vehicles, see ECCN 1418A.

Controls for ECCN 1759A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

1760A Compounds of tantalum and niobium (columbium).

Controls for ECCN 1760A

Unit: Report in "pounds."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Forms of Compounds of Tantalum and Niobium (Columbium) Controlled by ECCN 1760A

(a) Tantalates and niobates having a purity of 98 percent or more; and

(b) Other compounds containing 20 percent or more of tantalum in which the niobium content with respect to tantalum is less than one part per thousand.

1763A Fibrous and filamentary materials which may be used in composite structures or laminates and manufactures thereof.

Controls for ECCN 1763A

Unit: Report in "Pounds."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $250 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: None.

List of Fibrous and Filamentary Materials Controlled by ECCN 1763A:

(a) Having both the following characteristics:

(1) Specific modulus greater than 1.25×10^8, and

(2) Specific tensile strength greater than 3×10^6;

(b) Having both of the following characteristics:

(1) Specific modulus greater than 1×18^8, and

(2) Melting or sublimation point higher than 3,000° F (1,649° C) in an inert environment; *except carbon fibers having a specific modulus of less than 2×10^8 and a specific tensile strength of less than 1×10^6:*

(c) Composite structures and laminates, including metal matrix composite materials, fabricated by using equipment controlled by ECCN 1357A, or by metal casting, or by strengthening eutectic alloys *in situ* by directional solidification, from materials described in paragraphs (a) and (b) above.

"Fibrous and filamentary materials" includes:

(a) Continuous monofilaments,

(b) Continuous yarns and rovings,

(c) Tapes, woven fabrics and random mats,

(d) Chopper fibers, staple fibers and coherent fiber blanket, and

(e) Whiskers, either monocrystalline or polycrystalline, of any length.)

("Specific modulus" is Young's modulus in lbs/sq. in. (measured at a temperature of 73.4° F±3.6° F (23° C±2° C) and a relative humidity of 50 percent ±5 percent) divided by density in lbs/cu. in. "Specific tensile strength" is ultimate tensile strength in lbs/sq. in. (measured at a temperature of 73.4° F±3.6° F (23° C±2° C) and relative humidity of 50 percent ±5 percent) divided by density in lbs/cu. in.)

Advisory Note.—Licenses are likely to be approved for export to Country Groups PQSWY for bona fide civil end-uses, of carbon fibers multi-phase polycrystalline alumina fibers defined in paragraphs (a) and (b) above having both of the following characteristics:

(a) Specific modulus less than 4.5×10^8, and

(b) Specific tensile strength less than 4.5×10^6.

1767A Preforms of glass or of any other material specially designed for the fabrication of optical transmission fibers intended for the manufacture of cable defined in paragraph (b)(3) of ECCN 1526A.

(Optical fiber preforms are defined as bars, ingots, or rods of glass, plastic or other materials which have been specially processed for use in fabricating optical fibers. The characteristics of the preform determine the basic parameters of the resultant drawn optical fibers.)

Controls for ECCN 1767A

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of the preforms defined in this ECCN.

4778B Inorganic chemicals.

Controls for ECCN 4778B

Unit: Report unit of quantity for each commodity as specified in Supp. No. 2 to Part 377.

Validated License Required: Country Groups PQSTVWYZ and Canada.

GLV $ Value Limit: $0 for all destinations.

Processing Code: SS.

Reason for Control: Short supply.

Special Licenses Available: See Part 373.

List of Inorganic Chemicals Controlled by ECCN 4778B

Ammonia, anhydrous or in aqueous solution; carbon dioxide; carbon monoxide; helium and mixtures thereof; hydrogen; and inorganic chemicals listed in Supp. No. 2 to Part 377.

(See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses *G–NNR* and *GLV.*

6779F Chemicals and materials (e.g., drilling fluids, muds, lost circulation materials and polymers, surfactants and other detergents) specially formulated or modified for use in the production of petroleum and natural gas.

Controls for ECCN 6779F

Unit: Report in "$ value."

Validated License Required: Country Groups SZ, Afghanistan, and the U.S.S.R. (including Estonia, Latvia, and Lithuania).

GLV $ Value Limit: General License *GLV* is not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).

Special Licenses Available: See Part 373.

1781A Synthetic lubricating oils and greases.

Controls for ECCN 1781A

Unit: Report in "barrels."

Validated License Required: Country Groups PQSTVWYZ.

GLV $ Value Limit: $500 for Country Groups T & V; $0 for all other destinations.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: None.

List of the Principal Ingredients of Synthetic Lubricating Oils and Greases Controlled by ECCN 1781A

(a) Monomeric and polymeric forms of perfluorotriazines, perfluoroaromatic ethers and esters, and perfluoroaliphatic ethers and esters; or

(b) Polyphenyl ethers and/or thio ethers containing more than three phenyl and/or alkyl phenyl groups.

4781B Petroleum, crude or partly refined, including tar sands, shale oil and topped crudes, listed in Supp. No. 2 to Part 377.

Controls for ECCN 4781B

Unit: Report in "barrels."

Validated License Required: Country Groups PQSTVWYZ and Canada.

GLV $ Value Limit: $0 for all destinations, including Canada.

Processing Code: SS.

Reason for Control: Short supply.

Special Licenses Available: None.

4782B Other petroleum products listed in Supp. No. 2 to Part 377.

(See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses (*G–NNR* and *GLV*.)

Controls for ECCN 4782B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ and Canada.

GLV $ Value Limit: $1,000 for Country Groups Q, T and V, and Canada; $0 for all other destinations.

Processing Code: SS.

Reason for Control: Short supply.

Special Licenses Available: None.

4783B Natural gas liquids and other natural gas derivatives listed in Supp. No. 2 to Part 377.

(See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses *G–NNR* and *GLV*.)

Note.—Natural gas and liquefied natural gas (L.N.G.) and synthetic natural gas commingled with natural gas require export authorization from the U.S. Department of Energy. See § 370.10(g).

Controls for ECCN 4783B

Unit: Report in "barrels."

Validated License Required: Country Groups PQSTVWYZ and Canada.

GLV $ Value Limit: $1,000 for Country Groups Q, T and V, and Canada.

Processing Code: SS.

Reason for Control: Short supply.

Special Licenses Available: None.

4784B Manufactured gas and synthetic natural gas (except when commingled with natural gas and thus subject to export authorization from the Department of Energy) listed in Supp. No. 2 to Part 377.

(See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses *G–NNR* and *GLV*.)

Controls for ECCN 4784B

Unit: Report in "millions of cubic feet."

Validated License Required: Country Groups PQSTVWYZ and Canada.

GLV $ Value Limit: $1,000 for Country Groups Q, T and V, and Canada; $0 for all other destinations.

Processing Code: SS.

Reason for Control: Short supply.

Special Licenses Available: None.

4799B Chemical agents, including tear gas formulations containing 1 percent or less of orthochlorobenzalmalononitrile (CS), or 1 percent or less of chloracetophenone (CN), except in individual containers with a net weight of 20 grams or less; and smoke bombs; and fingerprint powders, dyes and inks.

(Specify by name.) (See § 376.14.)

All other forms of tear gas are controlled by the U.S. Department of State, Office of Munitions Control.

Controls for ECCN 4799B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ. A validated license is not required for export of these commodities to Australia, Japan, New Zealand, and members of NATO.

GLV $ Value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: Crime control (foreign policy).

Special Licenses Available: None.

Special Foreign Policy Controls: An individual validated export license is required for foreign policy purposes to export crime control and detection instruments and equipment and related technical data (except that authorized under General License *GTDA*) to any destination except Australia, Japan, New Zealand, and members of NATO.

Advisory Note.—Applications for validated export licenses generally will be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern of such violations or in distancing the United States from such violations.

5799D Other chemicals, chemical materials and products, plastic materials, regenerated cellulose, artificial resins, and miscellaneous related materials and products, n.e.s., except those listed in Supp. No. 1 to § 399.2, Interpretation 24.

Controls for ECCN 5799D

Unit: Report in "$ value."

Validated License Required: Country Groups PQSWYZ and Afghanistan.

GLV $ Value Limit: $100 for Country Groups Q. General License *GLV* not applicable for other destinations; however, another general license may apply.

Processing Code: MG.

Reason for Control: National security.

Special Licenses Available: See Part 373.

Special South Africa and Namibia Controls: A validated license is required for export or reexport to the Republic of South Africa and Namibia if intended for delivery to, or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 385.4(a).

6799G Chemicals, chemical materials and products, plastic materials, regenerated cellulose, artificial resins, and miscellaneous related materials and products, n.e.s., listed in Supp. No. 1 to § 399.2, Interpretation 24.

Controls for ECCN 6799G

Unit: Report in "$ value."

Validated License Required: Country Groups SZ.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Special Licenses Available: See Part 373.

GROUP 8—RUBBER AND RUBBER PRODUCTS

Note.—You need a validated export license to export or reexport technical data related to rubber and rubber products to destinations in Country Groups P, Q, S, W, Y, or Z. You may use General License *GTDR* for exports or reexports of technical data to destinations in Country Groups T & V *provided that*—

(a) the technical data are not listed in paragraphs (c) or (d) of § 379.4 of the Regulations, *and*

(b) there are no special foreign policy controls on the technical data related to the commodities described in an individual CCL entry.

Note.—All Commodity Control List entries in this Group are subject to export controls on the basis of the following criteria:

You need a validated license to export or reexport to the U.S.S.R. if you know or have reason to know the commodity is for any use directly in preparation for, in conduct of, in support of, or visually identified with the Summer Olympics that began in Moscow on July 19, 1980. These commodities are subject to controls under the authority of the foreign policy provisions contained in section 6 of the Export Administration Act of 1979.

See § 370.10 for commodities that require export authorization from other U.S. Government Departments and Agencies.

1801A Synthetic rubber.

Controls for ECCN 1801A

Unit: Report in "lbs."

Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $500 for Country Groups T and V; $0 for all other destinations.
Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: None for commodities defined in paragraph (c)(1) of the LIST below; see Part 373 for special licenses that may be available for other types of synthetic rubber defined in the LIST.

List of types of synthetic rubber controlled by ECCN 1801A

(a) Alkyl polysulphide liquid polymers, including polymers which are in themselves liquid, having a molecular weight of 1,200 or less and a viscosity of 2,000 centipoises or less, *except water dispersions, otherwise called latices;*
(b) Fluorinated silicone rubber and other fluorinated elastomeric material and such organic intermediates for their production as contain 10 percent or more of combined fluorine;
(c) Polymeric products of butadiene, as follows:
(1) Carboxyl terminated polybutadiene, hydroxyl terminated polybutadiene, thiol terminated polybutadiene, and cyclized 1,2-polybutadiene;
(2) Moldable copolymers of butadiene and acrylic acid; and
(3) Moldable terpolymers of butadiene, acrylonitrile and acrylic acid or any of the homologues of acrylic acid; and
(d) Carboxyl terminated polyisoprene and polyisobutylene.

6899G Other rubber and rubber products, n.e.s.

Controls for ECCN 6899G

Unit: Report in "$ value."
Validated License Required: Country Groups S and Z.
GLV $ Value Limit: General license *GLV* not applicable; however, another general license may apply.
Processing Code: MG.
Reason for Control: Foreign policy.
Special Licenses Available: None.
Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia of commodities defined in ECCN 6899G if intended for delivery to, or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities. See § 385.4(a).

GROUP 9—MISCELLANEOUS

Note.—You need a validated export license to export or reexport technical data related to the miscellaneous products in this Commodity Group 9 to destinations in Country Groups P, Q, S, W, Y, or Z. You may use General License GTDR for exports or reexports of technical data to destinations in Country Groups T & V *provided that*—

(a) The technical data are not listed in paragraphs (c) or (d) of § 379.4 of the Regulations, *and*
(b) There are no special foreign policy controls on the technical data related to the commodities described in an individual CCL entry.

Note.—All Commodity Control List entries in this Group are subject to export controls on the basis of the following criteria:

You need a validated license to export or reexport to the U.S.S.R. if you know or have reason to know the commodity is for any use directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympics that began in Moscow on July 19, 1980. These commodities are subject to controls under the authority of the foreign policy provisions contained in section 6 of the Export Administration Act of 1979.
See § 370.10 for commodities that require export authorization from other U.S. Government Departments and Agencies.

5994G Medicines, medical products and supplies.

Controls for ECCN 5994G

Unit: Report in "$ value."
Validated License Required: Country Groups S and Z.
GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.
Processing Code: MG
Reason for Control: Foreign policy.
Special Licenses Available: None.
Special South Africa and Namibia Controls: A validated license is required for export to the Republic of South Africa and Namibia of commodities defined in ECCN 5994G if intended for delivery to, or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities. See § 385.4(a)

4996B Western red cedar (Thuja plicata) logs and timber, and rough, dressed and worked lumber containing wane listed in Supplement No. 4 to part 377.

Controls for ECCN 4996B

Unit: Report in "million board feet scribner."
Validated License Required: Country Groups PQSTVWYZ and Canada.
GLV $ Value Limit: $0 to all destinations.
Processing Code: SS.
Reason for Control: Short supply.
Special Licenses Available: None.

4997B Viruses or viroids for human, veterinary, plant, or laboratory use, except hog cholera and attentuated or inactivated systems.

Controls for ECCN 4997B:

Unit: Report in "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $0 for all destinations.
Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: See Part 373.

4998B Bacteria, fungi, and protozoa; except those listed in Supplement No. 1 to § 399.2, Interpretation 28

(Specify by name.)

Controls for ECCN 4998B:

Unit: Report in "$ value."
Validated License Required: Country Groups PQSTVWYZ.
GLV $ Value Limit: $0 for all destinations.
Processing Code: MG.
Reason for Control: National security.
Special Licenses Available: See Part 373.

5998B Shotguns, barrel length 18 inches or over; and arms, discharge type (for example, stun-guns, shock batons, immobilization guns and projectiles, etc., except equipment used exclusively to treat or tranquilize animals, and except arms designed solely for signal, flare, or saluting use; and parts, n.e.s., including optical sighting devices for firearms.

Controls for ECCN 5998B:

Unit: Report in "$ value."
GLV $ Value Limit: $0 for all destinations.
Processing Code: MG.
Reason for Control: Crime control (foreign policy).

Special Licenses Available: None.

Special South Africa and Namibia Controls: Commodities defined in ECCN 5998B (except optical sighting devices) are subject to the Republic of South Africa and Namibia embargo policy, and no technical data relating to those commodities may be exported under General License *GTDR* to any consignee in the Republic of South Africa or Namibia.

Special Foreign Policy Controls: No commodities in this entry may be shipped to the Republic of South Africa, Namibia, Botswana, Lesotho, and Swaziland without a validated license. However, a validated license is *not* required for export of shotguns with barrel length of 24 inches or over and parts, n.e.s., to other destinations in Country Groups T and V, for consignment or resale to other than police or law enforcement agencies. An individual validated export license is required for foreign policy purposes to export crime control and detection instruments and equipment and related technical data (except that authorized under General License *GTDA*) to any destination except Australia, Japan, New Zealand, and members of NATO.

6998F Shotgun shells, and parts.

Controls for ECCN 6998F

Unit: Report in "$ value."

Validated License Required: Country Groups S and Z and the Republic of South Africa, Namibia, Botswana, Lesotho, and Swaziland.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: Foreign policy.

Special Licenses Available: None.

Special South Africa and Namibia Controls: Commodities defined in ECCN 6998F (except optical sighting devices) are subject to the Republic of South Africa and Namibia embargo policy, and no technical data relating to those commodities may be exported under General License *GTDR* to any consignee in the Republic of South Africa or Namibia.

4999B Horses for export by sea.

Controls for ECCN 4999B

Unit: Report in "$ Value."

Validated License Required: Country Groups PQSTVWYZ and Canada.

GLV $ Value Limit: $0 for all destinations.

Processing Code: SS.

Reason for Control: Short supply (see § 376.3)

Special Licenses Available: None.

5999B Saps; straight jackets; police helmets and shields; and parts and accessories, n.e.s.

Controls for ECCN 5999B

Unit: Report in "$ value."

Validated License Required: Country Groups PQSTVWYZ. A validated license is *not* required for export of thees commodities to Australia, Japan, New Zealand, and members of NATO.

GLV $ value Limit: $0 for all destinations.

Processing Code: MG.

Reason for Control: Crime control (foreign policy).

Special Crime Controls: An individual validated export license is required for foreign policy purposes to export crime control and detection instruments and equipment and related technical data (except that authorized under General License (*GTDA*) to any destination except Australia, Japan, New Zealand, and members of NATO.

6999G Other commodities, n.e.s.; and parts and accessories, n.e.s.

Controls for ECCN 6999G

Unit: Report in "$ value."

Validated License Required: Country Groups S and Z; food and agricultural commodities and medicines and medical supplies may be exported to Country Group S under General License *G–DEST.*

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing code: MG.

Reason for Control: Foreign policy.

Special Licenses Available: None.

7999 I Prerecorded phonograph records reproducing, in whole or in part, the content of printed books, pamphlets, and miscellaneous publications, including newspapers and periodicals; printed books, pamphlets, and miscellaneous publications including bound newspapers and periodicals; children's picture and painting books; newspaper and periodicals, unbound, excluding waste; music books; sheet music; calendars and calendar blocks, paper; maps, hydrographical charts, atlases, gazeteers, globe covers, and globes, (terrestrial or celestial) and advertising printed matter exclusively related thereto.

Controls for ECCN 7999I

Unit: Report in "$ value."

Validated License Required: None.

GLV $ Value Limit: General License *GLV* not applicable; however, another general license may apply.

Processing Code: MG.

Reason for Control: None.

Technical Data: Not applicable.

9999M Technical models for demonstration. The validated export license control applicable to each model is the same as the control applicable to the full size commodity represented by the model as exercised by Commerce (OEA and/or Maritime Administration), State (OMC), or Nuclear Regulatory Commission.

(Sections 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. § 2401 *et seq.;* Executive Order No. 12214 (45 FR 29783, May 6, 1980)

Dated: December 20, 1982.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 82-34908 Filed 12-28-82; 8:45 am]

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federal register

Wednesday
December 29, 1982

Part III

Environmental Protection Agency

Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 191

[A-FRL 1810-1]

Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency requests comments on proposed environmental standards for the management and disposal of spent nuclear reactor fuel and high-level and transuranic wastes. Subpart A of the proposed standards would limit the radiation exposure of members of the public from management of spent fuel and of waste prior to disposal. Subpart B would establish both containment requirements for disposal systems and requirements to assure that these containment requirements should be met. The containment requirements would limit the amount of radioactivity that may enter the environment for ten thousand years after disposal. The assurance requirements provide seven principle necessary for developing confidence that these long-term containment requirements will be complied with. The requirements of Subpart B would apply to disposal by any method, except disposal directly into the oceans or ocean sediments.

After we consider the comments received on this proposal, we will develop a final version of these standards and promulgate them as a new Part 191 to Title 40 of the Code of Federal Regulations (40 CFR Part 191). The standards would be implemented by the Nuclear Regulatory Commission and the Department of Energy under their respective statutory responsibilities.

DATE: Public hearings on this proposed rule will be held during May of 1983. Specific dates and arrangements will be announced in a later **Federal Register** notice. Comments on the proposed rule and requests to participate in the public hearings should be received on or before May 2, 1983.

In addition, a panel of EPA's Science Advisory Board (SAB) will review the technical analyses supporting the proposed standards during the comment period. The meetings of the SAB panel will be open to the public and will be announced in the **Federal Register**.

ADDRESS: Comments should be submitted (in duplicate if possible to: Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. R-82-3, Washington, D.C. 20460.

Docket No. R-82-3, containing material relevant to this rulemaking, is located in the West Tower Lobby, Gallery 1, Central Docket Section, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays, and a reasonable fee may be charged for copying.

Single copies of the Draft Environmental Impact Statement for this action may be obtained by writing to: Director, Criteria and Standards Division (ANR-460), Office of Radiation Programs, Environmental Protection Agency, Washington, D.C. 20460.

Requests to participate in the public hearings should be made in writing to the Director, Criteria and Standards Division. All requests for participation must include at least an outline of the topics to be addressed in the opening statement(s), the amount of time requested for the statement(s), and the names of the participants. Statements should not repeat information already presented in written comments, but should address additional information or issues.

FOR FURTHER INFORMATION CONTACT:

Daniel Egan, telephone number (703) 557-8610.

SUPPLEMENTARY INFORMATION:

Fissioning of nuclear fuel in nuclear reactors creates a small quantity of highly radioactive materials. This concentrated radioactivity is retained in the spent fuel elements when they are removed from the reactor. If the fuel is then reprocessed to recover unused uranium and plutonium, the concentrated radioactivity goes into acidic liquid wastes that will later be converted into solid forms. These highly radioactive liquid or solid wastes from reprocessing spent nuclear fuel, or the spent fuel elements themselves if they will be disposed of without reprocessing, are called "high-level wastes." The nuclear reactors operated by the nation's electrical utilities currently generate about 2,000 metric tons of spent fuel per year. For comparison, chemically hazardous wastes regulated under the Resource Conservation and Recovery Act are produced at a rate of about 40,000,000 metric tons per year.

Although they are produced in small quantities, proper management and disposal of high-level wastes are important because of the inherent hazards of the large amounts of radioactivity they contain. This need for careful control has been recognized since the inception of the nuclear age. The Federal Government has always assumed responsibility for the ultimate care and disposal of these wastes, regardless of whether they are produced by commercial or national defense activities. Over the last several years, the Federal Government has intensified its program to develop and demonstrate a permanent disposal method for high-level wastes. President Reagan's April 28, 1982 message to Congress on nuclear waste disposal reaffirmed this commitment and called for a Federally-owned and operated permanent repository to be available at the earliest practicable date. The environmental protection requirements that we are proposing today will provide the basic framework for the long-term controls that these wastes need.

High-level wastes contain many different radionuclides. Some of these nuclides emit alpha particles; other emit beta particles. Some radionuclides emit gamma rays in addition to alpha or beta particles. The radionuclides decay with half-lives ranging from less than one year to millions of years. We have concentrated our attention on radionuclides with half-lives greater than 20 years because they must be isolated from people for very long times. Thus, we exclude radionuclides such as tritium, krypton-85, and plutonium-241, which are present in large quantities in freshly discharge fuel, but which decay so rapidly that they do not require long-term isolation.

Reprocessing reactor fuel used for national defense activities has produced about 500 million curies of radionuclides with half-lives greater than 20 years. Most of the activity is due to strontium-90 and cesium-137, which have half-lives of about 30 years. These wastes are stored in various liquid and solid forms on three Federal reservations in Idaho, Washington, and South Carolina. Relatively small additions are being made from ongoing defense programs.

Spent fuel from commercial nuclear power reactors contains about 800 million curies of radionuclides with half-lives greater than 20 years. About 10 million curies of this radioactivity are due to radionuclides, such as plutonium, which emit alpha particles. Most of this spent fuels is stored at reactor sites. Over the next few years, this inventory is expected to grow at a rate of about 200 million curies per year from reactors currently licensed to operate. At some reactor sites, spent fuel storage capacity

is almost used up. Electrical utilities, the operators of commercial reactors, are pursuing a variety of techniques to increase storage capacities, and legislation concerning Federal assistance for spent fuel storage is under consideration in Congress.

Nuclear reactors use some isotopes of uranium, plutonium, or thorium to produce energy from nuclear fission. These elements are sometimes referred to as "heavy metals." The amount of wastes produced is roughly proportional to the amount of these elements placed into a ractor. We use the unit "wastes generated per metric ton of heavy metal (MTHM)" to measure the amount of waste placed in disposal systems.

The amount of natural uranium ore needed to produce one MTHM depends on the reactor type, degree of reprocessing, and quality of ore. For the light water reactors currently used in the United States, about 6,000 metric tons of uranium ore are used to produce one MTHM of reactor fuel. We have used this relationship to associate amounts of waste from reactor fuel with uranium ore.

In proposing these environmental protection requirements, we do not advocate any specific method for disposing of high-level wastes. However, in developing our proposed standards, we considered the long-term risks from disposal in mined geologic repositories. We concluded that well-designed repositories at well-chosen sites can keep potential radiation exposures to very low levels. In fact, because repositories appear to provide such good protection, we have chosen to propose disposal standards that limit the risks to future generations to a level no greater than the risks which those generations would be exposed to from equivalent amounts of unmined uranium ore. Thus, any risks to future generations from disposal of high-level wastes would be no greater than, and probably much less than, risks which those generations would face if the wastes had not been created in the first place.

Description of the Proposed Action

Under authorities established by the Atomic Energy Act and Reorganization Plan No. 3 of 1970, we are proposing generally applicable environmental standards for managing and disposing of these wastes. When such standards are promulgated, the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) will be responsible for implementing and enforcing them through appropriate regulations and procedures. The Draft Environmental Impact Statement (EIS) published with this proposal includes detailed discussions of the reasons for our selections of these standards, and it provides extensive summaries of the technical analyses used. This preamble describes our proposed action, highlights features that we believe are of major interest, and points out issues on which we particularly seek public comment.

The proposed standards apply to spent reactor fuel, the highly radioactive wastes derived from reprocessing spent fuel, and to certain wastes containing long-lived radionuclides of elements heavier than uranium ("transuranic wastes"). Transuranic wastes are covered if they contain 100 nanocuries or more of alpha-emitting transuranic isotopes, with half-lives greater than 20 years, per gram of waste. People could receive, under some circumstances, more than 500 millirems per year from wastes containing more than 100 nanocuries of transuranic elements per gram if these wastes were not well isolated. 500 millirems per year is the Federal Radiation Protection Guide for individuals in the general population. Because transuranic wastes have very long half-lives and represent a potential hazard for very long times, we are proposing the same controls for these wastes as would be required for high-level wastes. Protection requirements for transuranic wastes containing less than 100 nanocuries per gram will be considered in future standards.

Some wastes produced from reprocessing spent fuel, particularly when changing the form of the wastes, may not need the same degree of control as the high-level wastes themselves. (For example, processing of certain defense wastes may leave large volumes of salt cake containing relatively low concentrations of technetium-99.) Accordingly, we are proposing a definition of high-level waste that would exclude wastes that contain less radioactivity than the concentration levels specified in Table 1 of the standards. Disposal of wastes with less radioactivity will be considered in future standards.

The levels in Table 1 are equivalent to the maximum concentrations for acceptance at shallow-land burial sites that the Nuclear Regulatory Commission (NRC) will soon promulgate as part of 10 CFR Part 61. The concentration limits in 10 CFR 61 have been derived so that a person intruding into a shallow-land site, after institutional controls were no longer effective, should not receive a radiation exposure greater than 500 millirem per year. However, because no method to generically classify radio active wastes by their need for isolation has been widely accepted yet, we particularly seek comment on our proposed definition of high-level waste.

The proposed standards do not apply to wastes that have already been disposed of. Although no high-level wastes have ever been disposed of in this country, some transuranic wastes have been buried at a number of sites. Most of these wastes, produced in support of national defense programs, were disposed of before the current Department of Energy (DOE) procedures for transuranic waste management were adopted in 1970. We do not currently have enought information on costs and risks to develop generally applicable standards for these wastes.

Also, our standards do not apply to ocean disposal because such disposal of high-level waste is prohibited by the Marine Protection, Research, and Sanctuaries Act of 1972.

In developing the proposed standards, we estimated the risks from waste management and disposal systems that use methods of controlling releases which either are available now or are likely to be available in the near future. From these evaluations, we concluded that:

1. Any harm to people, including future generations, from the management and disposal of spent fuel, high-level, and transuranic wastes can be kept very small. The assessments which support this conclusion are outlined below and are discussed extensively in the Draft EIS.

2. The standards that we are proposing would adequately protect the public from harm. Under them, the risks to future generations from the wastes would be no greater than the risks from equivalent amounts of unmined uranium ore. These risks would also be far less than the risks from other sources of natural background radiation.

In selecting the release limits given in the standards, we projected the performance of disposal systems which have not yet been demonstrated. There are significant uncertainties inherent in such projections. To avoid underestimating the risks associated with such systems, we often made pessimistic assumptions about how well a repository would perform. For example, we assumed that human intrusion into a repository would take place as if no site markers or records discouraged it beginning 100 years after disposal. Our estimates may, therefore, be considered upper bounds of the risks. When actual control methods are selected and demonstrated at specific sites, expected releases are likely to be well below the amounts allowed by the

proposed standards. Accordingly, the proposed standards instruct the implementing agencies to take steps to reduce releases below these upper bounds to the extent reasonably achievable, taking into account technical, social, and economic considerations.

Our environmental standards apply to both management and disposal. Subpart A applies to management and includes storage, preparation of the wastes for disposal, and placing them in a disposal site. Off-site transportation is not covered. In his April 28, 1982 message to Congress, President Reagan recommended that both temporary storage facilities and long-term, monitored retrievable storage (MRS) facilities be considered to manage spent fuel and high-level waste until a permanant repository is available. Subpart A would apply to both types of storage systems. Subpart B applies once the wastes are isolated enough so that it would be much harder to get them out of a disposal system than it was to put them in. With a geologic repository, for example, Subpart B would take effect when the mine was backfilled and sealed.

Waste Management

(40 CFR Part 191 Subpart A)

Certain operations required before disposing of high-level or transuranic radioactive wastes are not regulated under our Uranium Fuel Cycle Standards (40 CFR Part 190). These operations principally involve storage of the materials, solidification or other preparation for disposal, and placing the wastes in disposal sites. Subpart A applies to spent fuel management, regardless of whether the fuel is considered to be waste or is destined for reprocessing, except for management already regulated by 40 CFR Part 190.

We estimated the largest expected radiation exposures to members of the public from waste management and storage operations associated with geologic disposal and found them to be somewhat smaller than the requirements set in 40 CFR 190. We propose to extend the limitations contained in Part 190 to the operations addressed by this new Part 191 for two reasons:

1. Some strategies for disposal could involve operations, such as chemical separation of transuranic elements, which are similar to those of spent fuel reprocessing. Reprocessing operations were a significant consideration in selecting the limits of 40 CFR 190. Setting the standards in Part 191 at the levels indicated by assessments based only on geologic disposal activities could preclude other disposal strategies which might be better overall.

2. Some of the operations addressed by Part 191 may take place near operations regulated by Part 190. Establishing different limitations for different operations at the same site would create difficult implementation problems with little, if any, additional public health protection. The provisions of Part 191 require the combined impacts from multiple operations to meet a single set of dose limitations which will be the same in both Parts 190 and 191.

Section 191.03 therefore requires that the combined annual dose equivalent to any member of the public due to operations covered by Part 190, and to direct radiation and planned discharges of radioactive materials covered by this Subpart, shall not exceed 25 millirems to the whole body, 75 millirems to the thyroid, and 25 millirems to any other organ. It also requires that waste management operations be conducted so as to reduce exposures for members of the public below this level to the extent reasonably achievable, taking into account technical, social, and economic considerations.

Disposal

(40 CFR 191 Subpart B)

Environmental protection standards for the disposal of high-level and transuranic radioactive wastes require far different considerations than those for management. These include the following:

1. The intent of disposal is to isolate the wastes from the environment for a longer time than any period over which active controls, such as monitoring the disposal site to detect releases of radioactivity, can reasonably be relied upon for protection.

2. These disposal systems will be designed so that very little, if any, radioactivity returns to the environment if the system performs as intended. Thus, the principal concern is the possibility of accidental releases, either due to unintended events or due to failure of parts of the disposal system to perform as expected.

These considerations have several ramifications for developing environmental protection standards. First, the requirements we establish can only be implemented by the NRC and DOE in the design phase—by setting design principles or by analytically projecting disposal system performance. The more familiar concepts of implementation involving monitoring of emissions or ambient levels of pollutants are not applicable because such surveillance cannot be relied upon for the long time periods involved.

Second, the standards must address unintentional releases such as those resulting from human intrusion or geologic faulting. Their provisions must be applicable to a variety of disposal strategies because the Agency does not have the authority to specify details of disposal method designs. Regulations to be developed by the NRC or DOE, as appropriate, will control specific designs.

Third, the standards must accommodate large uncertainties. These include both uncertainties in our current knowledge about disposal techniques and inherent uncertainties about the distant future. Thus, protecting the environment involves encouraging use of disposal systems that are tolerant of potential mistakes in engineering design or site selection.

We addressed these issues by developing numerical containment requirements for disposal systems accompanied by qualitative requirements to assure that these containment requirements should be met. These two parts of our proposed action are complementary: the containment requirements set limits on potential releases of radioactive materials from disposal systems for 10,000 years after disposal; the assurance requirements provide the framework necessary to develop appropriate confidence in meeting the containment requirements in spite of the inherent uncertainties. In addition, the standards contain procedural requirements to insure that the containment requirements are properly applied.

Containment Requirements

(Section 191.13)

To develop the long-term containment requirements, we assumed that we can predict some aspects of the future well enough to use the predictions for comparing and selecting disposal methods. Thus, we evaluated ways that waste might be released from a mined geologic repository, developed analytical models to predict potential releases and their distribution throughout the ecosystem over 10,000 years, and estimated the possible risks that could result from these releases if they occured in an environment similar to today's.

We concentrated on geologic repositories because much more information is available on this approach than on other disposal methods, and because the Department

of Energy has decided to focus the national program on this method (46 FR 26677). Furthermore, when we evaluated the limited information available on other disposal methods, we did not identify any other methods which were clearly better than geologic disposal. Our disposal standards, however, are meant to apply to any method of disposal, except disposal directly into the ocean or ocean sediments. Thus, any other disposal method would have to provide at least as much protection as that projected for geologic disposal.

There are significant uncertainties in the analytical models are used to assess the long-term performance of geologic repositories, and there are substantial uncertainties in the data we used in the models. The primary objective of the review to be conducted by the Agency's Science Advisory Board will be to judge whether our models and assumptions are adequate for the purpose they served in our development of containment requirements. The following paragraphs more fully describe how we formulated these requirements.

In our assessments of geologic disposal, we identified expected and accidental releases of radioactivity from a generic model of a repository. The model repository contains 100,000 MTHM of spent reactor fuel, about as much as would be generated during the operating lifetimes of 100 reactors of current design. The initial amounts of some of the principal radionuclides in this model repository would be: eight billion curies of cesium–137; six billion curies of strontium–90; 200 million curies of americium–241; 30 million curies of plutonium–239; and one million curies of technetium–99.

We examined the capabilities of waste canisters, waste chemical forms, respository design, and geologic media to prevent or delay the release of radionuclides. We selected reasonably achievable characteristics for each portion of the disposal system. For accidental releases, we estimated the probabilities of events leading to releases. Intentional disruption of the disposal system was not considered.

Radionuclides were considered to be released from the disposal system if they reached the "accessible environment," which includes surface waters, land surfaces, the atmosphere, and the oceans. Our definition of the "accessible environment" also includes all groundwater formations that are more than ten kilometers in any direction from the original location of the radioactive wastes in a disposal system. Although this approach does not provide any direct protection for the relatively small amount of groundwater that could within ten kilometers of a geologic respository, it recognizes that adjacent geologic formations serve as part of the containment system for a repository. Since the amount of groundwater left unprotected should be kept as small as possible, consistent with other requirements, we expect that the Federal environmental impact statement for each disposal system will identify all sources of groundwater within ten kilometers of the disposal system, will describe the potential long-term environmental effects of possible contamination of these sources of groundwater, and will consider these effects as one the factors in evaluating alternative sites.

Our regulations and the assessments on which we base them cover releases of radionuclides to the accessible environment for a period of 10,000 years after disposal. We believe that a disposal system capable of meeting these requirements for 10,000 years will continue to protect people and the environment beyond 10,000 years. We selected 10,000 years as the assessment period for two reasons:

1. It is long enough for releases through groundwater to reach the accessible environment. If we had selected a shorter time, such as 1,000 years, our estimates of long-term risks in the accessible environment would be deceptively low, because groundwater could take 1,000 years to travel a mile at a well-selected site, and most radionuclides would take much longer. Choosing 10,000 years for assessment encourages selection of sites where the geochemical properties of the rock formations can significantly reduce releases of radioactivity through groundwater.

2. Major geologic changes, such as development of a faulting system or a volcanic region, take much longer than 10,000 years. Thus, the likelihood and characteristics of geologic events which might disrupt the disposal system are reasonably predictable over this period.

We estimated the amounts of radioactivity that could reach the accessible environment over this time period under various circumstances. Releases from geologic repositories fall into three general categories. Relatively small releases would be caused by expected processes and by fairly likely but unintended events. These processes and events lead to what we call "reasonably foreseeable" releases. Moderate releases would result from much less likely events, such as fault movements or other disruptive geologic events and these we call "very unlikely releases." Very large releases would result only from the intrusion of volcanos or impacts by huge meteorites. If sites are selected away from regions of volcanic activity, these large releases will be extremely unlikely.

We used our estimates of releases and their likelihood to select limits on total releases of radioactivity over 10,000 years. Limits were set for two categories of releases in terms of their probabilities: "reasonably foreseeable," and "very unlikely." The release limits for the "very unlikely" category are ten times larger than those for the "reasonably forseeable" category. Reasonably forseeable releases are those which have more than one chance in 100 of occurring within 10,000 years. Very unlikely releases are those whose chance of occurring within 10,000 years is less than one in 100 and more than one in 10,000. No limits were set for releases which have less than one chance in 10,000 of occurring within 10,000 years.

To select the specific release limits for the various radionuclides in a disposal system, we first estimated the health effects that might be caused by these releases. For these calculations, we used very general models of environmental transport and a linear, nonthreshold dose-effect relationship between exposure and premature deaths from cancer. This relationship, which is based on studies prepared by the National Academy of Sciences (NAS), assumes that the number of cancers induced in a population is proportional to the total dose received by the population, even at very low individual doses. At the low levels of exposures that might be associated with releases from amined geologic repository, any actual incidence of health impacts may be less than that calculated by this relationship, and it certainly would not be distinguishable from natural occurrences of cancer. However, the Agency believes that health impact estimates using a linear, nonthreshold relationship are a prudent consideration in developing radiation protection requirements.

Our assessments of repository performance gave estimates of the possible health effects expected from releases after disposal. These estimates can vary considerably depending upon the assumptions used and the geologic media considered. For well-designed 100,000 MTHM model repositories in salt and granite—using engineering controls that we believe are readily achievable—we estimate that the health risks over 10,000 years would be no greater than the risks from an equivalent amount of unmined uranium ore. To provide a specific basis for our proposed

standards, we selected a limit on long term risks of 1,000 health effects over 10,000 years for a 100,000 MTHM repository. Our assessments show that a wide variety of respository designs and sites can reduce risks below this level. We then used this level of protection as the basis for calculating the release limits specified in Table 2 of the standards.

According to our modes, at well-chosen repository sites more of the projected risk from releases is due to possible human intrusions than from releases by geologic processes—if we make the very conservative assumption that passive institutional controls have no effect in deterring or limiting inadvertent human intrusion for more than 100 years after disposal. However, predicting human actions is much more uncertain than predicting natural events. In particular, we can only guess at the frequency of some actions (such as drilling for resources). We considered setting separate containment requirements that would limit the radioactivity that could be released by any one likely human intrusion, in order to avoid having to estimate such frequencies. However, we did not do this because: (1) setting separate requirements for natural and human events would not place an upper limit on risk; and (2) setting separate requirements for individual intrusions in addition to the total combined requirements would not appreciably increase confidence that the overall requirements would be met unless we made the limits on individual intrusions unreasonably low.

The release limits are given in Table 2 in terms of curies released per 1,000 MTHM. The release limit for each radionuclide is the number of curies of that radionuclide that we estimate could cause 1,000 health effects over 10,000 years if it were the only radionuclide released from a 100,000 MTHM repository. For releases involving more than one radionuclide, the allowed release for each radionuclide is reduced to the fraction of its limit that insures that the overall limit on harm is not exceeded. For transuranic wastes, the release limits are in terms of curies released from units of an amount of wastes containing one million curies of alpha-emitting transuranic radionuclides. These units were chosen so that the standards would require alpha-emitting radioactivity from either high-level or transuranic wastes to be isolated with about the same degree of effectiveness. This procedure for using the release limits is described in Table 2 to the proposed standards. Compliance with these containment requirements will be achieved if the projected releases from a disposal system do not exceed these release limits.

Assurance Requirements

(Section 191.14)

Closely associated with our numerical containment requirements are seven qualitative requirements we believe are essential for developing the needed confidence that our long-term release limits should be met. These assurance requirements address and compensate for the uncertainties that necessarily accompany plans to isolate these dangerous wastes from the environment for a very long time. No matter how promising analytical projections of disposal system performances appear to be, high-level and transuranic wastes should be disposed of in a cautious manner that reduces the likelihood of unanticipated releases. Our assurance requirements provide the context necessary for application or our containment requirements, and they should insure very good long-term protection of the environment.

Several of the concepts incorporated in these assurance requirements have been adapted from the Federal Radiation Protection Guidance for all types of radioactive waste disposal that we proposed for public comment on November 15, 1978 (43 FR 53262). After reviewing the responses we received, we decided that the characteristics of different kinds of radioactive waste are not sufficiently similar for generally applicable criteria to be appropriate. Therefore, we stopped developing this Federal Radiation Protection Guidance (46 FR 17567). However, we also determined that, because of the uncertainties inherent in 10,000-year containment requirements, several of the principles included in this earlier proposal needed to be incorporated as integral parts of these standards for disposal of high-level and transuranic wastes.

The seven assurance requirements in Section 191.14 include the following principles. We expect that the specific steps taken by the implementing agencies to comply with each of these requirements will be described in the Federal environmental impact statement—and other appropriate decision documents—for each disposal system.

1. These wastes shall be disposed of promptly once adequate methods are available in order to reduce the chance of accidents during long-term storage. We have not established a time limit for this requirement, because the appropriate length of storage may depend on details on the disposal method. For example, it may be desirable to store high-level wastes for ten years or more to allow for decay of most of the short-lived radionuclides. The primary intent of this requirement is to prevent wastes from being stored indefinitely in order to avoid ultimate disposal.

2. Because they must be effective for so long, disposal systems shall offer as much protection as is reasonably achievable. Confidence in complying with the numerical release limits can only be assured through adopting this approach. There will always be substantial uncertainties in predicting the long-term performance of these systems, and a conservative approach to site selection and system design is essential to reduce the chances of serious harm. This concern, of course, must be balanced by judgments about cost, technical feasibility, and social considerations. Although the intent of the requirement cannot be reduced to a quantitative form, it is a concept that has been successfully applied to radiation protection matters for a long time.

3. Disposal systems shall reduce the consequences of possible mistakes in selection, design, or construction by using several different types of engineered and natural barriers against release of the wastes, and by taking full advantage of the protection each has to offer. With this redundancy, the unexpected failure of one or more barriers will be compensated for by other barriers. Different kinds of engineered barriers may be appropriate, depending upon the type of waste involved. They could include canisters, the physical and chemical forms of the waste itself, waste package overpacks, or other structures within the disposal system that will prevent or substantially delay release of the waste to the environment.

4. Protection from the wastes shall not depend on people to take active measures to control them for more than a reasonable period of time after disposal, although the Federal Government plans to retain perpetual control over all disposal sites for high-level wastes. The appropriate role for institutional controls was discussed extensively during the development and public review of the Federal Radiation Protection Guidance for radioactive waste disposal that we proposed on November 15, 1978 (43 FR 53262)—since one of those Guides would have limited reliance on institutional controls for not longer than 100 years. Public comments

on this issue were divided fairly evenly among four positions: (1) That institutional controls should be relied upon for only about one generation, or 20–30 years; (2) that the 100-year period was appropriate; (3) that the 100-year period should be extended to 500–1,000 years or even longer; and (4) that we should limit reliance on controls, but let the implementing agencies select the appropriate period. Several commenters also made a distinction between "active" controls, such as restricting access to disposal sites, and "passive" controls, such as warning markers and records.

In these assurance requirements for high-level and transuranic radioactive waste disposal, we have decided to limit reliance on "active" controls—such as guarding a disposal site, performing maintenance operations, or controlling or cleaning up any releases from a site—to a "reasonable" period of time after disposal, which we believe should be no more than a few hundred years. However, because the Federal Government is committed to retaining control over these disposal sites in perpetuity, we expect that "passive" institutional measures should substantially reduce the chance of inadvertent human intrusion well beyond this period. Such passive controls will include permanent markers placed at a disposal site, public records or archives, Federal ownership or control of land use, and other methods of preserving knowledge about the disposal system. The assumptions that we believe are appropriate when considering the effectiveness of passive institutional controls are described in our procedural requirements (§ 191.15). These proposed provisions regarding institutional controls only apply to disposal of high-level and transuranic wastes and are not intended to have implications for regulations regarding other radioactive wastes. We particularly seek comment on all of our provisions regarding institutional controls.

5. The dangers and locations of disposal systems shall be recorded in the most permanent ways practicable in order to reduce the chances of unintended disruption of disposal systems by future generations.

6. Disposal systems shall not be located where there has been mining for resources, or where there is a reasonable potential for future exploration for scarce or easily accessible resources. Furthermore, disposal systems shall not be located where there is a significant concentration of any material which is not widely available from other sources. This requirement would discourage the use of geologic formations which are often associated with resources or mining activity. For example, the frequent mining of salt domes either for their relatively pure salt or for use as storage caverns would argue against locating a repository in this type of structure. However, this same concern would generally not apply to bedded salt deposits because they are much more common. We particularly seek comment on this requirement because it could rule out sites which might otherwise be advantageous in meeting all of our other requirements.

7. Recovery of most of the wastes should not be precluded for a reasonable period after disposal if unforeseen events require this in the future. The various isolation requirements of these standards would make recovery after disposal very difficult and expensive and probably dangerous. Nevertheless, because some of our scientific understanding may prove to be wrong in a way that would produce much greater risks than we expect, future generations should be able to recover the wastes if they deem it essential. An important implication of this requirement is that the physical location of most of the wastes must be reasonably predictable after disposal. Current plans for mined geologic disposal would meet this requirement. However, some possible disposal methods, such as deep well injection of liquid wastes or rock melting concepts, may not. Since this requirement could eliminate some otherwise feasible and perhaps advantageous disposal methods, we particularly seek public comment about it.

Procedural Requirements

(Section 191.15)

The containment requirements in § 191.13 were derived with the assistance of our performance assessments of long-term repository performance. When these requirements are applied to a particular disposal system, some of the procedures we used in our assessments must be retained to insure that the intent of our containment requirements is met. On the other hand, some of the assumptions we made should be replaced with the specific information developed for each particular system. The requirements in § 191.15 establish the procedures necessary for proper application of our containment requirements.

We based our performance assessments on relatively simple models of generic repositories and the data that was available for such models. Where information was uncertain, we made conservative assumptions that should tend to overestimate the long-term risks of disposal. However, we do not intend that the implementing agencies should use all of the same models, data, and assumptions that we did in making performance assessments. Instead, the implementing agencies generally should use the best information available for each particular disposal site.

In particular, the assumptions we made about the frequency of human intrusion were conservative because they ignored the substantial protection that passive institutional controls should offer. The performance assessments made for specific sites by the implementing agencies do not need to be as pessimistic with regard to human intrusion. Because of the uncertainties of controls requiring the active participation of people over a long time, performance assessments should not assume that active institutional controls can prevent or reduce releases beyond a reasonable period of time (e.g., a few hundred years) after disposal. However, because the Federal Government is commited to retaining control over these disposal sites in perpetuity, passive institutional controls should substantially reduce the chance of inadvertent human intrusion well beyond this period. These passive controls should not be assumed to prevent all possibilities of inadvertent intrusion, because there is always a chance that the controls will be overlooked or misunderstood. However, such measures should be effective in deterring systematic or persistent exploitation of a disposal site. Furthermore, the chance of human intrusion should be very small as long as the Federal Government retains passive control of disposal sites.

In developing the standards for disposal, we considered the overall protection which should be achievable by the combination of barriers in a geologic repository. Accordingly, the analyses used by NRC and DOE to evaluate compliance with our requirements should consider realistic assessments of the protection provided by all of the engineered and natural barriers of a disposal system. For example, performance assessments of a geologic repository system should include the protection afforded by geochemical retardation of radionuclides and by the limited solubility of radionuclides in groundwater, provided that reasonable evidence is developed to support such mechanisms for that particular site.

Implementation

The standards for waste management operations (Subpart A) will be implemented by the NRC for commercial nuclear power activities and by the DOE for national defense facilities. Implementation procedures for Subpart A will be very similar to those for the Uranium Fuel Cycle Standards (40 CFR Part 190).

The standards for disposal (Subpart B) will be implemented by the NRC for all high-level wastes, whether the wastes come from commercial or military activities. The NRC will do this by developing the necessary regulations (primarily 10 CFR Part 60) and by issuing appropriate licenses. Under current law, disposal of transuranic wastes from military activities is not regulated by NRC; therefore, DOE will implement our requirements for disposal of these transuranic wastes.

The containment requirements in § 191.13 will be applied through design specifications, and the implementing agencies will have to evaluate long-term projections of the disposal system performance. As a result, a vital part of implementation will be the use of adequate models, including the probabilities of unplanned events, to relate appropriate site and engineering data to projected performance. The NRC has made substantial progress in developing such analytical models to predict long-term performance of actual geologic repositories. These models are quite detailed, and they are capable of evaluating how important any uncertainties in specific types of data are to the overall projections of repository performance. Thus, they can provide information about any needs for obtaining better data to determine if repositories meet the containment requirements of these standards.

At our request, the National Academy of Sciences studied the difficulties in verifying compliance with long-term environmental protection requirements for geologic disposal. Our NAS panel developed an approach that specifies the types of information needed and outlines appropriate methods for obtaining this data at prospective sites. Based on this NAS study, NRC's models, our own analytical efforts, and the confidence that should be provided by our assurance requirements, we have concluded that our containment requirements can be effectively implemented.

Effects on Health

A disposal system complying with these standards would confine almost all of the radioactive wastes to the immediate vicinity of the repository for a very long time. Because the wastes would be so well isolated from the environment, any risks to future individuals and populations would be very small.

Potential risks to individuals would depend upon the characteristics of particular disposal sites. However, the following examples are typical of the exposures which individuals in the vicinity of a repository might encounter. After many hundreds or thousands of years, some of the waste may dissolve, be carried by groundwater to nearby aquifers, and flow along those aquifers to surface streams. Individuals using the water from such a stream could receive doses of a few millirem per year. (Even if a person were to ignore available records and sink a water well into an aquifer as close as two kilometers from the repository, projected doses would not be expected to exceed about one rem per year.) Such potential exposures are modest when compared to the approximately 100 millirem per year that everyone continuously receives from natural background radiation. Indeed, in most cases we would expect that any additional exposure would be so small as to be considered trivial to the individuals involved.

With regard to exposures to populations, we estimated the potential long-term health risks to future generations using very general models of environmental transport and the linear, nonthreshold dose-effect relationship that was described earlier. Food chains, ways of life, and the size and geographical distributions of populations will undoubtedly change over a 10,000 year period. Unlike geological processes, factors such as these cannot be usefully predicted over such long periods of time. Thus, in making our health effects projections we found it necessary to depend upon very general models of environmental pathways, and to assume current population distributions and death rates. As a consequence, these projections are intended to be used primarily as a tool for comparing the performance of one waste disposal system to another and for comparison of the risks of waste disposal with those of undisturbed ore bodies. The results of these analyses should not be considered a reliable projection of the "real" or absolute number of health effects resulting from compliance with our standards.

Using our generalized models, we assessed the long-term risk from a repository containing the wastes from 100,000 MTHM—which could include all existing wastes and the future wastes from all currently operating reactors. We estimate that this quantity of waste, when disposed of in accordance with the proposed standards, could cause no more than 1,000 premature deaths from cancer in the first 10,000 years after disposal: an average of no more than one permature death every 10 years. Any such increase would be far too small to be detectable in any manner compared to today's incidence of cancer, which kills about 350,000 people per year. Similarly, any such increase would be undetectable compared to the approximately 4,000 premature cancer deaths per year that the same linear dose-effect relationship predicts for natural background radiation.

However, although this long-term population risk is clearly very small, the discontinuity between when the wastes are generated and when the projected health effects manifest themselves makes it difficult to determine what level of residual risk should be allowed by these standards. The difficulty arises because most of the benefits derived in the process of waste production fall upon the current generation, while most of the risks fall upon future generations. Thus, a potential problem of intergenerational equity with respect to the distribution of risks and benefits becomes apparent. This problem is sometimes referred to as the intergenerational risk issue, and it is not unique to the disposal of high-level radioactive wastes. If we tried to insure that our standards fully satisfy a criterion of intergenerational equity with respect to the distribution of risks and benefits, it might appear that we should require that no risk be passed on to future generations. This is a condition which we conclude cannot be met by disposal technologies foreseeable within this century. However, there is one particular factor which has reinforced our decision about the reasonableness of the risks permitted under our proposed standards. This is our evaluation of the risks associated with undisturbed uranium ore bodies.

Uranium Ore: Most uranium ore in the United States occurs in permeable geologic strata containing flowing ground water. Radionuclides in the ore, particularly uranium and radium, continuously enter this ground water. We estimated the potential risks from these undisturbed ore bodies using the same generalized environmental models that we used for releases from a waste repository. The effects associated with the amount of ore needed to produce the high-level wastes that would fill the model geologic repository can vary considerably. Part of this variation corresponds to actual differences from

one ore body to another; part can be attributed to uncertainties in the assessment. Our estimates ranged from 300 to more than 1,000,000 excess cancer deaths over 10,000 years. Thus, leaving the ore unmined appears to present at least as great a risk to future generations as disposal of the wastes covered by these standards.

We are not sure that this analysis provides an adequate means of resolving the question of intergenerational risk. It has, however, helped to influence our decision of what is an acceptable level of residual risk given our current scientific, technological, and fiscal capabilities. We particularly invite comment upon the questions of intergenerational risk and the acceptability of risk. Additionally, for purposes of comparisons of risks permitted under the standards to radiation risks we are currently exposed to, we have included a brief discussion of the risks from natural background.

Variations in Natural Background: Radionuclides occur naturally in the earth in very large amounts, and are produced in the atmosphere by cosmic radiation. Everyone is exposed to natural background radiation from these natural radionuclides and from direct exposure to cosmic radiation. Individual exposures average about 100 millirem per year, with variations between 60 and 200 millirem/year. These natural background radiation levels have remained relatively constant for a very long time. According to the same linear, nonthreshold dose effect relationship used in our other analyses, an increase of one millirem per year (about one percent) in natural background in the United States would result in about 40 additional deaths per year, or 400,000 over a 10,000 year period.

Regulatory Impact Analysis

This proposed rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments we received from OMB and our responses to those comments are available for public inspection in the docket cited above under the heading "ADDRESSES."

We have had to take an unusual approach to evaluating the regulatory impact of this proposed action—as required by Executive Order 12291. In most cases, a regulation concerns an ongoing activity and may be considered a burden whose costs should be judged against the regulatory benefits. Here, we could not quantify the costs and benefits of our action compared to the consequences of no regulation because there is no "baseline" program to consider. The appropriate regulations must be established before development of the regulated activity can even begin. Thus, the typical perspectives on costs and benefits are altered. We evaluated how the costs of commercial waste management and disposal might change in response to different levels of protection from our containment requirements and to changes in our assurance requirements.

To evaluate the effects of different levels of protection, we considered the performance of differenct repository designs in three different geologic media: salt, granite, and basalt. We estimated the costs of the various engineering controls that might be needed to meet different levels, and we made some assumptions about the increased site selection costs that might occur if more stringent standards made it harder to find an adequate site for a repository.

We found that the increased costs of setting the standards at the proposed level could range from zero to 50 million (1981) dollars per year when compared to the costs of choosing a level more than ten times less stringent (release limits ten times greater than our proposed limits). This potential increase is much less than the uncertainty in the total costs for waste management and disposal, which range from about 700 million to almost 1.5 billion (1981) dollar per year. For comparison, electrical utility revenues were about 100 billion dollars in 1980. We estimate that the potential economic impact of choosing the more stringent level of protection could be about a 0.2 percent increase in the costs of generating electricity from nuclear power plants and a much smaller increase (about 0.05 percent) in average electricity rates. The details of these calculations are provided in the report of our regulatory impact analysis.

Alternative Approaches

Besides considering different levels of protection, we also considered several different approaches to our proposed standards. These alternatives are evaluated in our Draft Environmental Impact Statement, and we encourage public comment on these options. We particularly seek comment on a different approach to our standards for disposal (Subpart B)—an alternative that would establish radiation exposure limits for individuals, such as the limit of 25 millirem per year in Subpart A of this proposal, rather than the radionuclide release limits that we are proposing.

Standards based on individual exposure limits, or equivalent standards which limit radionuclide concentrations in air or water, restrict the risks that any particular individual may be exposed to. Particularly when the limits are comparable to or less than natural background levels, they may be more effective at communicating how small the chance of harm from disposal of these wastes should be. However, we chose not to use individual exposure limits in Subpart B because of two unique aspects of these disposal standards:

First, these disposal systems have to protect the environment from these highly concentrated radioactive wastes for much longer than institutional controls can be guaranteed to be effective. Any individual exposure limit we set could only apply at some distance from a repository, or it would have to ignore the risks from unplanned events like inadvertent intrusion—because individuals who fail to understand passive warnings and penetrate directly into or close to a disposal system (through exploratory drilling for water or mineral resources, for example) could receive very large exposures. These exposures would probably exceed any reasonable individual exposure standard.

Second, the disposal standards have to be applied through analytical performance projections—implementing such standards through environmental monitoring and potential remedial actions over thousands of years is not a credible approach. When we compared the analyses needed for compliance with exposure limits to the analyses needed for compliance with release limits, we found that our proposed disposal standards would be much easier to implement than exposure limits. The NRC, which is responsible for applying our standards for high-level waste disposal, made a similar evaluation and also found that standards based on radioactivity release limits could be implemented more readily than standards based on exposures to individuals.

Thus, we believe our proposed approach will facilitate licensing of good disposal systems while providing appropriate environmental protection from the long term risks presented by high-level wastes. However, the arguments favoring individual exposure limits are also persuasive, and we particularly seek comments on which approach we should ultimately select.

Questions for Public Comment

In describing our proposed environmental standards, we have highlighted several issues about which we particularly seek comment. For

convenience, we summarize these questions here:

1. Is our definition of high-level waste, which excludes any material with concentrations below the values specified in Table 1, a proper approach to distinguish between wastes which require maximum isolation (as in a geologic repository) and wastes which may be disposed of in less secure facilities?

2. In choosing the proposed level of protection provided by the standards, have we taken an appropriate approach with regard to the long-term residual risks we may pass on to future generations?

3. Have we chose an appropriate approach with regard to the degree of protection that should be anticipated from active and passive institutional controls?

4. Should we adopt our proposed requirement to avoid siting disposal systems where there may be scarce or easily accessible resources—a requirement which could rule out sites which might be advantageous in meeting all of our other requirements?

5. Should we adopt our proposed requirement that recovery of most of the wastes should be feasible if unforeseen events require this in the future—a requirement which might rule out some alternatives to mined geologic disposal?

6. Is our choice of limits on total radioactivity released an appropriate approach to protecting the environment from these long-lived wastes? Or should we develop standards that limit maximum exposures to individuals instead?

List of Subjects in 40 CFR Part 191

Environmental protection, Nuclear energy, Radiation protection, Uranium, Waste treatment and disposal.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Administrator hereby certifies that this proposed rule would not, if adopted, have any significant impact on small businesses or other entities, and that a Regulatory Flexibility Analysis is not required. The rule woud affect only a small number of facilities, most of which would be operated by the United States Government.

Dated: December 17, 1982.

Anne M. Gorsuch,

Administrator.

A new Part 191 is proposed to be added to Title 40, Code of Federal Regulations, as follows:

SUBCHAPTER F—RADIATION PROTECTION PROGRAMS

PART 191—ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR MANAGEMENT AND DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL AND TRANSURANIC RADIOACTIVE WASTES

Subpart A—Environmental Standards for Management and Storage

Sec.

191.01 Applicability.
191.02 Definitions.
191.03 Standards for normal operations.
191.04 Variances for unusual operations.
191.05 Effective date.

Subpart B—Environmental Standards for Disposal

191.11 Applicability.
191.12 Definitions.
191.13 Containment requirements.
191.14 Assurance requirements.
191.15 Procedural requirements.
191.16 Effective date.
Appendix

Authority: The Atomic Energy Act of 1954, as amended; Reorganization Plan No. 3 of 1970.

Subpart A—Environmental Standards for Management and Storage

§ 191.01 Applicability.

This Subpart applies to radiation doses received by members of the public as a result of the management (except for transportation) and storage of spent nuclear fuel, high-level, or transuranic radioactive wastes, to the extent that these operations are not subject to the provisions of Part 190 of Title 40.

§ 191.02 Definitions.

Unless otherwise indicated in this Subpart, all terms shall have the same meaning as in Subpart A of Part 190.

(a) "Spent nuclear fuel" means any nuclear fuel removed from a nuclear reactor after it has been irradiated.

(b) "High-level radioactive wastes" means any of the following that contain radionuclides in concentrations greater than those identified in Table 1 (Appendix): (1) Liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, in a facility for reprocessing spent nuclear fuels; (2) the concentrated wastes from subsequent extraction cycles, or equivalent; (3) solids into which such liquid wastes have been converted; or (4) spent nuclear fuel if disposed of without reprocessing.

(c) "Transuranic wastes," as used in this Part, means wastes containing more than 100 nanocuries of alpha emitting transuranic isotopes, with half-lives greater than one year, per gram of waste.

(d) "Storage" means placement of radioactive wastes with planned capability to readily retrieve such materials.

(e) "Management and storage" means any activity, operation, or process, except for transportation, conducted to prepare spent nuclear fuel, high-level or transuranic radioactive wastes for storage or disposal, the storage of any of these materials, or activities associated with the disposal of these materials.

(f) "General environment" means the total terrestial, atmospheric, and aquatic environments outside sites within which any operation associated with the management and storage of spent nuclear fuel, high-level or transuranic radioactive wastes is conducted.

(g) "Member of the public" means any individual who is not engaged in operations involving the management, storage, and disposal of materials covered by these standards. A worker so engaged is a member of the public except when on duty at a site.

§ 191.03 Standards for normal operations.

(a) Operations covered by this Subpart should be conducted so as to reduce exposures to members of the public to the extent reasonably achievable, taking into account technical, social, and economic considerations. As an upper limit, except for variances in accordance with 191.04, these operations shall be conducted in such a manner as to provide reasonable assurance that the combined annual dose equivalent to any member of the public due to: (1) Operations covered by Part 190, (2) planned discharges of radioactive material to the general environment from operations covered by this Subpart, and (3) direct radiation from these operations; shall not exceed 25 millirems to the whole body, 75 millirems to the thyroid, or 25 millirems to any other organ.

§ 191.04 Variances for unusual operations.

(a) The implementing agency may grant a variance temporarily authorizing operations which exceed the Standards specified in 191.03 when abnormal operating conditions exist if: (1) A written request justifying continued operation has been submitted, (2) the costs and benefits of continued operation have been considered to the extent possible, (3) the alternatives to continued operation have been considered, and (4) continued operation is deemed to be in the public interest.

(b) Before the variance is granted, the implementing agency shall announce, by publication in the **Federal Register** and

by letter to the governors of affected States: (1) The nature of the abnormal operating conditions, (2) the degree to which continued operation is expected to result in doses exceeding the standards, (3) the proposed schedule for achieving conformance with the standards, and (4) the action planned by the implementing agency.

§ 191.05 Effective date.

The standards in this Subpart shall be effective 12 months from the promulgation date of this rule.

Subpart B—Environmental Standards for Disposal

§ 191.11 Applicability.

This Subpart applies to radioactive materials released into the accessible environment as a result of the disposal of high-level or transuranic radioactive wastes, incuding the disposal of spent nuclear fuel. This Subpart does not apply to disposal directly into the oceans or ocean sediments.

§ 191.12 Definitions.

Unless otherwise indicated in this Subpart, all terms shall have the same meaning as in Subpart A of this Part.

(a) "Disposal" means isolation of radiocative wastes with no intent to recover them.

(b) "Barriers" means any materials or structures that prevent or substantially delay movement of the radioactive wastes toward the accessible enviornment.

(c) "Disposal system" means any combination of engineered and natural barriers that contains radioactive wastes after disposal.

(d) "Groundwater" means water below the land surface in a zone of saturation.

(e) "Lithosphere" means the solid part of the Earth, including any groundwater contained within it.

(f) "Accessible environment" includes: (1) The atmosphere, (2) land surfaces, (3) surface waters, (4) oceans, and (5) parts of the lithosphere that are more than ten kilometers in any direction from the original location of any of the radioactive wastes in a disposal system.

(g) "Reasonably foreseeable releases" means releases of radioactive wastes to the accessible environment that are estimated to have more than one chance in 100 of occurring within 10,000 years.

(h) "Very unlikely releases" means releases of radiocative wastes to the accessible environment that are estimated to have between one chance in 100 and one chance in 10,000 of occurring within 10,000 years.

(i) "Performance assessment" means an analysis which identifies those events and processes which might affect the disposal system, examines their effects upon its barriers, and estimates the probabilities and consequences of the events. The analysis need not evaluate risks from all identified events. However, it should provide a reasonable expectation that the risks from events not evaluated are small in comparison to the risks which are estimated in the analysis.

(j) "Active institutional controls" means: (1) Guarding a disposal site, or (2) performing maintenance operations or remedial actions at a disposal site, or (3) controlling or cleaning up releases from a disposal site.

(k) "Passive institutional controls" means: (1) Permanent markers placed at a disposal site, (2) public records or archives, (3) Federal Government ownership or control of land use, or (4) other methods of preserving knowledge about the location, design, or contents of a disposal system.

(l) "Heavy metal" means all uranium, plutonium, or thorium placed into a nuclear reactor.

§ 191.13 Containment requirements.

Disposal systems for high-level or transuranic wastes shall be designed to provide a reasonable expectation that for 10,000 years after disposal:

(a) Reasonably foreseeable releases of waste to the accessible environment are projected to be less than the quantities calculated accoring to Table 2 (Appendix).

(b) Very unlikely releases of waste to the accessible environment are projected to be less than ten times the quantities calculated according to Table 2 (Appendix).

§ 191.14 Assurance requirements.

To provide the confidence needed for compliance with the containment requirements of § 191.13, disposal of high-level or transuranic wastes shall be conducted in accordance with the following requirements:

(a) Wastes shall be disposed of promptly once disposal systems are available and the wastes have been suitably conditioned for disposal.

(b) Disposal systems shall be selected and designed to keep releases to the accessible environment as small as reasonably achievable, taking into account technical, social, and economic considerations.

(c) Disposal systems shall use several different types of barriers to isolate the wastes from the accessible environment. Both engineered and natural barriers shall be included. Each such barrier shall separately be designed to provide substantial isolation.

(d) Disposal systems shall not rely upon active institutional controls to isolate the wastes beyond a reasonable period of time (e.g., a few hundred years) after disposal of the wastes.

(e) Disposal systems shall be identified by the most permanent markers and records practicable to indicate the dangers of the wastes and their location.

(f) Disposal systems shall not be located where there has been mining for resources or where there is a reasonable expectation of exploration for scarce or easily accessible resources in the future. Furthermore, disposal systems shall not be located where there is a significant concentration of any material which is not widely available from other sources.

(g) Disposal systems shall be selected so that removal of most of the wastes is not precluded for a reasonable period of time after disposal.

§ 191.15 Procedural requirements.

Performance assessments to determine compliance with the containment requirements of § 191.13 shall be conducted in accordance with the following:

(a) The assessments shall consider realistic projections of the protection provided by all of the engineered and natural barriers of a disposal system.

(b) The assessments shall not assume that active institutional controls can prevent or reduce releases to the accessible environment beyond a reasonable period (e.g., a few hundred years) after disposal. However, it should be assumed that the Federal Government is committed to retaining passive institutional control of disposal sites in perpetuity. Such passive controls should be effective in deterring systematic or persistent exploitation of a disposal site, and it should be assumed that they can keep the chance of inadvertent human intrusion very small as long as the Federal Government retains such passive control of disposal sites.

(c) The assessments shall use information regarding the likelihood of human intrusion, and all other unplanned events that may cause releases to the accessible environment, as determined by the implementing agency for each particular disposal site.

§ 191.16 Effective date.

The standards in this Subpart shall be effective immediately upon promulgation of this rule; however, this Subpart does not apply to wastes disposed of before promulgation of this rule.

Appendix

TABLE 1.—CONCENTRATIONS IDENTIFYING HIGH-LEVEL RADIOACTIVE WASTES

Radionuclide	Concentration (curies per gram of waste)
Carbon-14	8×10^{-6}
Cesium-135	8×10^{-4}
Cesium-137	5×10^{-3}
Plutonium-241	3×10^{-6}
Strontium-90	7×10^{-3}
Technetium-99	3×10^{-6}
Tin-126	7×10^{-7}
Any alpha-emitting transuranic radionuclide with a half-life greater than 20 years	1×10^{-7}
Any other radionuclide with a half-life greater than 20 years	1×10^{-9}

Note.—In cases where a waste contains a mixture of radionuclides, it shall be considered a high-level radioactive waste if the sum of the ratios of the radionuclide concentration in the waste to the concentration in Table 1 exceeds one.

For example, if a waste containing radionuclides A, B, and C in concentrations C_a, C_b, and C_c, and if the concentration limits from Table 1 are CL_a, CL_b, and CL_c, then the waste shall be considered high-level radioactive waste if the following relationship exists:

$$\frac{C_a}{CL_a}+\frac{C_b}{CL_b}+\frac{C_c}{CL_c}>1$$

TABLE 2.—RELEASE LIMITS FOR CONTAINMENT REQUIREMENTS

[Cumulative Releases to the Accessible Environment for 10,000 Years After Disposal]

Radionuclide	Release Limit (curies per 1000 MTHM)
Americium-241	10
Americium-243	4
Carbon-14	200
Cesium-135	2000
Cesium-137	500
Neptunium-237	20
Plutonium-238	400
Plutonium-239	100
Plutonium-240	100
Plutonium-242	100
Radium-226	3
Strontium-90	80
Technetium-99	10000
Tin-126	80
Any other alpha-emitting radionuclide	10
Any other radionuclide which does not emit alpha particles	500

Note 1.—The Release Limits in Table 2 apply either to the amount of high-level wastes generated from 1,000 metric tons of heavy metal (MTHM), or to an amount of transuranic (TRU) wastes containing one million curies of alpha-emitting transuranic radionuclides. To develop Release Limits for a particular disposal system, the quantities in Table 2 shall be adjusted for the amount of wastes included in the disposal system. For example:

(a) If a particular disposal system contained the high-level wastes from 50,000 MTHM, the Release Limits for that system would be the quantities in Table 2 multiplied by 50 (50,000 MTHM divided by 1,000 MTHM).

(b) If a particular disposal system contained five million curies of alpha-emitting transuranic wastes, the Release Limits for that system would be the quantities in Table 2 multiplied by five (five million curies divided by one million curies).

(c) If a particular disposal system contained both the high-level wastes from 50,000 MTHM *and* 5 million curies of alpha-emitting transuranic wastes, the Release Limits for that system would be the quantities in Table 2 multiplied by 55:

$$\frac{50{,}000\ \text{MTHM}}{1{,}000\ \text{MTHM}}+\frac{5{,}000{,}000\ \text{curies TRU}}{1{,}000{,}000\ \text{curies TRU}}=55$$

Note 2.—In cases where a mixture of radionuclides is projected to be released, the limiting values shall be determined as follows: For each radionuclide in the mixture, determine the ratio between the cumulative release quantity projected over 10,000 years and the limit for that radionuclide as determined from Table 2 and Note 1. The sum of such ratios for all the radionuclides in the mixture may not exceed one.

For example, if radionuclides A, B, and C are projected to be released in amounts Q_a, Q_b, and Q_c, and if the applicable Release Limits are RL_a, RL_b, and RL_c, then the cumulative releases over 10,000 years shall be limited so that the following relationship exists:

$$\frac{Q_a}{RL_a}+\frac{Q_b}{RL_b}+\frac{Q_c}{RL_c}<1$$

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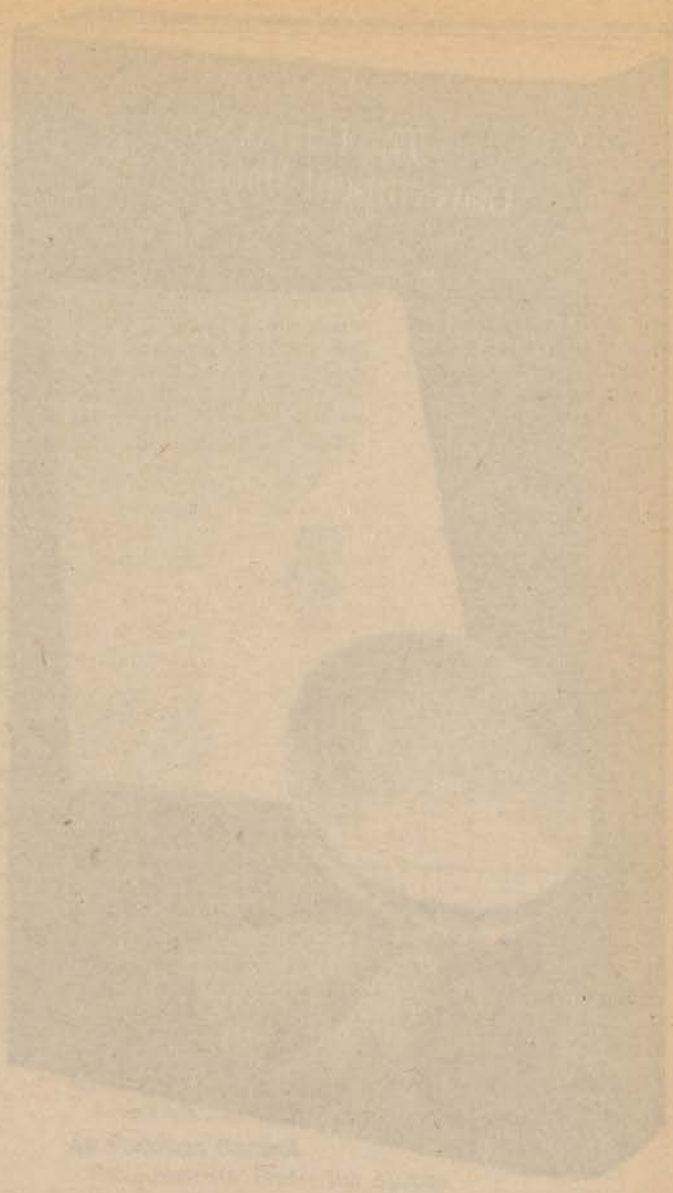
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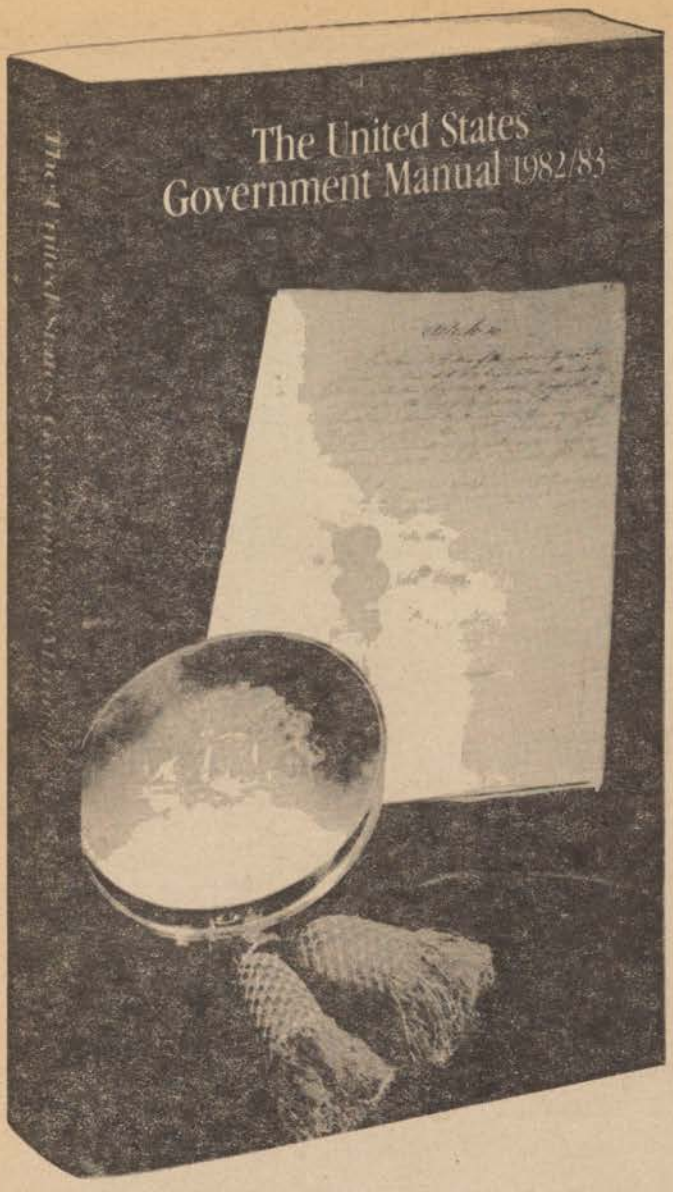
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